

ARKANSAS CLAIMS COMMISSION

(501)682-1619
(501)682-2823 FAX



Questions? Send an email to
ascc.new.claims@arkansas.go

101 EAST CAPITOL AVENUE, SUITE 410
LITTLE ROCK, ARKANSAS 72201-3823

CLAIM FORM

- 1. Claimant.** If a claim involves more than one claimant, additional pages may be attached with the other claimant name(s) and contact information.

Mr. Yates James

(title) last name/compan first name (email)

[REDACTED]

(address)

[REDACTED]

(city) (state) (zip) (primary phone)

- 2. Claimant's Legal Counsel.** An individual claimant may act as his or her own attorney (which is known as proceeding pro se). Please review Ark. Code Ann. § 19-10-222 for information about when a business entity may file a pro se claim. If a claimant is proceeding pro se, this section may be left blank.

Mettler Martha-Kay (Gus) mmettler@odomfirm.com

(title) (last name) (first name) (email)

161 W. Van Asche Loop, Ste. 1

(address) AR bar number

Fayetteville AR 72703 (479) 442-7575

(city) (state) (zip) (primary phone)

- 3. State Agency Involved.** The Commission can only receive claims against agencies of the State of Arkansas. Please review the Commission's jurisdictional statutes, including Ark. Code Ann. § 19-10-204 and Ark. Code Ann. § 21-5-701, for more information. This information is required for any claim filed at the Commission.

Arkansas Department of Transportation

- 4. Incident Date** _____

- 5. Location of Incident** _____

- 6. CHECK HERE if this claim involves damage to a motor vehicle.** ☒

- 7. CHECK HERE if this claim involves damage to property other than a motor vehicle.** ☐

- 8. Explanation of Incident** Please provide an explanation of your claim, including why you believe the above-listed state agency is liable for your damages under Arkansas law. You may attach additional pages to this form.

Mr. Yates was traveling North on Arkansas Highway 31 in his 2005 Chevrolet Avalanche when an ARDOT work truck (2019 F-Series Ford Pickup) driven by Kyle Shinn pulled out in front of Mr. Yates to make a U-turn. When the ARDOT truck made the U-turn in front of Mr. Yates, it caused Mr. Yates to collide with the ARDOT truck. Officer James Armstrong of the Beebe Police Department arrived on scene as the investigating officer. The police report number is [REDACTED]

- 9. Insurance Coverage.** For a claim involving damage to a vehicle or other property, you must submit a copy of your insurance declarations in effect at the time of the incident. This is not the same as an insurance card. You can obtain a copy of your insurance declarations from your insurer or insurance agent. Please review Ark. Code Ann. § 19-10-302 for more information.

****If you did NOT have insurance covering the damaged property or motor vehicle at the time of incident, CHECK HERE** ☐

10. Additional Required Documents for Property Damage Claim

You must submit (1) invoice(s) documenting the repair costs, (2) three estimates for repair, OR (3) an explanation why this documentation cannot be provided.

11. If a state vehicle was involved, please provide the following information

2019 Ford F-Series Pickup	[REDACTED]	Kyle Austin Shinn
(type of state vehicle involved)	(license number)	(driver)

- 12. If your claim involves personal injuries, please CHECK HERE** ☐

- 13. Health insurance coverage.** All personal injury claims require a copy of your health insurance information in place at the time of the incident. Please review Ark. Code Ann. § 19-10-302 for more information.

****If you did NOT have health insurance on the date of the incident, CLICK HERE** ☐

- 14. Amount of Damages, if known:** \$0.00

IMPORTANT!

A claim filed at the Commission is a lawsuit against a state agency. The Commission is the courthouse for these lawsuits. Please note that Commission staff can answer general questions about the claim process but cannot give legal advice. The Commission rules and a non-exhaustive list of statutes that relate to the Commission can be found on the Commission website (arclaimscommission.arkansas.gov). The Arkansas Rules of Civil Procedure can be found online (arcourts.gov) under "Info Resources."

STOP!

This signature page must be completed in the presence of a Notary Public. Do not sign until you are directed to do so by the Notary Public. If there is more than one claimant involved in this claim, each claimant must complete a separate signature page.

If you are an ARKANSAS-LICENSED ATTORNEY submitting a claim on behalf of your client, there is a different signature page that must be used. Please call (501)682-1619 and ask for an attorney signature page.

If a BUSINESS OR CORPORATE ENTITY is filing a claim without an attorney (and meets the requirements of Ark. Code Ann. § 19-10-222 for doing so), there is a different signature page that must be used. Please call (501)682-1619 and ask for a corporate signature page.

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Claimant Signature

ACKNOWLEDGEMENT

State of _____

County of _____

On this the __ day of _____, 20__, before me, the undersigned notary, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Signature of Notary Public

[seal of office]

My Commission Expires: _____

Arkansas
State Claims Commission

JAN 03 2023

ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

(501) 682-1619
FAX (501) 682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS
72201-3823

CLAIM SUBMISSION SIGNATURE PAGE

The undersigned attorney certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

James Yates

Claimant Name (must be printed legibly)

James Yates

Claimant Signature

Acknowledgement

State of Arkansas

County of Washington

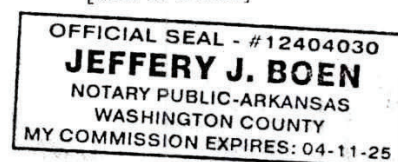
On this the 14th day of December, 2022, before me, the undersigned notary, personally appeared James Yates known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Signature]
Signature of Notary Public

My Commission expires: 4/11/25

[Seal of Office]





ODOM LAW FIRM

Arkansas
State Claims Commission

JAN 03 2023

RECEIVED

December 28, 2022

Arkansas State Claims Commission
ATTN: Kathryn Irby
101 East Capitol Avenue, Suite 410
Little Rock, AR 72201-3823

Re: Claims Submission for James Yates – Property Damage

Dear Ms. Irby:

Please be advised that our law firm has been retained to represent Mr. Yates in a motor vehicle collision that occurred on October 19, 2022 with an Arkansas Department of Transportation truck in Beebe, Arkansas. Enclosed you will find three (3) repair estimates, the police report and Mr. Yates' auto insurance declaration for the property damage portion of the claim.

Currently, Mr. Yates is still seeking medical treatment and is not covered by health insurance. I will forward all relevant medical treatment documentation upon receipt. Please do not hesitate to call my office at 479-442-7575 with any questions. I look forward to working with you on this claim.

Sincerely,

Martha-Kay (Gus) Mettler

MKM

Enclosures: Three (3) Repair Estimates
Police Report
Auto Insurance Declaration

ATTORNEYS

Bobby Lee Odom
Russell B. Winburn
Conrad T. Odom
Alan L. Lane
Matthew L. Lindsay
Monte Sharits
Bryant E. Crooks
C. Thomas Odom, Jr.

ADDRESS

161 W. Van Asche Loop, Suite 1
Fayetteville, AR 72703

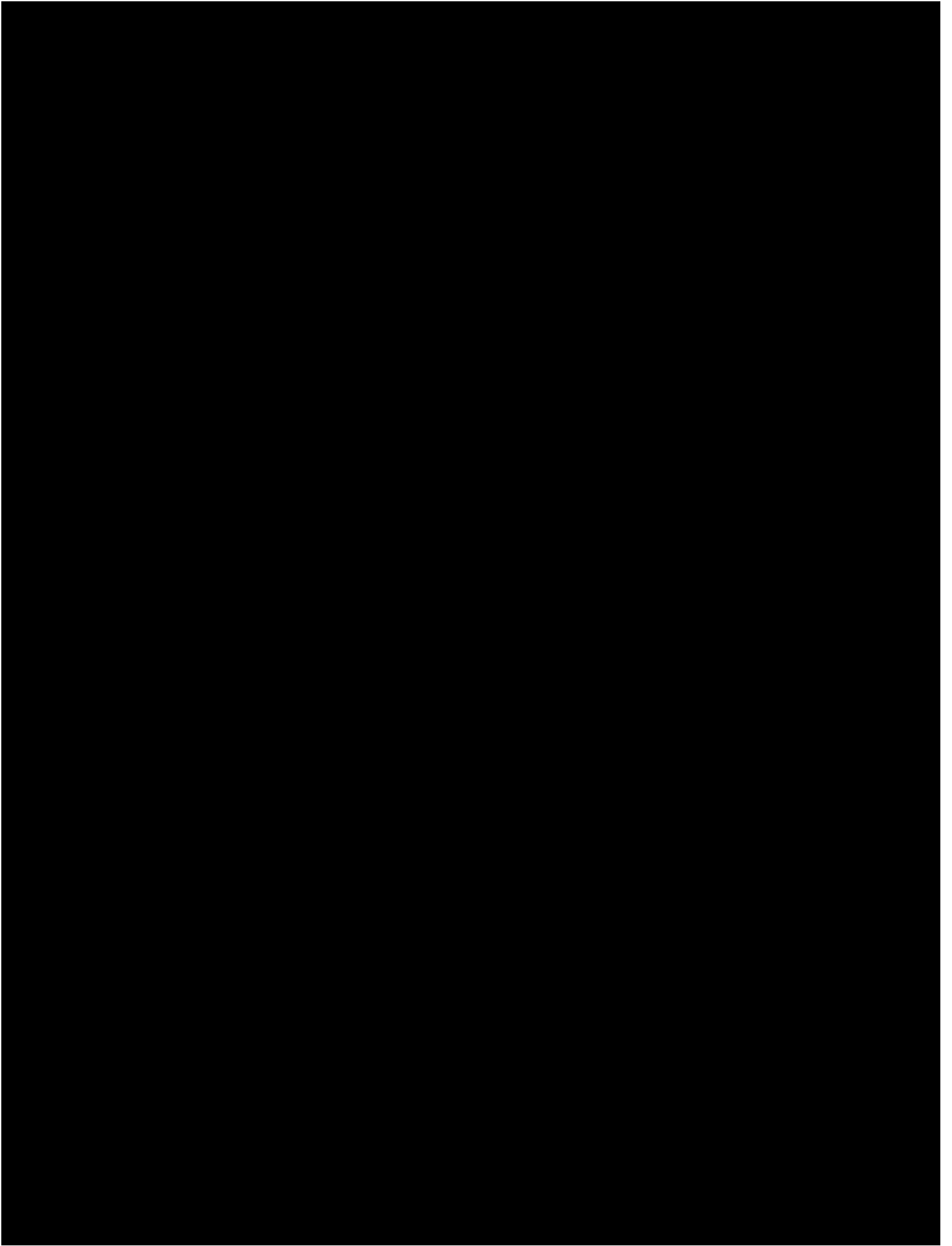
ODOM LAW FIRM, P.A.

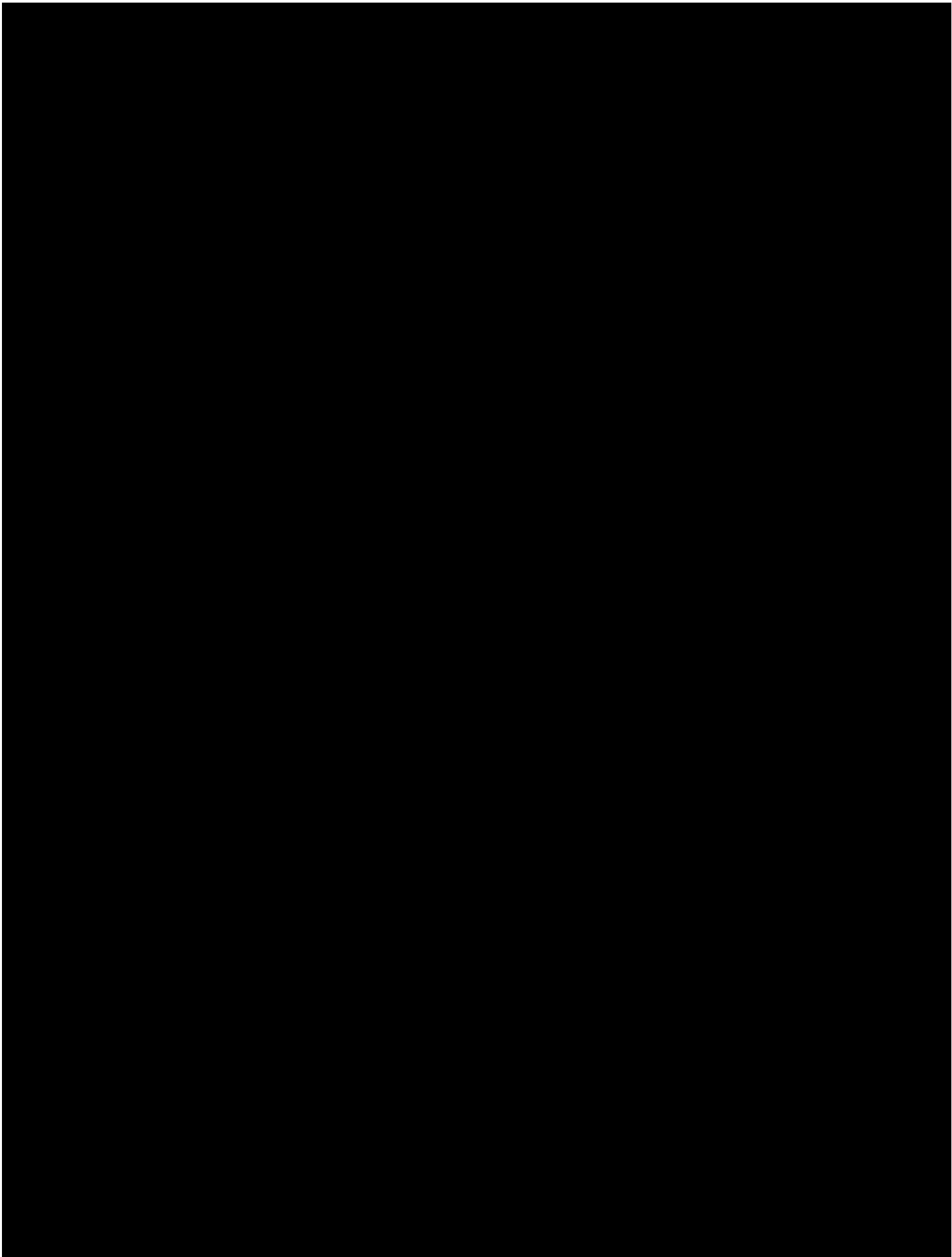
t: 479.442.7575
f: 479.442.9008

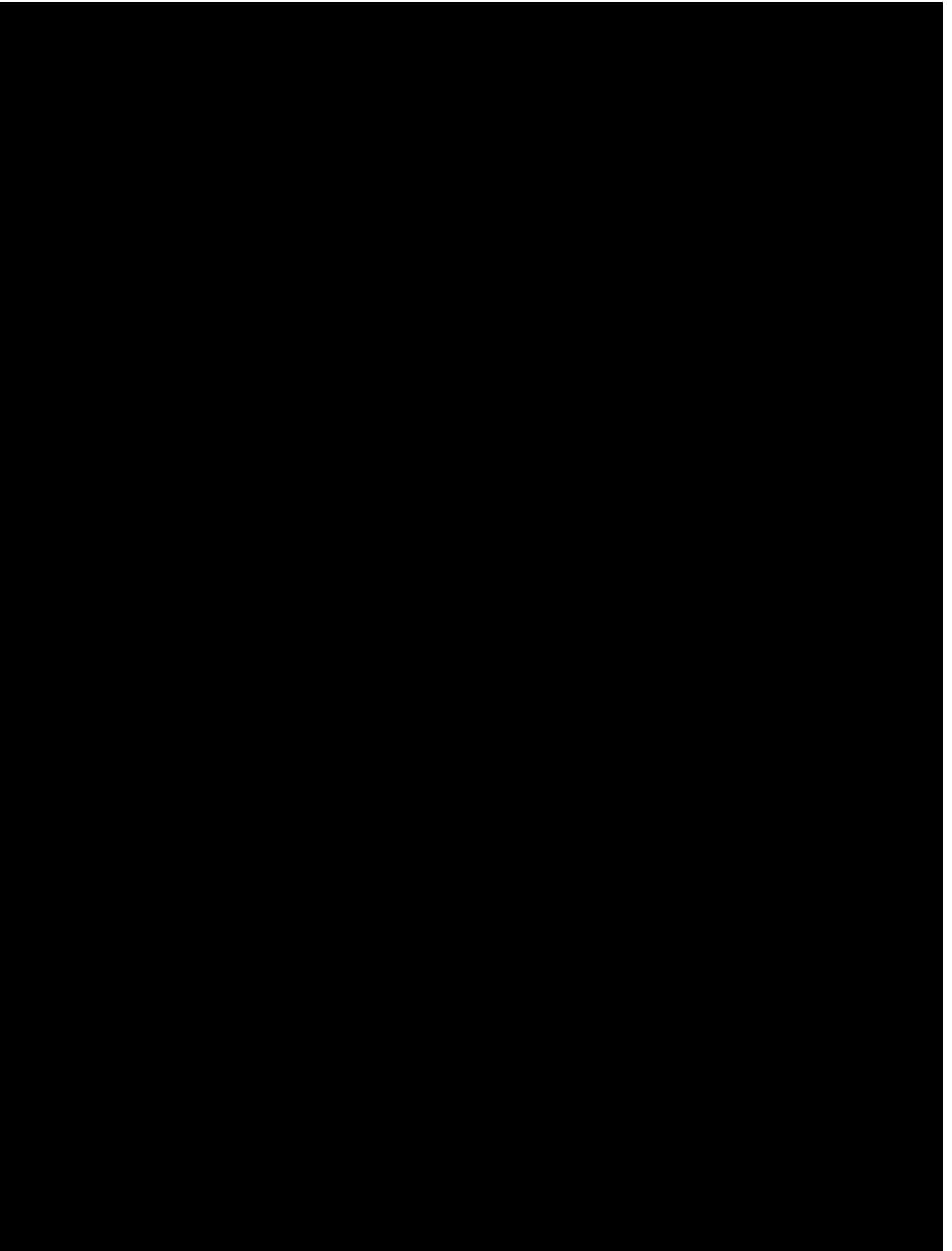
ADMINISTRATOR

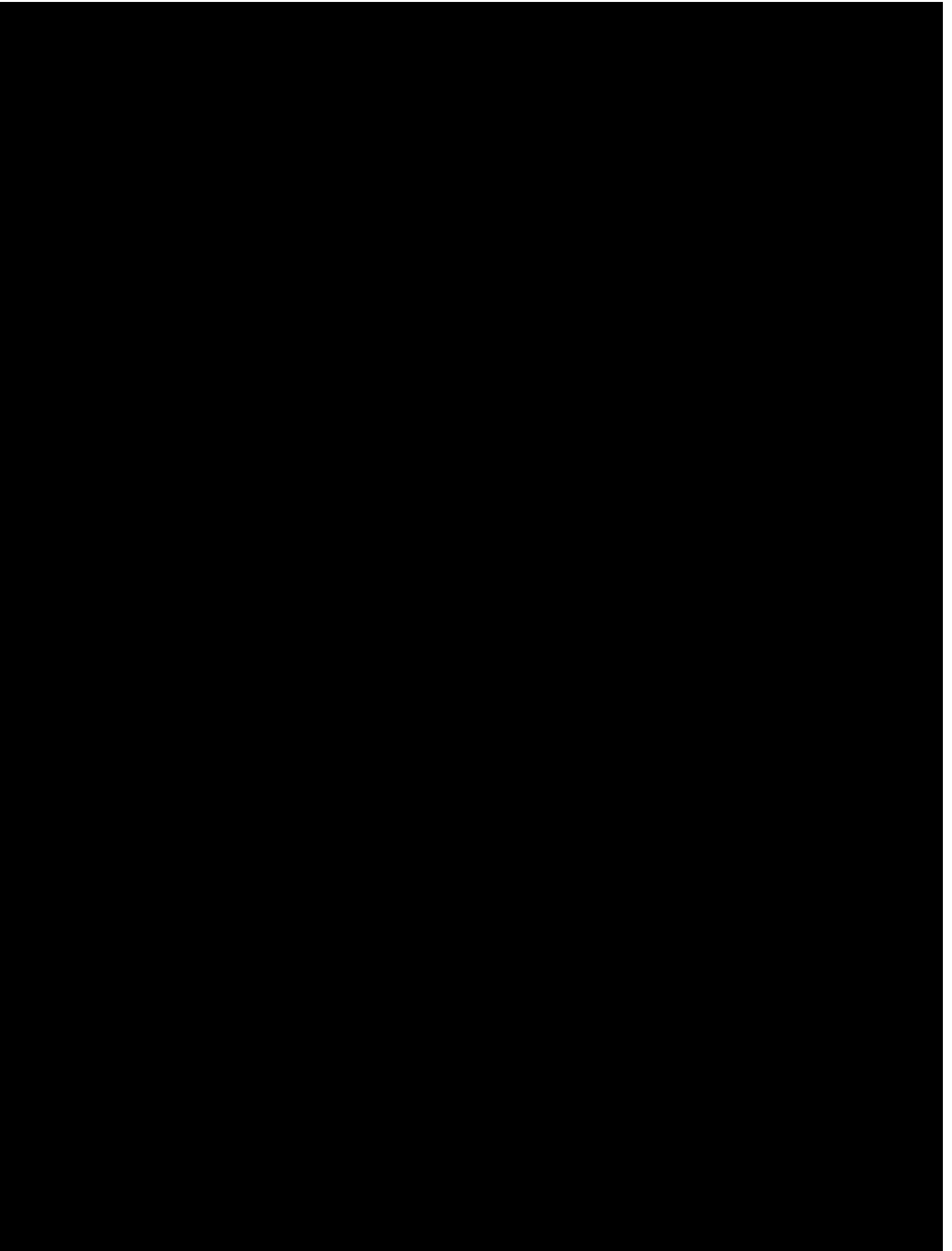
Jeffery J. Boen

WWW.ODOMFIRM.COM









TEDDER'S BODY SHOP
 804 S MAIN ST., SEARCY, AR 72143
 Phone: (501) 268-7921

Workfile ID:
 PartsShare:
 Federal ID:

Preliminary Estimate

Customer: Yates, James

Job Number:

Insured: Yates, James
 Type of Loss:
 Point of Impact:

Policy #:
 Date of Loss:

Claim #:
 Days to Repair: 0

Arkansas
 State Claims Commission

JAN 03 2023

Owner:
 Yates, James

Inspection Location:
 TEDDER'S BODY SHOP
 804 S MAIN ST.
 SEARCY, AR 72143
 Repair Facility
 (501) 268-7921 Business

Insurance Company:

RECEIVED

VEHICLE

2005 CHEV Avalanche Z71 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI

VIN: [REDACTED]
 License:
 State:

Interior Color:
 Exterior Color:
 Production Date:

Mileage In:
 Mileage Out:
 Condition:

Vehicle Out:
 Job #:

TRANSMISSION

Automatic Transmission
 Overdrive
 4 Wheel Drive

POWER

Power Steering
 Power Brakes
 Power Windows
 Power Locks
 Power Mirrors
 Heated Mirrors
 Power Driver Seat

DECOR

Dual Mirrors
 Privacy Glass

Overhead Console

CONVENIENCE

Air Conditioning
 Intermittent Wipers
 Tilt Wheel
 Cruise Control
 Rear Defogger
 Keyless Entry
 Message Center
 Steering Wheel Touch Controls
 Climate Control
 Home Link

RADIO

AM Radio
 FM Radio

Stereo

Search/Seek
 CD Player

SAFETY

Drivers Side Air Bag
 Passenger Air Bag
 Anti-Lock Brakes (4)
 4 Wheel Disc Brakes
 Traction Control
 Stability Control
 Communications System
 Positraction

SEATS

Cloth Seats
 Reclining/Lounge Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Fog Lamps
 Signal Integrated Mirrors

TRUCK

Rear Step Bumper
 Trailer Hitch
 Trailering Package
 Hard Tonneau Cover

Preliminary Estimate

Customer: Yates, James

Job Number:

2005 CHEV Avalanche Z71 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FRONT BUMPER				2.0	
2		O/H front bumper				Incl.	3.0
3	**	Repl A/M CAPA Bumper cover 1500	12335679	1	306.00		1.2
4		Add for Clear Coat				0.4	
5		Add for fog lamps					
6		Repl Impact bar	15095920	1	450.07	Incl.	
open		Repl RT Mount plate	15066428	1	75.00	Incl.	
open		Repl LT Mount plate	15066428	1	75.00	Incl.	
9		Repl Center bracket	15074754	1	70.72	Incl.	
10		Repl Center plate	15770739	1	30.24	Incl.	
11		Repl Deflector	15106961	1	252.20	Incl.	
12		GRILLE					2.0
13	**	Repl A/M KEYSIQ Grille	19168631	1	384.00	Incl.	0.4
14		Add for Clear Coat					
15		Repl Emblem	15077065	1	164.89	Incl.	
16		FRONT LAMPS					
17	**	Repl A/M NSF RT Headlamp assy	15136537	1	262.00	Incl.	
18		Aim headlamps				0.5	
19	**	Repl A/M CAPA LT Headlamp assy	15136536	1	276.00	Incl.	
20		Repl Mount panel 1500	15077099	1	399.18	Incl.	
21	**	Repl A/M CAPA RT Park/turn lamp	15077337	1	74.00	Incl.	
22	**	Repl A/M CAPA LT Park/turn lamp	15077336	1	74.00	Incl.	
23		RADIATOR SUPPORT					
24	**	Repl A/M CAPA Radiator support	25815981	1	407.00	5.9	
25		Evacuate & recharge				m 1.4	
26		Add for trans cooler				m 0.3	
27		Repl Lower shield	15049190	1	57.46	0.3	
28		COOLING					
29	**	Repl A/M KEYSIQ Radiator 5.3 liter	19256745	1	282.58	m Incl.	
30		Add for oil cooler				m 0.3	
open		Repl RT Side baffle 5.3, 6.0 liter w/cladding	15062815	1	9.85		
open		Repl LT Side baffle 5.3, 6.0 liter w/cladding	15068913	1	10.28		
33		Repl Sight shield Avalanche w/o cladding	15809932	1	80.50	0.3	
34		Repl Recovery tank	19353731	1	108.90	Incl.	
35		Repl Lower baffle type 1 1/2 ton	15188203	1	37.18		
36		Repl RT Fan blade	89023366	1	135.88	m 0.5	
37		Repl LT Fan blade	89024933	1	168.40	m 0.5	
38		Repl RT Fan motor	89023368	1	259.72		
39		Repl LT Fan motor	89023368	1	259.72		
open		Repl Shroud	89023365	1		0.5	

Preliminary Estimate

Customer: Yates, James

Job Number:

2005 CHEV Avalanche Z71 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI

open	Repl	Water pump 5.3, 6.0 liter	89018166	1	318.12 m	1.5	
42	Repl	Cooler	20880895	1	256.39 m	0.7	
43	AIR CONDITIONER & HEATER						
44	Repl	Condenser	20913751	1	175.74 m	Incl.	
45	HOOD						
46	Repl	Hood Avalanche w/cladding	15295874	1	546.30	1.0	3.2
47		Add for Clear Coat					1.3
48		Add for Underside(Complete)					1.5
49	FENDER						
50	Repl	RT Fender w/cladding	88980446	1	863.00	2.5	2.2
51		Overlap Major Adj. Panel					-0.4
52		Add for Clear Coat					0.4
53		Add for Edging					0.5
54		Add for Inside					0.5
55	Repl	LT Fender w/cladding	88980447	1	677.45	2.5	2.2
56		Overlap Major Adj. Panel					-0.4
57		Add for Clear Coat					0.4
58		Add for Edging					0.5
59		Add for Inside					0.5
60	**	Repl A/M KEYSIQ RT Fender liner 1500 w/cladding	15082294	1	68.00	Incl.	
61	ENGINE						
62	Repl	Air cleaner assy w/o high capacity	25873812	1	182.92 m	Incl.	
63	Repl	Rear duct 5.3L, 6.0L	15060999	1	186.45		
64	Repl	Support	20759226	1	207.57		
65	WINDSHIELD						
66	Repl	Washer reservoir	12487670	1	83.89	0.9	
67	COWL						
68	Repl	Cowl grille	15829661	1	339.97	0.7	
69	Repl	Plenum panel upper	15130052	1	184.75		
open	Repl	Plenum panel front	15703208	1	104.12		
71	Repl	Plenum panel lower	22777180	1	105.08		
SUBTOTALS					9,010.52	22.7	19.0

Preliminary Estimate**Customer: Yates, James****Job Number:**

2005 CHEV Avalanche Z71 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI

ESTIMATE TOTALS

Category	Basis		Rate	Cost \$
Parts				9,010.52
Body Labor	22.7 hrs	@	\$ 60.00 /hr	1,362.00
Paint Labor	19.0 hrs	@	\$ 60.00 /hr	1,140.00
Paint Supplies	19.0 hrs	@	\$ 39.00 /hr	741.00
Subtotal				12,253.52
Sales Tax	\$ 12,253.52	@	9.7500 %	1,194.72
Grand Total				13,448.24
Deductible				0.00
CUSTOMER PAY				0.00
INSURANCE PAY				13,448.24

MyPriceLink Estimate ID / Quote ID:

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON.

FAILURE TO USE THE INSURANCE PROCEEDS IN ACCORDANCE WITH A SECURITY AGREEMENT BETWEEN YOU AND A LIENHOLDER, IF ANY, MAY CONSTITUTE THE CRIMINAL OFFENSE OF DEFRAUDING A SECURED CREDITOR IN VIOLATION OF ARKANSAS CODE SECTION 5-37-203. IF YOU HAVE ANY QUESTIONS, CONTACT YOUR LIENHOLDER.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS INSTEAD OF THE MANUFACTURER OF YOUR VEHICLE.

Preliminary Estimate

Customer: Yates, James**Job Number:**

2005 CHEV Avalanche Z71 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide DE1GK02, CCC Data Date 12/15/2022, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2023 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category.
X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category.
M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel.
CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel.
HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non
Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace.
R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel.
Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Intelligent Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway
Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Preliminary Estimate

Customer: Yates, James

Job Number:

2005 CHEV Avalanche Z71 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
3	KeyCom - Keystone - A-Bryant 25631 INTERSTATE 30 BRYANT AR 72022 (877) 569-9559 (501) 569-9559	#GM1000680PP A/M CAPA Bumper cover 1500	\$ 306.00
13	KeyCom - Keystone - A-Bryant 25631 INTERSTATE 30 BRYANT AR 72022 (877) 569-9559 (501) 569-9559	#GM1200543 A/M KEYSIQ Grille	\$ 384.00
17	KeyCom - Keystone - A-Bryant 25631 INTERSTATE 30 BRYANT AR 72022 (877) 569-9559 (501) 569-9559	#GM2503219N A/M NSF RT Headlamp assy	\$ 262.00
19	KeyCom - Keystone - A-Bryant 25631 INTERSTATE 30 BRYANT AR 72022 (877) 569-9559 (501) 569-9559	#GM2502219C A/M CAPA LT Headlamp assy	\$ 276.00
21	KeyCom - Keystone - A-Bryant 25631 INTERSTATE 30 BRYANT AR 72022 (877) 569-9559 (501) 569-9559	#GM2521184C A/M CAPA RT Park/turn lamp	\$ 74.00
22	KeyCom - Keystone - A-Bryant 25631 INTERSTATE 30 BRYANT AR 72022 (877) 569-9559 (501) 569-9559	#GM2520184C A/M CAPA LT Park/turn lamp	\$ 74.00
24	KeyCom - Keystone - A-Bryant 25631 INTERSTATE 30 BRYANT AR 72022 (877) 569-9559 (501) 569-9559	#GM1225222C A/M CAPA Radiator support	\$ 407.00
29	KeyCom - Keystone - A-Bryant 25631 INTERSTATE 30	#RAD2423 A/M KEYSIQ Radiator 5.3 liter	\$ 282.58

Preliminary Estimate**Customer: Yates, James****Job Number:**

2005 CHEV Avalanche Z71 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI

BRYANT AR 72022

(877) 569-9559

(501) 569-9559

60	KeyCom - Keystone - A-Bryant	#GM1251114	\$ 68.00
	25631 INTERSTATE 30	A/M KEYSIQ RT Fender liner 1500 w/cladding	
	BRYANT AR 72022		
	(877) 569-9559		
	(501) 569-9559		

Date: 11/03/2022

Searcy, AR 72143

Phone:501-283-1684

Name: JB Yates

Invoice Number: 117185

Invoice Due Date:

14/03/2022

Quantity	Description	Amount
1	Cherry auto air hose windshield DW 15019	
	TAX 9.75	
	Total	16.00

Make all checks Payable to: Ez Glass Repair

If you have any questions about this invoice please contact,
Daniel Arnett 501-283-1684

Thank You for your Business!

TRUMAN BAKER BODY SHOP

821 South Main St., SEARCY, AR 72143

Phone: (501) 279-3388

FAX: (501) 279-3389

Workfile ID:

PartsShare:

Federal ID:

Preliminary Estimate**Customer: Yates, James**

Written By: SHANNON COVINGTON

Insured: Yates, James

Type of Loss:

Point of Impact: 12 Front

Policy #:

Date of Loss:

Claim #:

Days to Repair: 0

Owner:

Yates, James

Inspection Location:

TRUMAN BAKER BODY SHOP

821 South Main St.

SEARCY, AR 72143

Repair Facility

(501) 279-3388 Business

Insurance Company:

STATE OF ARKANSAS

VEHICLE

2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

VIN:

License:

State:

Interior Color:

Exterior Color: WHITE

Production Date:

Mileage In:

Mileage Out:

Condition:

Vehicle Out:

Job #:

TRANSMISSION

Automatic Transmission

Overdrive

4 Wheel Drive

POWER

Power Steering

Power Brakes

Power Windows

Power Locks

Power Mirrors

Heated Mirrors

Power Driver Seat

Power Passenger Seat

Power Adjustable Pedals

DECOR

Dual Mirrors

Privacy Glass

Console/Storage

Overhead Console

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Cruise Control

Rear Defogger

Keyless Entry

Message Center

Steering Wheel Touch Controls

Climate Control

Home Link

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

Premium Radio

CD Changer/Stacker

SAFETY

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Traction Control

Stability Control

Communications System

SEATS

Bucket Seats

Reclining/Lounge Seats

Leather Seats

Heated Seats

Ventilated Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Fog Lamps

Signal Integrated Mirrors

TRUCK

Rear Step Bumper

Trailer Hitch

Trailer Package

Hard Tonneau Cover

Get live updates at www.carwise.com/e/4powfa

Preliminary Estimate

Customer: Yates, James

2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FRONT BUMPER				2.0	
2		O/H front bumper					3.0
3	**	Repl A/M CAPA Bumper cover 1500	12335679	1	306.00	Incl.	1.2
4		Add for Clear Coat					
5		Repl Impact bar	15095920	1	450.07	Incl.	
6		Repl Deflector	15106961	1	252.20	Incl.	
open		Repl RT Mount plate	15066428	1	75.00	Incl.	
open		Repl LT Mount plate	15066428	1	75.00	Incl.	
9		Repl RT Mount plate brace	15063706	1	40.57	Incl.	
10		Repl Bumper cover retainer	25724529	8	52.96	Incl.	
11		Repl LT Mount plate brace	15063707	1	40.57	Incl.	
12		Repl RT Mount plate support	15184117	1	24.05	Incl.	
13		Repl LT Mount plate support	15184116	1	24.05	Incl.	
14		Repl RT Mount plate bolt	11561020	1	5.17	Incl.	
15		Repl LT Mount plate bolt	11561020	1	5.17	Incl.	
16		Repl Center plate	15770739	1	30.24	Incl.	
17		Repl Center bracket	15074754	1	70.72	Incl.	
18		Repl Center bracket U-nut	11518121	4	22.24	Incl.	
19		FRAME					
20		Repl RT Bumper bracket 1500	12474013	1	151.77	1.5	
21		Repl LT Bumper bracket 1500	12474012	1	151.77	1.5	
22		GRILLE					2.0
23	**	Repl A/M Grille	19168631	1	384.00	Incl.	
24		Repl Emblem	15077065	1	164.89	Incl.	
25		FRONT LAMPS					
26	*	Repl LKQ RT Headlamp assy +25%	15136537	1	181.25	0.2	
27	*	Repl LKQ LT Headlamp assy +25%	15136536	1	181.25	0.2	
28		Repl Mount panel 1500	15077099	1	399.18	Incl.	
29	**	Repl A/M CAPA RT Park/turn lamp	15077337	1	74.00	Incl.	
30	**	Repl A/M CAPA LT Park/turn lamp	15077336	1	74.00	Incl.	
31		RADIATOR SUPPORT					
32	**	Repl Opt OEM Radiator support	25815981	1	440.00	5.9	
33		Evacuate & recharge				m 1.4 M	
34		Add for trans cooler				m 0.3 M	
35		Aim headlamps				0.5	
36		COOLING					
37	*	Repl LKQ Radiator 5.3 liter +25%	19256745	1	150.00	m 1.0 M	
open		Repl Water pump 5.3, 6.0 liter	89018166	1	318.12	m 1.5 M	
39	*	Repl LKQ Recovery tank +25%	19353731	1	58.75	0.4	
40	**	Repl A/M Shroud	89023365	1	450.14	0.5	
41		AIR CONDITIONER & HEATER					
42	*	Repl LKQ Condenser +25%	20913751	1	62.50	m 1.0 M	
43		HOOD					

Preliminary Estimate

Customer: Yates, James

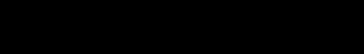
2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

44	*	Repl	LKQ hood; Avalanche +25%	15295874	1	343.75	0.5	3.2
45			Refrn hood underside					1.5
46	*	Repl	LKQ RT Hinge assy +25%	12472770	1	46.25	0.3	0.3
47	*	Repl	LKQ LT Hinge assy +25%	12472769	1	46.25	0.3	0.3
48	FENDER							
49	**	Repl	A/M RT Fender w/cladding	88980446	1	580.00	2.5	2.2
50			Overlap Major Adj. Panel					-0.4
51			Add for Edging					0.5
52			Add for Inside					0.5
53		Repl	LT Fender w/cladding	88980447	1	677.45	2.5	2.2
54			Overlap Major Adj. Panel					-0.4
55			Add for Edging					0.5
56			Add for Inside					0.5
57			Clear Coat					2.5
58		Repl	RT Fender liner 1500 w/cladding	15082294	1	77.35	Incl.	
59		Repl	LT Fender liner 1500 w/cladding	93441153	1	54.40	Incl.	
60		Repl	RT Lower molding	93801787	1	117.87	0.3	
61		Repl	LT Lower molding	93801788	1	120.82	0.3	
62	#	Refrn	COLOR TINT/COLOR MATCH		1	10.00	T	1.0
63	#	Repl	CAR COVER / BAG					0.3
64	#	Refrn	CORROSION PROTECTION		1	3.50	T	
65	#	Subl	HAZARDOUS WASTE REMOVAL					
SUBTOTALS						6,793.27	24.6	20.9

ESTIMATE TOTALS

Category	Basis		Rate	Cost \$
Parts				6,779.77
Body Labor	19.4 hrs	@	\$ 65.00 /hr	1,261.00
Paint Labor	20.9 hrs	@	\$ 65.00 /hr	1,358.50
Mechanical Labor	5.2 hrs	@	\$ 95.00 /hr	494.00
Paint Supplies	21.1 hrs	@	\$ 40.00 /hr	844.00
Miscellaneous				13.50
Subtotal				10,750.77
Sales Tax	\$ 10,750.77	@	9.7500 %	1,048.20
Grand Total				11,798.97
Deductible				0.00
CUSTOMER PAY				0.00
INSURANCE PAY				11,798.97

MyPriceLink Estimate ID / Quote ID:



Preliminary Estimate

Customer: Yates, James

2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

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Preliminary Estimate

Customer: Yates, James

2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

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OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Align.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel.
CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel.
HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non
Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace.
R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel.
Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

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Preliminary Estimate

Customer: Yates, James

2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
3	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#GM1000680PP A/M CAPA Bumper cover 1500 Quote: 1534009414 Expires: 02/02/23	\$ 306.00
23	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#GM1200543 A/M Grille Quote: 1534018520 Expires: 02/02/23	\$ 384.00
26	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~318496872 LKQ RT Headlamp assy +25% Headlamp Assembly W/LOWER BODY CLADDING, R.,S#\$M4732 Quote: 1534019887 Expires: 02/02/23	\$ 145.00
27	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~318496875 LKQ LT Headlamp assy +25% Headlamp Assembly W/LOWER BODY CLADDING, L.,S#\$M4732 Quote: 1534020567 Expires: 02/02/23	\$ 145.00
29	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#GM2521184C A/M CAPA RT Park/turn lamp Quote: 1534022067 Expires: 02/02/23	\$ 74.00
30	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#GM2520184C A/M CAPA LT Park/turn lamp Quote: 1534022736 Expires: 02/02/23	\$ 74.00
32	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#GM1225222OE Opt OEM Radiator support Quote: 1534023872 Expires: 02/02/23	\$ 440.00
37	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~335523295 LKQ Radiator 5.3 liter +25% Radiator 6.2,AUTO,AWD 6.2L,S#\$K5309 Quote: 1534025920 Expires: 02/02/23	\$ 120.00
39	LKQ Corp	#~317594484	\$ 47.00

Preliminary Estimate

Customer: Yates, James

2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

	650 Simon Street Conway AR 72032 (800) 482-9338	LKQ Recovery tank +25% Radiator Overflow Bottle 5.3,AUTO,4X4 W/O HYBRID; W/LOW COOLANT SENSOR,S#\$PX259 Quote: 1534029805 Expires: 02/02/23	
40	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#GM3115212 A/M Shroud Quote: 1534036077 Expires: 02/02/23	\$ 450.14
42	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~299723596 LKQ Condenser +25% Condenser LS,6DR W/REAR AC (OPT C69),S#\$PW292 Quote: 1534037876 Expires: 02/02/23	\$ 50.00
44	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~327938091 LKQ hood; Avalanche +25% Hood w/o body cladding,S#\$RN908 Quote: 1534039932 Expires: 02/02/23	\$ 275.00
46	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~316123737 LKQ RT Hinge assy +25% Hood Hinge LT,4DR R, R.,S#\$PX178 Quote: 1534041553 Expires: 02/02/23	\$ 37.00
47	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~316123736 LKQ LT Hinge assy +25% Hood Hinge LT,4DR L, L.,S#\$PX178 Quote: 1534042098 Expires: 02/02/23	\$ 37.00
49	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#GM1241292 A/M RT Fender w/cladding Quote: 1534043021 Expires: 02/02/23	\$ 580.00

CLASSIC COLORS

1109 N Maple St, Searcy, AR 72143
Phone: (501) 279-2050

Workfile ID:
PartsShare:
Federal ID:

Preliminary Estimate**Customer: YATES, JAMES**

Written By: Misty VanHouten

Insured: YATES, JAMES
Type of Loss:
Point of Impact: 12 Front

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:
YATES, JAMES

Inspection Location:
CLASSIC COLORS
1109 N Maple St
Searcy, AR 72143
Repair Facility
(501) 279-2050 Business

Insurance Company:**VEHICLE**

2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

VIN:	Interior Color:	Mileage In:	Vehicle Out:
License:	Exterior Color: WHITE	Mileage Out:	
State:	Production Date:	Condition:	Job #:

TRANSMISSION

Automatic Transmission
Overdrive
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Heated Mirrors
Power Driver Seat
Power Passenger Seat
Power Adjustable Pedals

DECOR

Dual Mirrors

Privacy Glass
Console/Storage
Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Message Center
Steering Wheel Touch Controls
Climate Control
Home Link

RADIO

AM Radio

FM Radio
Stereo
Search/Seek
CD Player
Premium Radio
CD Changer/Stacker

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Traction Control
Stability Control
Communications System

SEATS

Bucket Seats

Redlining/Lounge Seats
Leather Seats
Heated Seats
Ventilated Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Fog Lamps
Signal Integrated Mirrors

TRUCK

Rear Step Bumper
Trailer Hitch
Trailer Package
Hard Tonneau Cover

Customer: YATES, JAMES

2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FRONT BUMPER					
2		O/H front bumper		0	0.00	2.0	0.0
3	**	Repl A/M CAPA Bumper cover 1500	12335679	1	306.00	Incl.	3.0
4		Add for Clear Coat		0	0.00	0.0	1.2
5		Repl Deflector	15106961	1	252.20	Incl.	0.0
6		Repl Impact bar	15095920	1	450.07	Incl.	0.0
7		Repl RT Mount plate support	15184117	1	24.05	Incl.	0.0
8		Repl LT Mount plate support	15184116	1	24.05	Incl.	0.0
9		Repl Center bracket	15074754	1	70.72	Incl.	0.0
10		Repl Center plate	15770739	1	30.24	Incl.	0.0
11		Repl RT Mount plate brace	15063706	1	40.57	Incl.	0.0
12		Repl LT Mount plate brace	15063707	1	40.57	Incl.	0.0
13		GRILLE					
14	**	Repl A/M Grille	19168631	1	384.00	0.3	2.0
15		Repl Emblem	15077065	1	164.89	Incl.	0.0
16		COOLING					
17	**	Repl A/M Water pump 5.3, 6.0 liter	89018166	1	162.19 m	1.5	0.0
18	#	Repl Coolant		1	15.00 T	0.0	0.0
19	**	Repl A/M Radiator 5.3 liter	19256745	1	282.58 m	1.0 M	0.0
20		AIR CONDITIONER & HEATER					
21	**	Repl A/M Condenser	20913751	1	149.38 m	1.0	0.0
22		Repl AC Service evacuate & recharge		1	0.00 m	1.4 M	0.0
23		Repl AC Service refrigerant recovery		1	0.00 m	0.4 M	0.0
24		HOOD					
25	*	Repl LKQ hood; Avalanche +25%	15295874	1	343.75	0.5	3.2
26		FENDER					
27	*	Repl LKQ RT fender assy; Avalanche +25%	88980446	1	421.25	2.2	2.2
28		Overlap Major Adj. Panel		0	0.00	0.0	-0.4
29	*	Repl LKQ LT fender assy; Avalanche +25%	88980447	1	515.00	1.7	2.2
30		Overlap Major Adj. Panel		0	0.00	0.0	-0.4
31		Clear Coat		0	0.00	0.0	2.5
32		Repl RT Lower molding	93801787	1	117.87	0.3	0.0
33		Repl LT Lower molding	93801788	1	120.82	0.3	0.0
34	#	Color tint / color match		1	0.00	0.0	0.5
35	#	Repl Cover car		1	10.00 T	0.0	0.0
36	#	Subl Hazardous waste removal		1	3.50 T	0.0	0.0
37	#	Refn Corrosion protection primer		0	0.00	0.0	0.3
SUBTOTALS					3,928.70	12.6	16.3

Preliminary Estimate**Customer: YATES, JAMES**

2005 CHEV Avalanche LT 1500 Crew Cab 130" WB 4WD 4D P/U 8-5.3L Flex Fuel SFI WHITE

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			3,900.20
Body Labor	9.8 hrs @	\$ 65.00 /hr	637.00
Paint Labor	16.3 hrs @	\$ 65.00 /hr	1,059.50
Mechanical Labor	2.8 hrs @	\$ 95.00 /hr	266.00
Paint	16.3 hrs @	\$ 40.00 /hr	652.00
Miscellaneous			28.50
Subtotal			6,543.20
Sales Tax	\$ 6,543.20 @	9.7500 %	637.96
Grand Total			7,181.16
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			7,181.16

MyPriceLink Estimate ID / Quote ID:

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R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel.
Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

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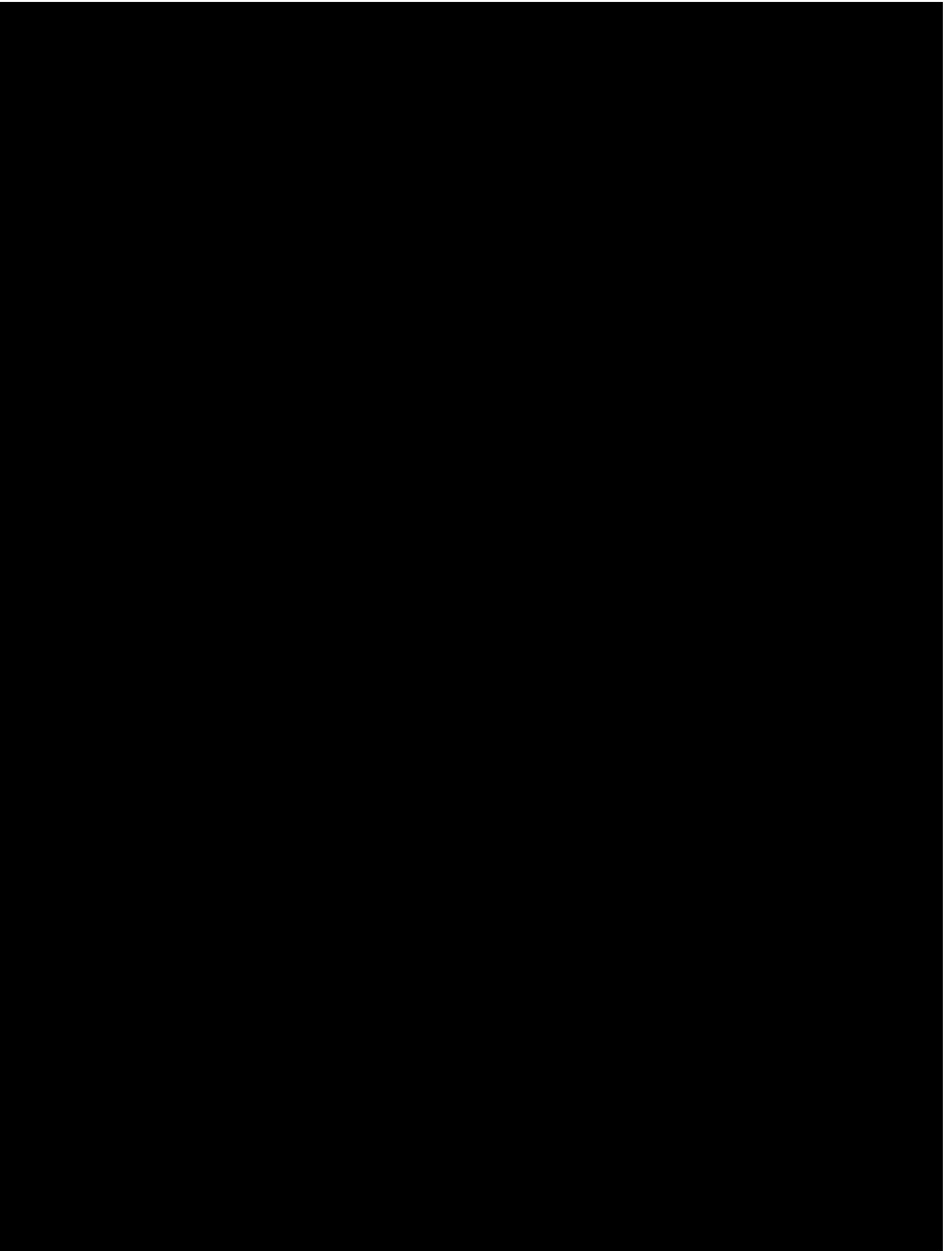
Preliminary Estimate

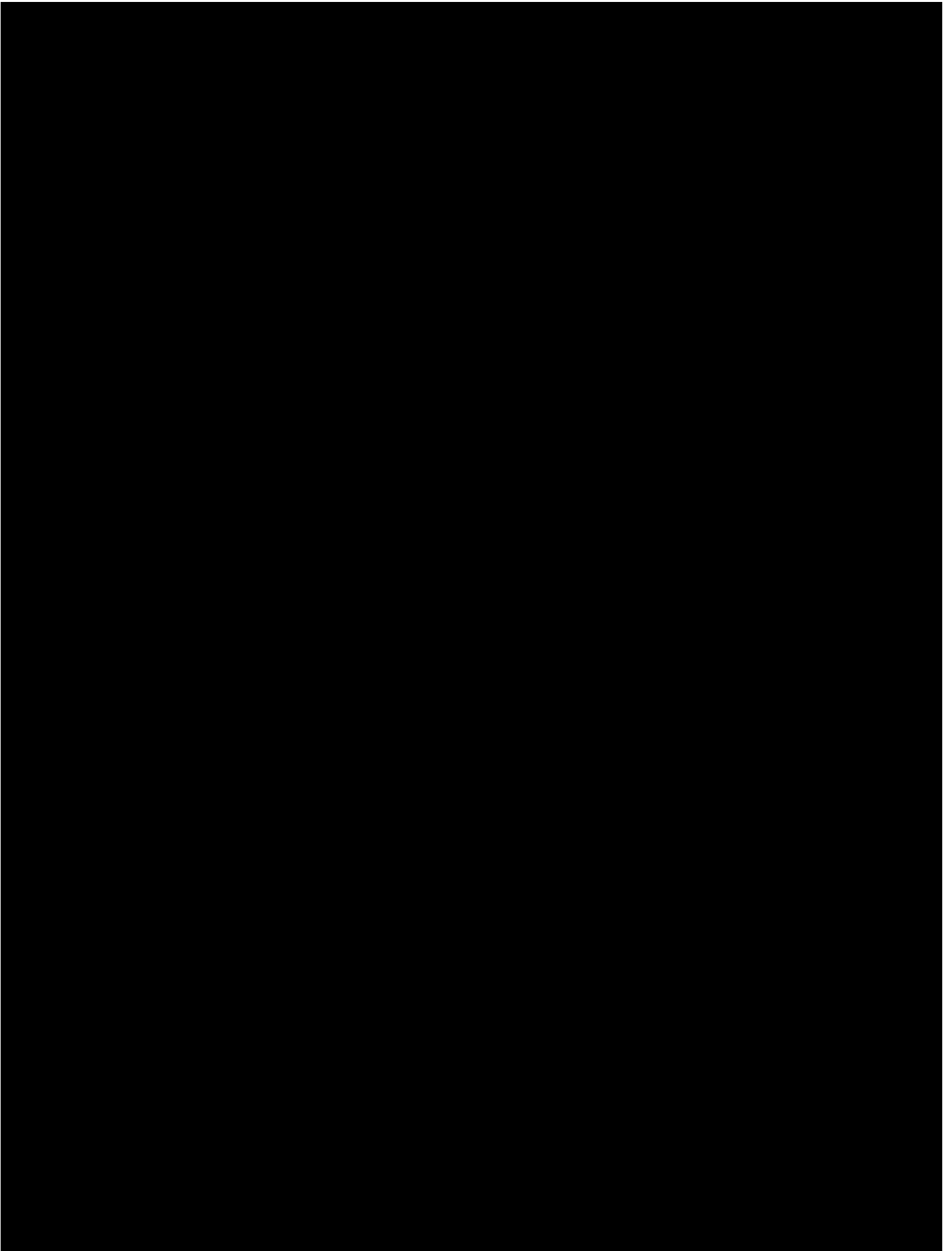
Customer: YATES, JAMES

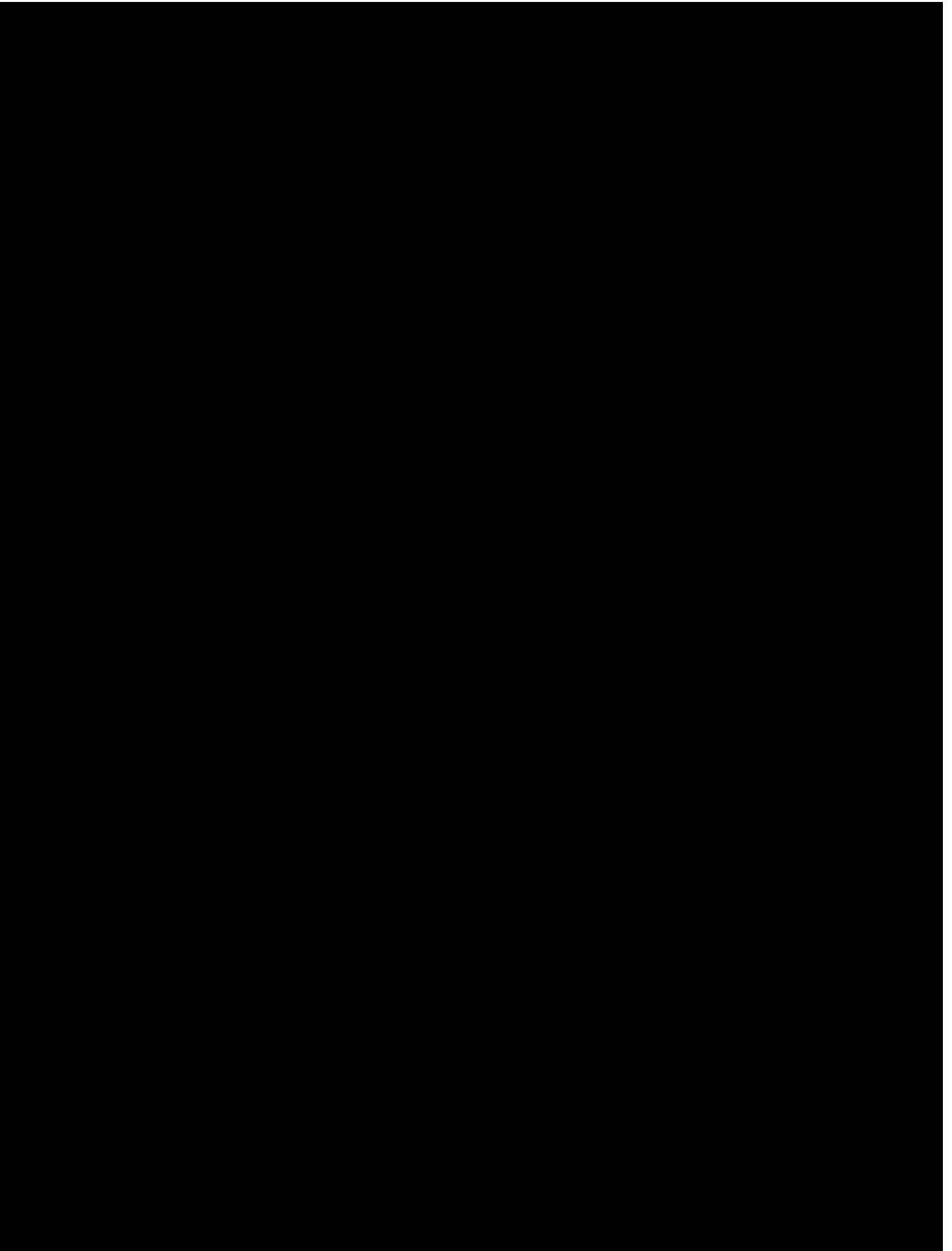
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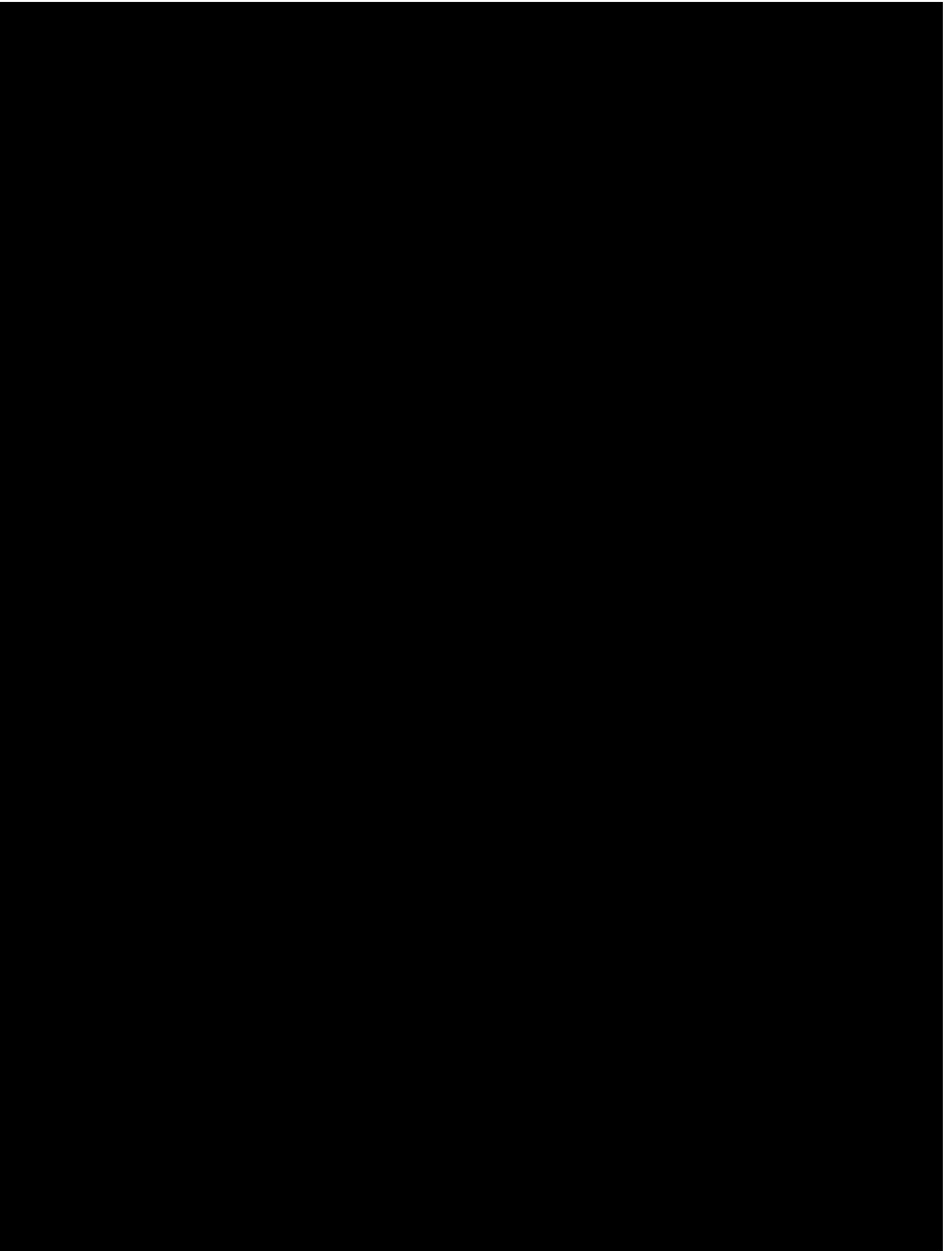
PARTS SUPPLIER LIST

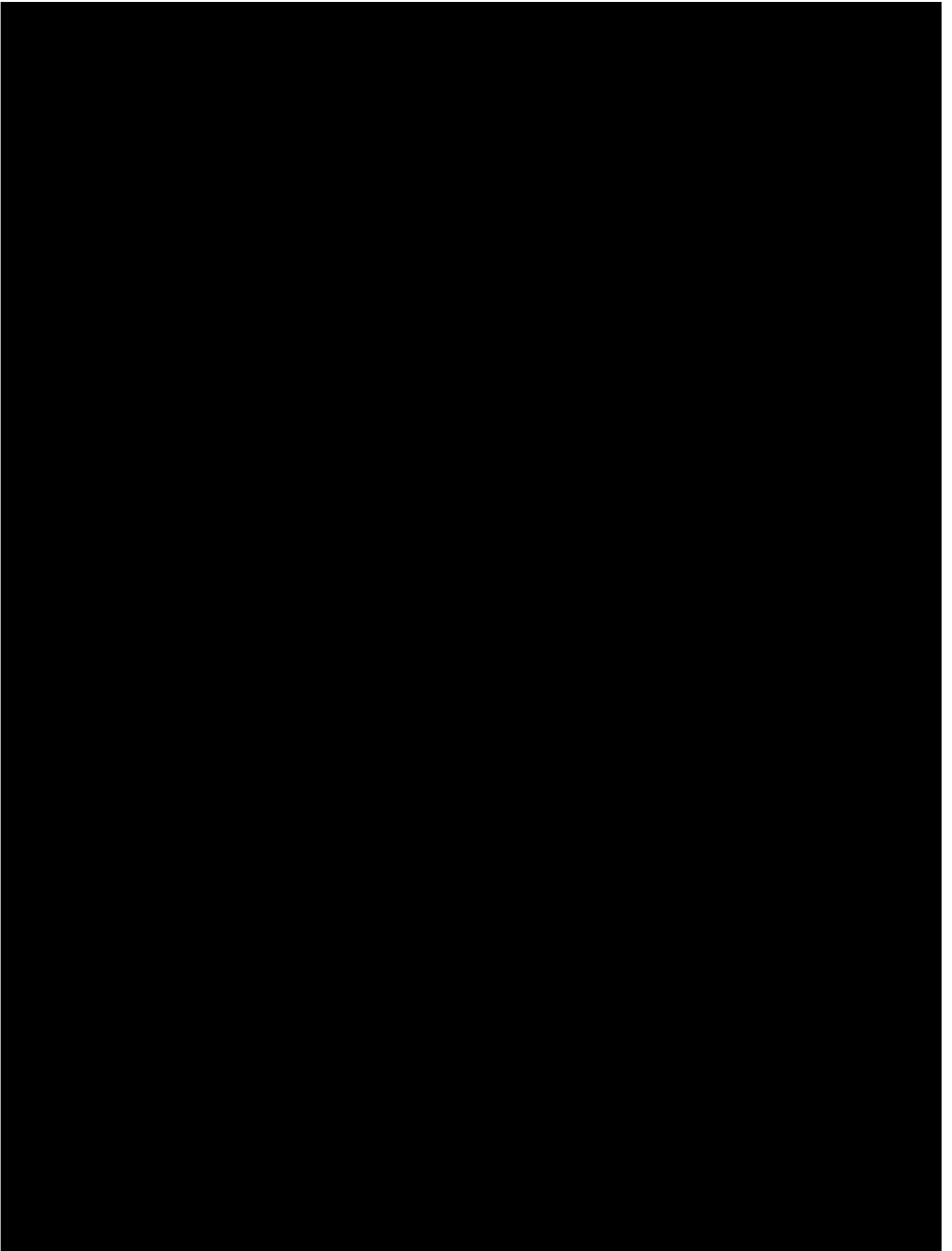
Line	Supplier	Description	Price
3	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#GM1000680PP A/M CAPA Bumper cover 1500 Quote: 1533899087 Expires: 02/02/23	\$ 306.00
14	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#GM1200543 A/M Grille Quote: 1533903267 Expires: 02/02/23	\$ 384.00
17	AutoZone 1706 E Race Ave Searcy AR 72143 (501) 268-6132	#F9409-DLG (CFHH) A/M Water pump 5.3, 6.0 liter Quote: 2US225966728602 Expires: 01/18/23	\$ 162.19
19	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#RAD2423 A/M Radiator 5.3 liter Quote: 1533913894 Expires: 02/02/23	\$ 282.58
21	Keystone 3700 BRYANT CROSSING DRIVE BRYANT AR 72022 (501) 847-8700	#CNDDEPI4953 A/M Condenser Quote: 1533910897 Expires: 02/02/23	\$ 149.38
25	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~327938091 LKQ hood; Avalanche +25% Hood w/o body cladding,S#\$RN908 Quote: 1533904924 Expires: 02/02/23	\$ 275.00
27	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~331940421 LKQ RT fender assy; Avalanche +25% Fender BASE,4DR R, W/BODY CLADDING TYPE, (BARE OR WITH CLADDING REMOVE,S#\$M0180 Quote: 1533906310 Expires: 02/02/23	\$ 337.00
29	LKQ Corp 650 Simon Street Conway AR 72032 (800) 482-9338	#~331940433 LKQ LT fender assy; Avalanche +25% Fender BASE,4DR L, W/BODY CLADDING TYPE, (W/TEXTURED CLADDING INCLUDED,S#\$M0180 Quote: 1533907776 Expires: 02/02/23	\$ 412.00

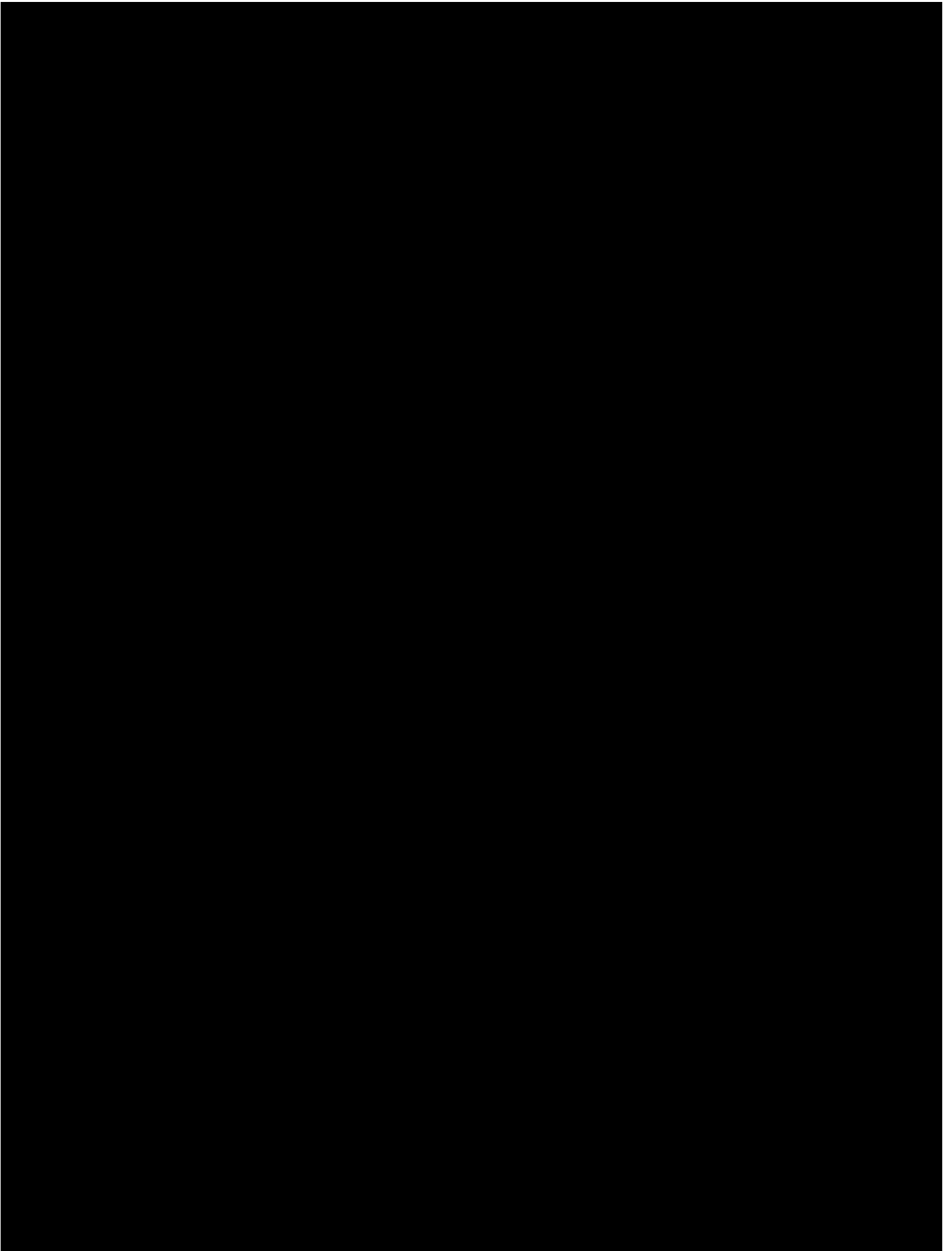


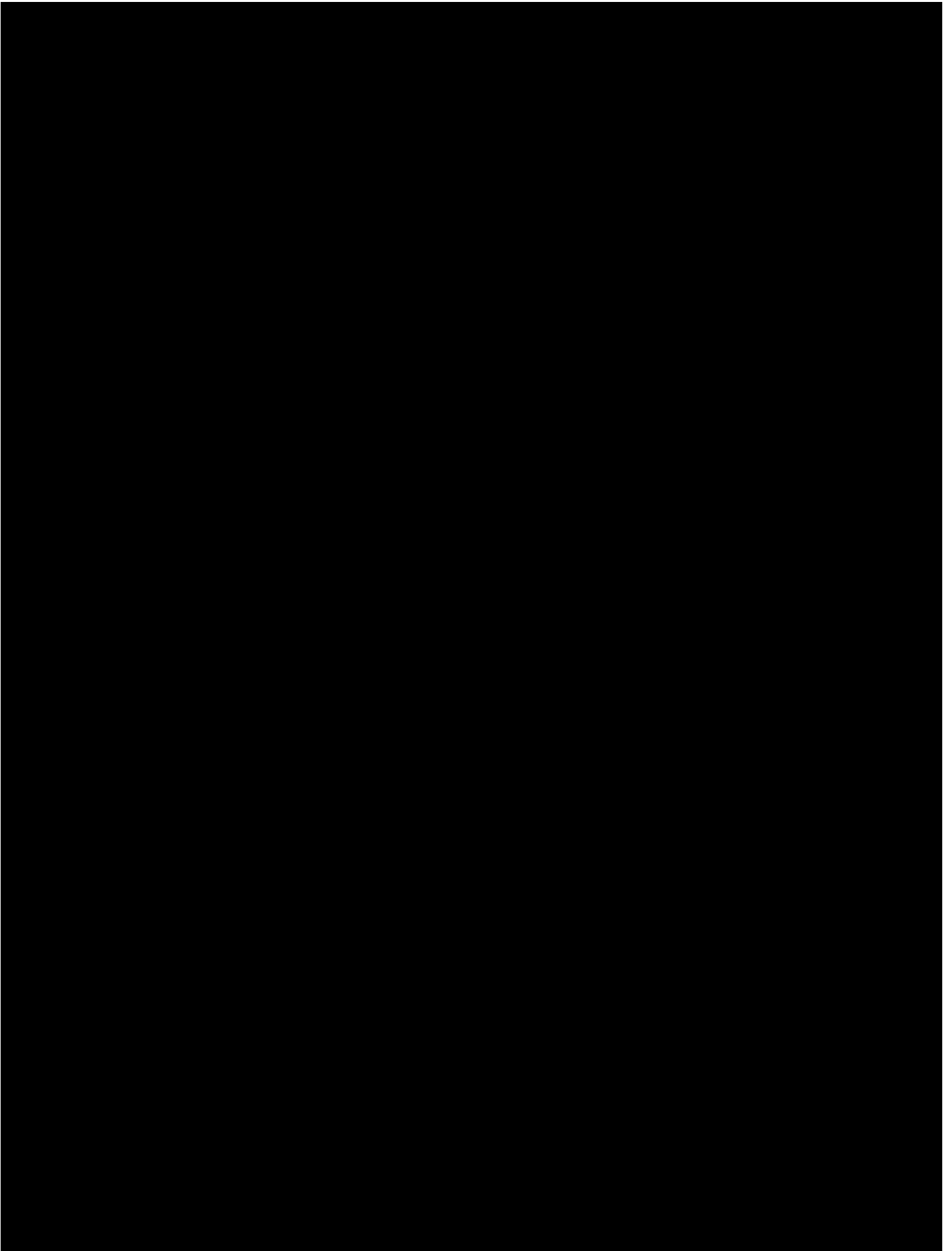


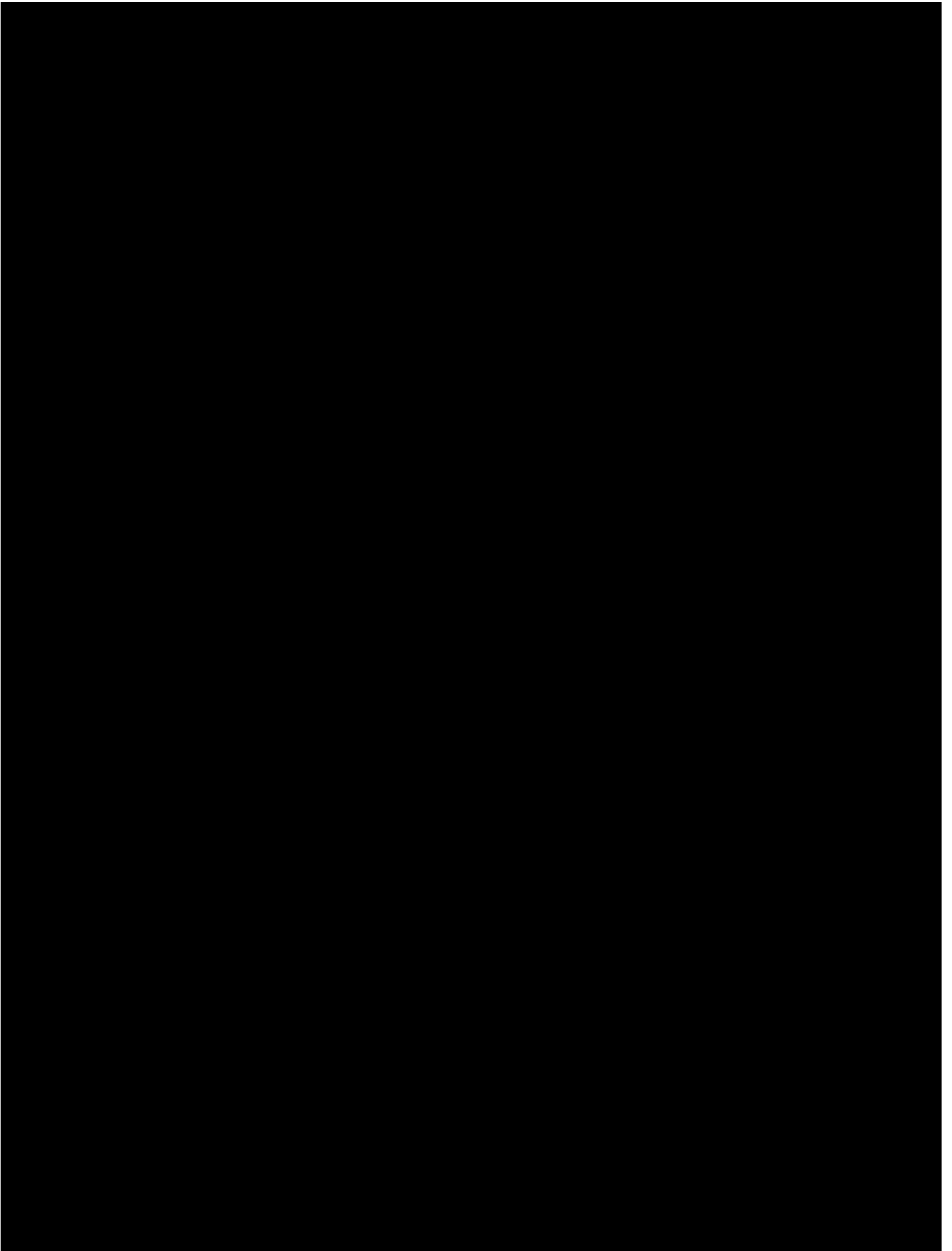


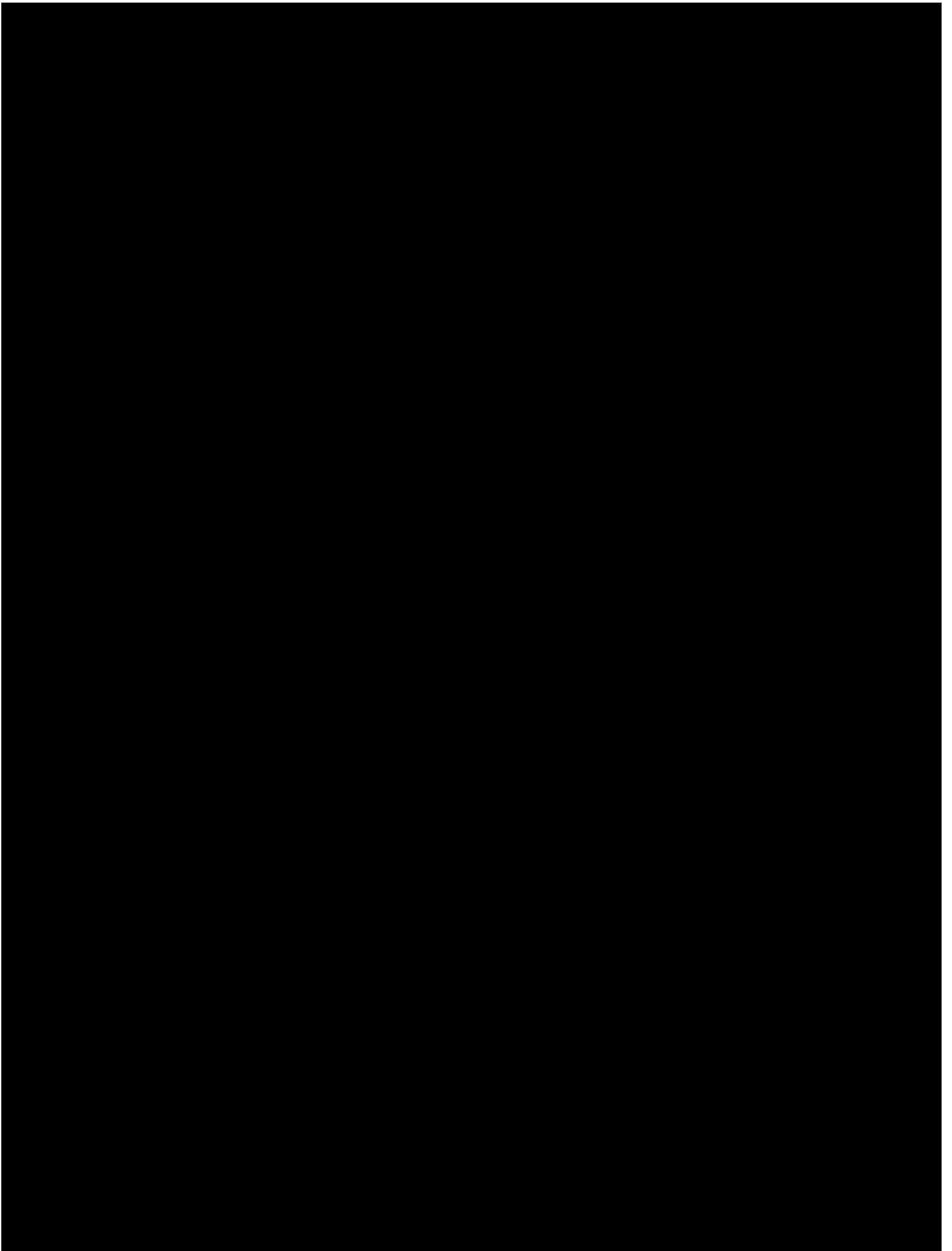


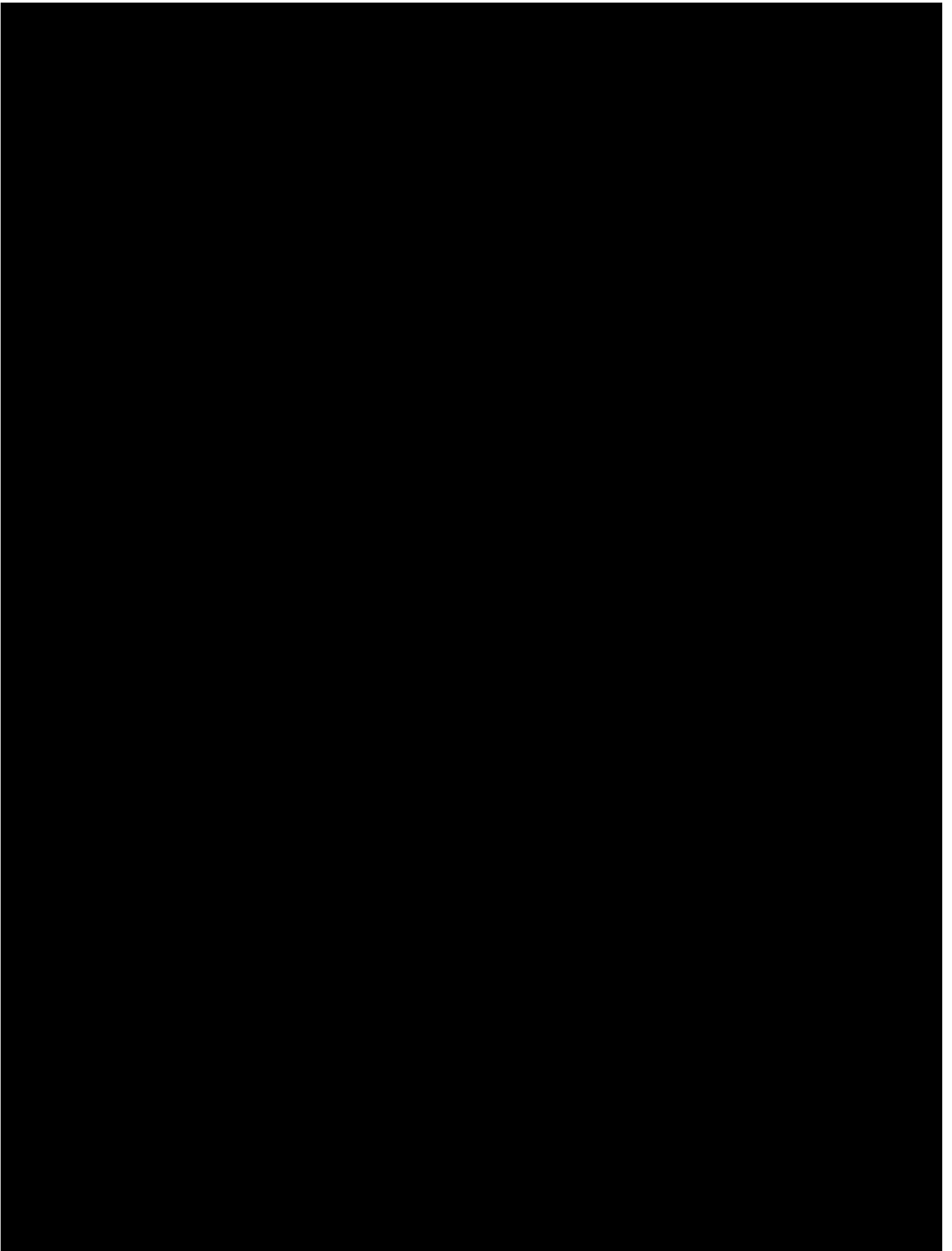


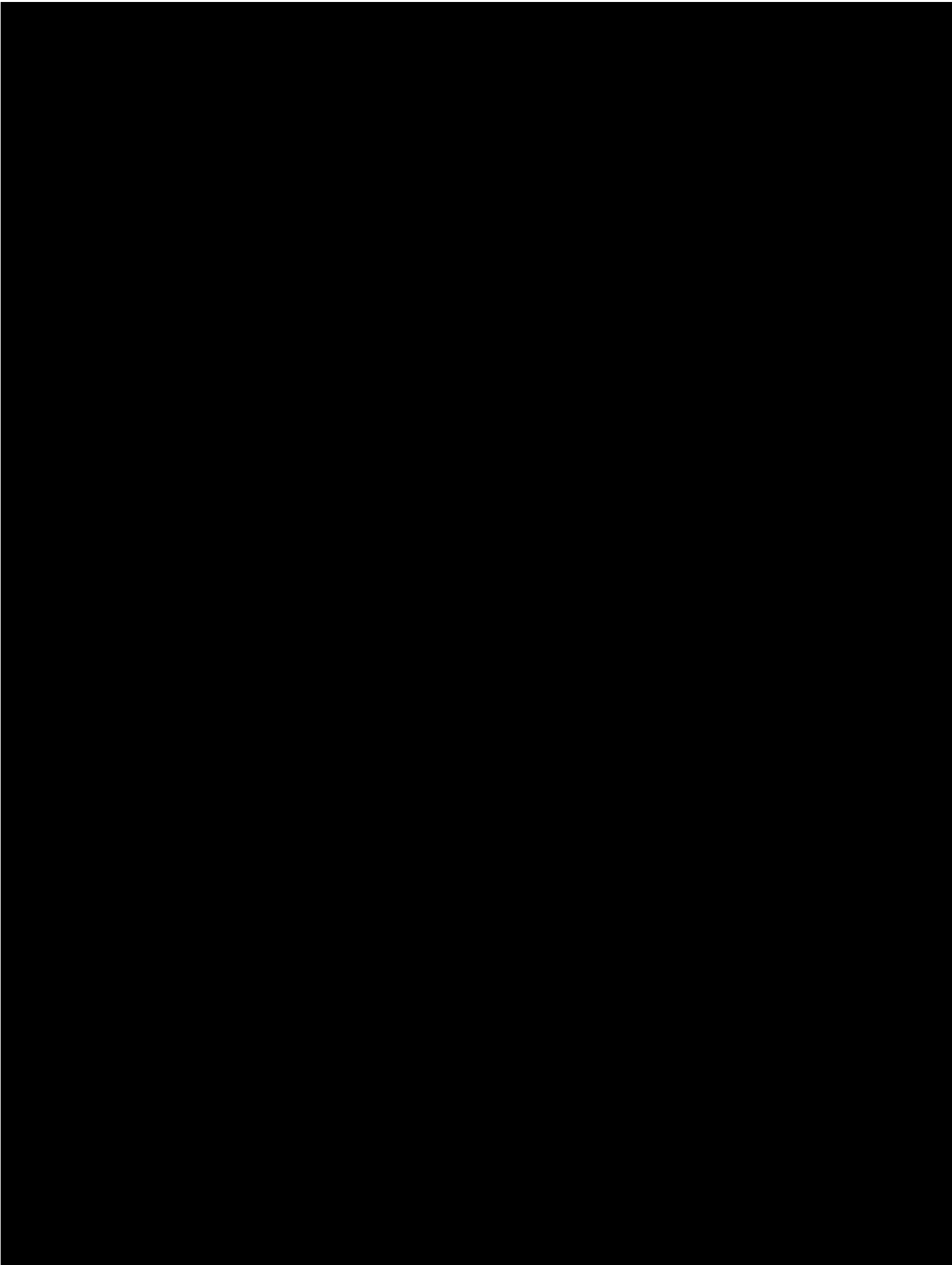


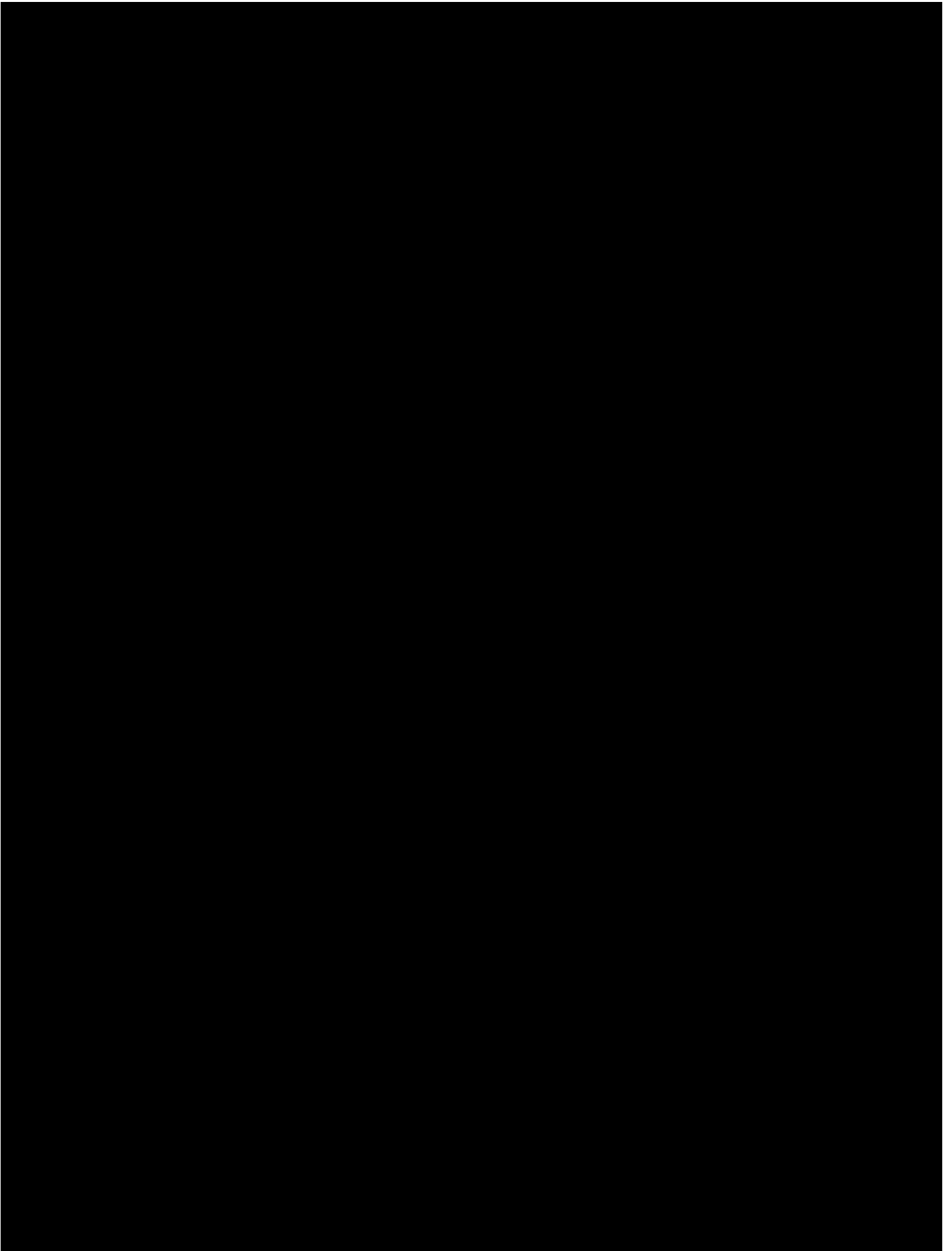












From: [ASCC New Claims](#)
To: [Looney, Rita S.](#); [Sparks, Trella A.](#); [Blakley, Sharon](#)
Cc: [Kathryn Irby](#)
Subject: CLAIM: James Yates v. ArDOT, Claim No. 230756
Date: Tuesday, January 10, 2023 12:14:00 PM
Attachments: [James Yates ArDOT agency ltr .pdf](#)
[James Yates Elct Claim.pdf](#)
[James Yates Sig and supp.pdf](#)

Please see attached. Contact Kathryn Irby with any questions.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

ARKANSAS STATE CLAIMS COMMISSION

(501)682-1619
FAX (501)682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, AR 72201-3823

January 10, 2023

Ms. Rita Looney
Arkansas Department of Transportation
Post Office Box 2261
Little Rock, Arkansas 72209

(via email)

RE: ***James Yates v. Arkansas Department of Transportation***
Claim No. 230756

Dear Ms. Looney,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Department of Transportation. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Martha-Kay (Gus) Mettler, *counsel for Claimant* (w/o encl.) (via email)

Note to Claimant or Claimant's counsel: The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.
--

From: [ASCC New Claims](#)
To: ["mmettler@odomfirm.com"](mailto:mmettler@odomfirm.com)
Bcc: ["Kathryn Irby"](#)
Subject: James Yates v. ArDOT, Claim No. 230756
Date: Tuesday, January 10, 2023 12:14:00 PM
Attachments: [James Yates ArDOT agency ltr .pdf](#)

Dear Ms. Mettler,

Attached please find a copy of the letter sent with your claim to the Arkansas Department of Transportation.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

From: [Martha-Kay Mettler](#)
To: [ASCC New Claims](#)
Cc: [REDACTED]
Subject: RE: James Yates v. ArDOT, Claim No. 230756
Date: Thursday, February 2, 2023 8:30:34 AM
Attachments: [image001.jpg](#)
[Amended Police Report - Yates.pdf](#)

Good morning, Ms. McDaniel,

Please find attached an Amended Police Report in the above-mentioned claim. The officer's computer glitched and put the incorrect owner's name on Mr. Yate's vehicle. Please let me know if you prefer a mailed copy and I will be happy to mail it.

Sincerely,

Martha-Kay (Gus) Mettler

Odom Law Firm, P.A.
 161 W. Van Asche Loop, Ste. 1
 Fayetteville, AR 72703
 Ph.: (479) 442-7575
 Fax: (479)442-9008



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From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Tuesday, January 10, 2023 12:15 PM
To: Martha-Kay Mettler <mmettler@odomfirm.com>
Subject: James Yates v. ArDOT, Claim No. 230756

Dear Ms. Mettler,

Attached please find a copy of the letter sent with your claim to the Arkansas Department of Transportation.

Thank you,

Caitlin

Caitlin McDaniel

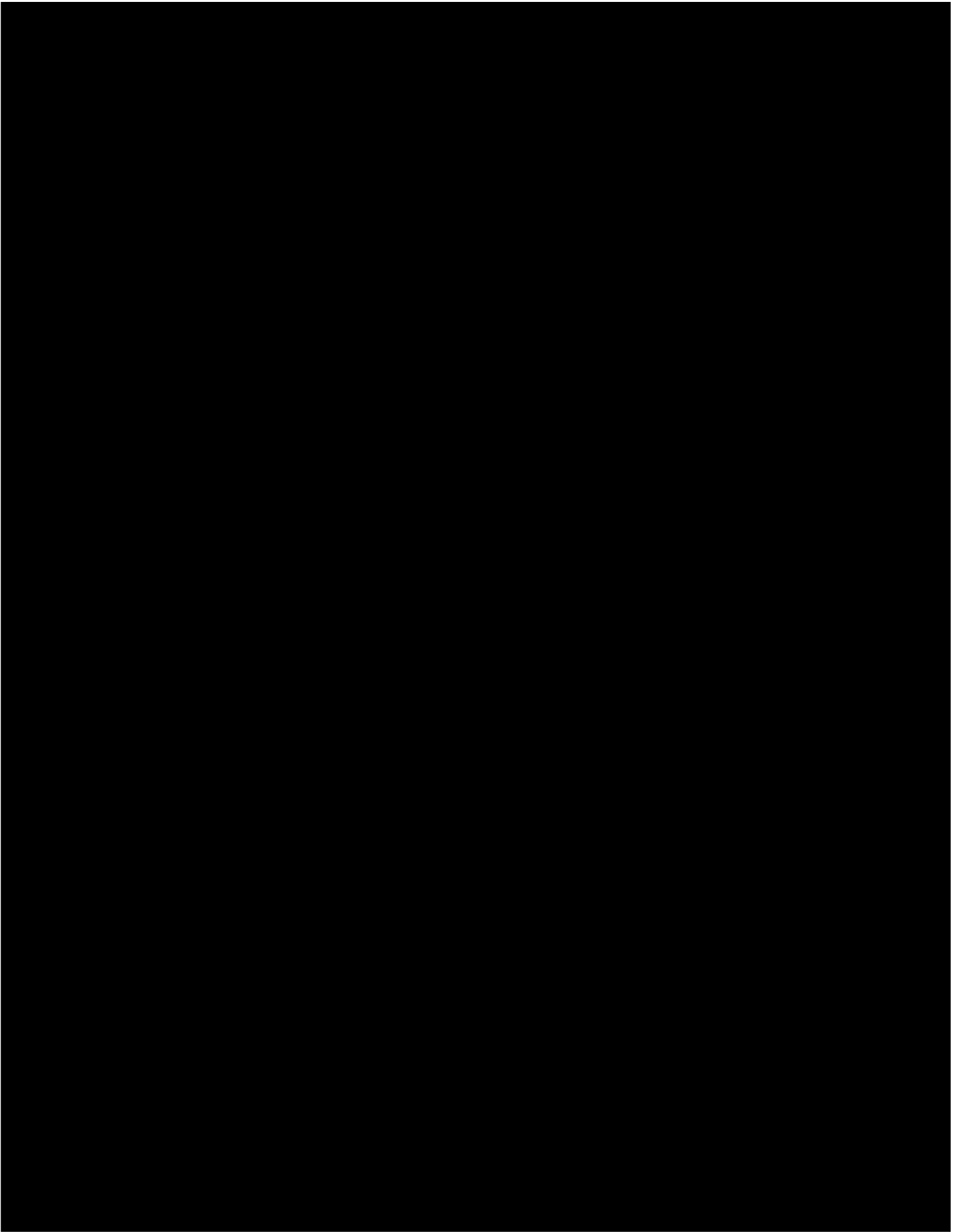
Administrative Specialist II

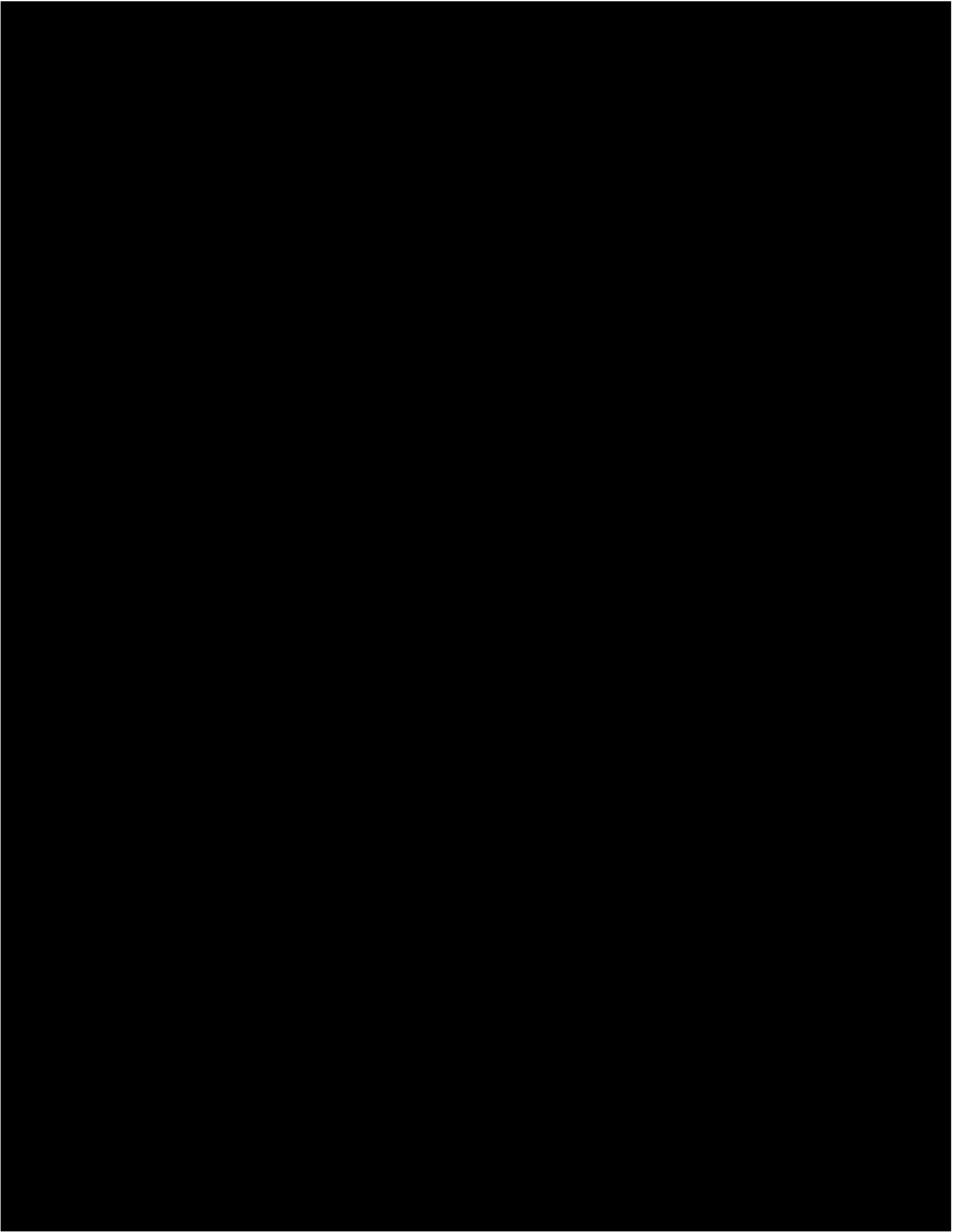
Arkansas State Claims Commission

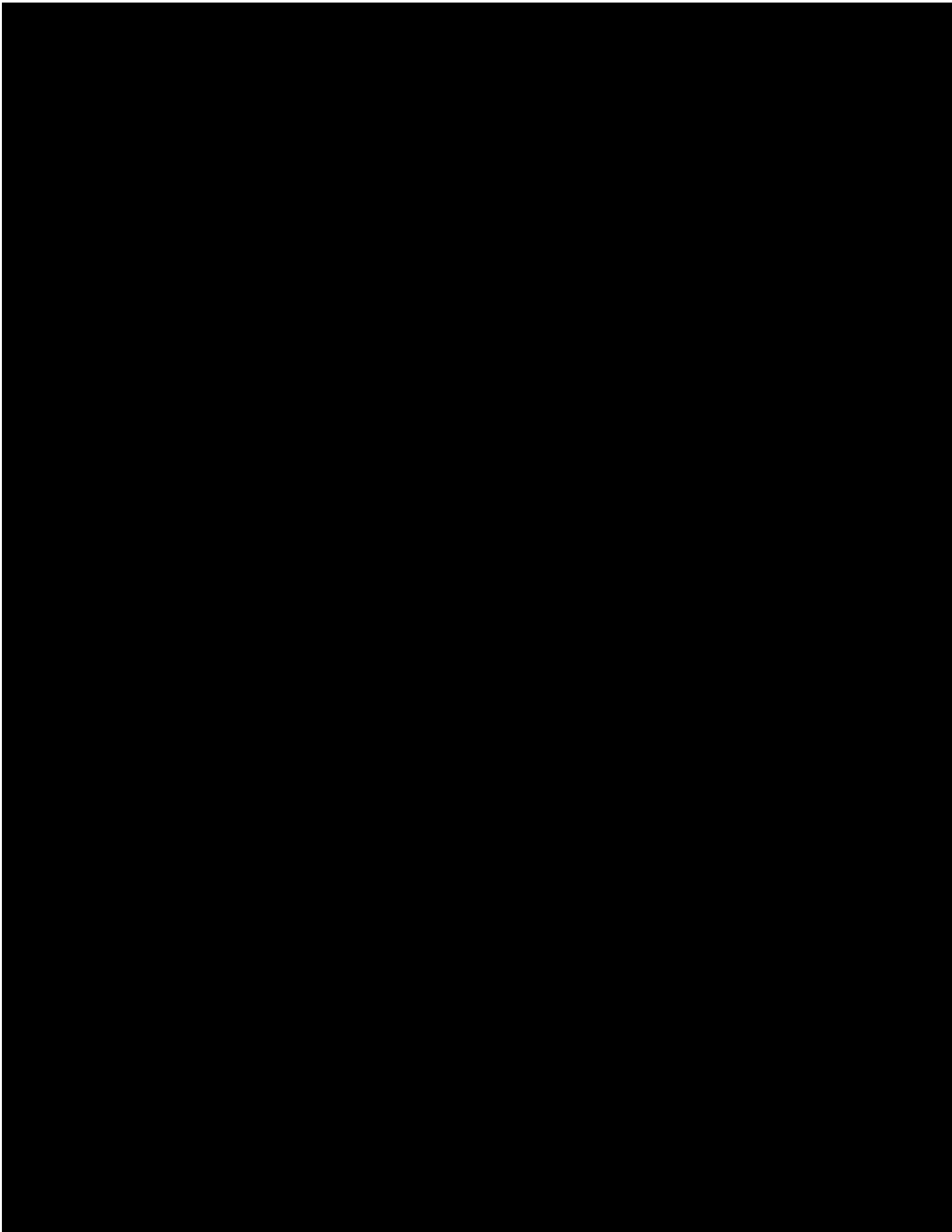
101 East Capitol Avenue, Suite 410

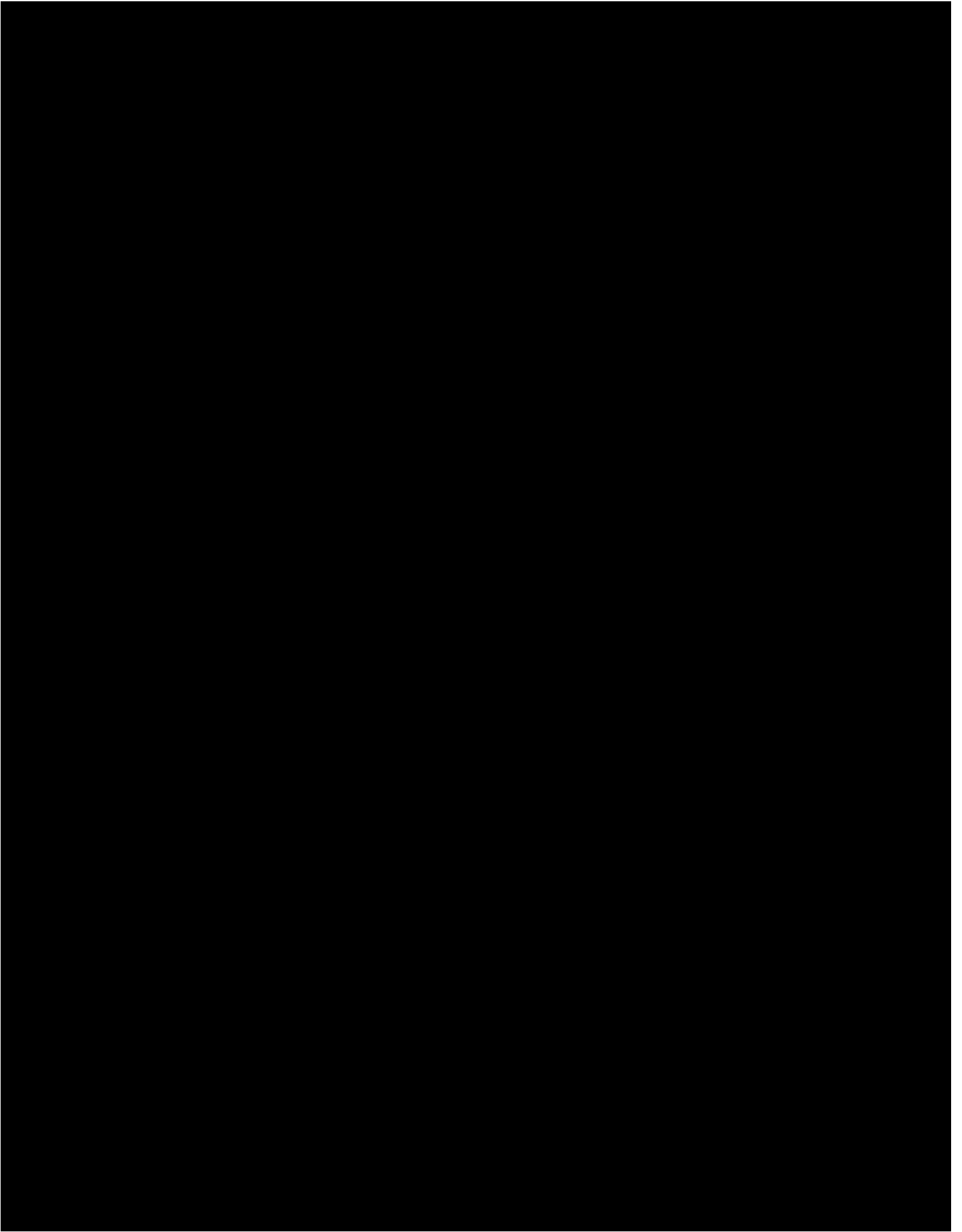
Little Rock, Arkansas 72201

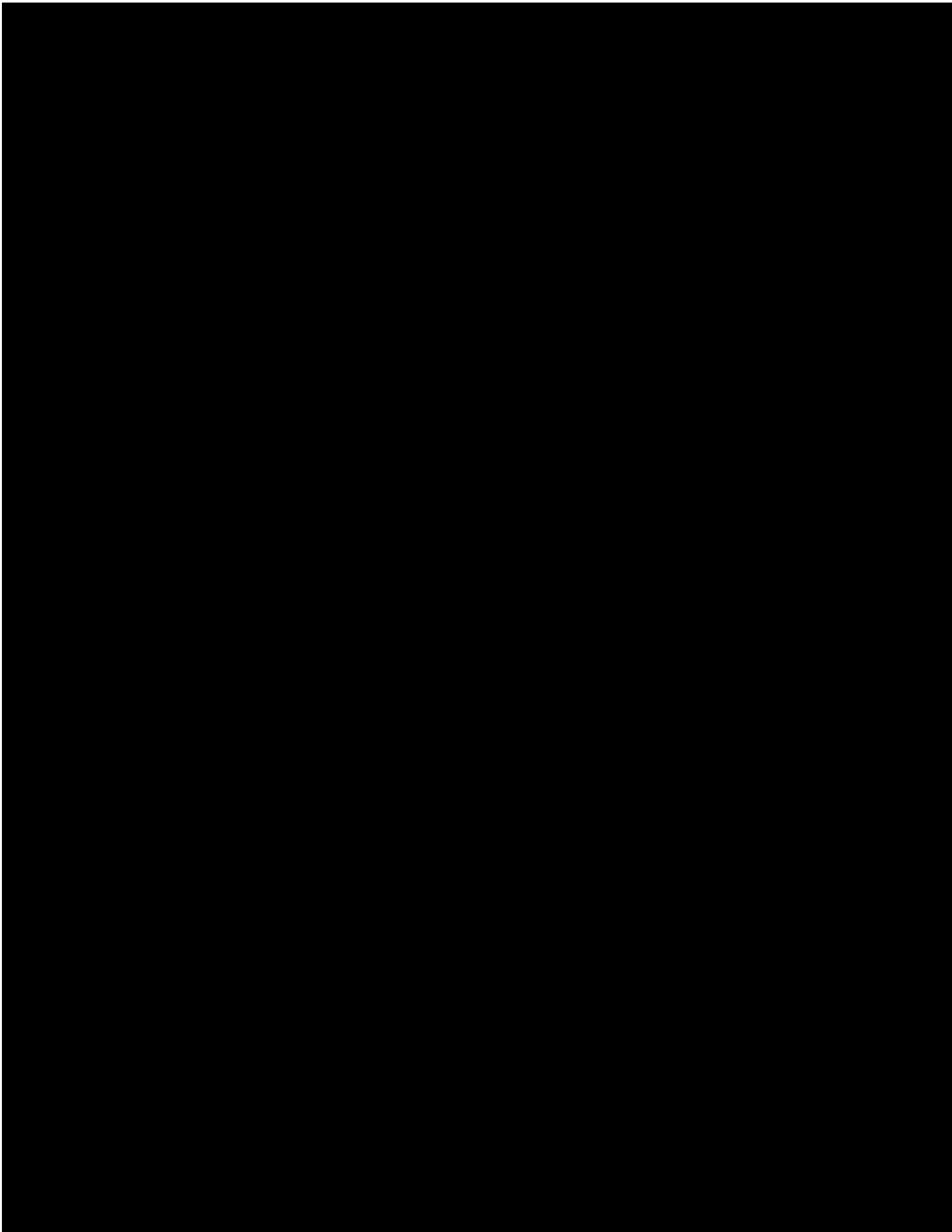
(501) 682-1619

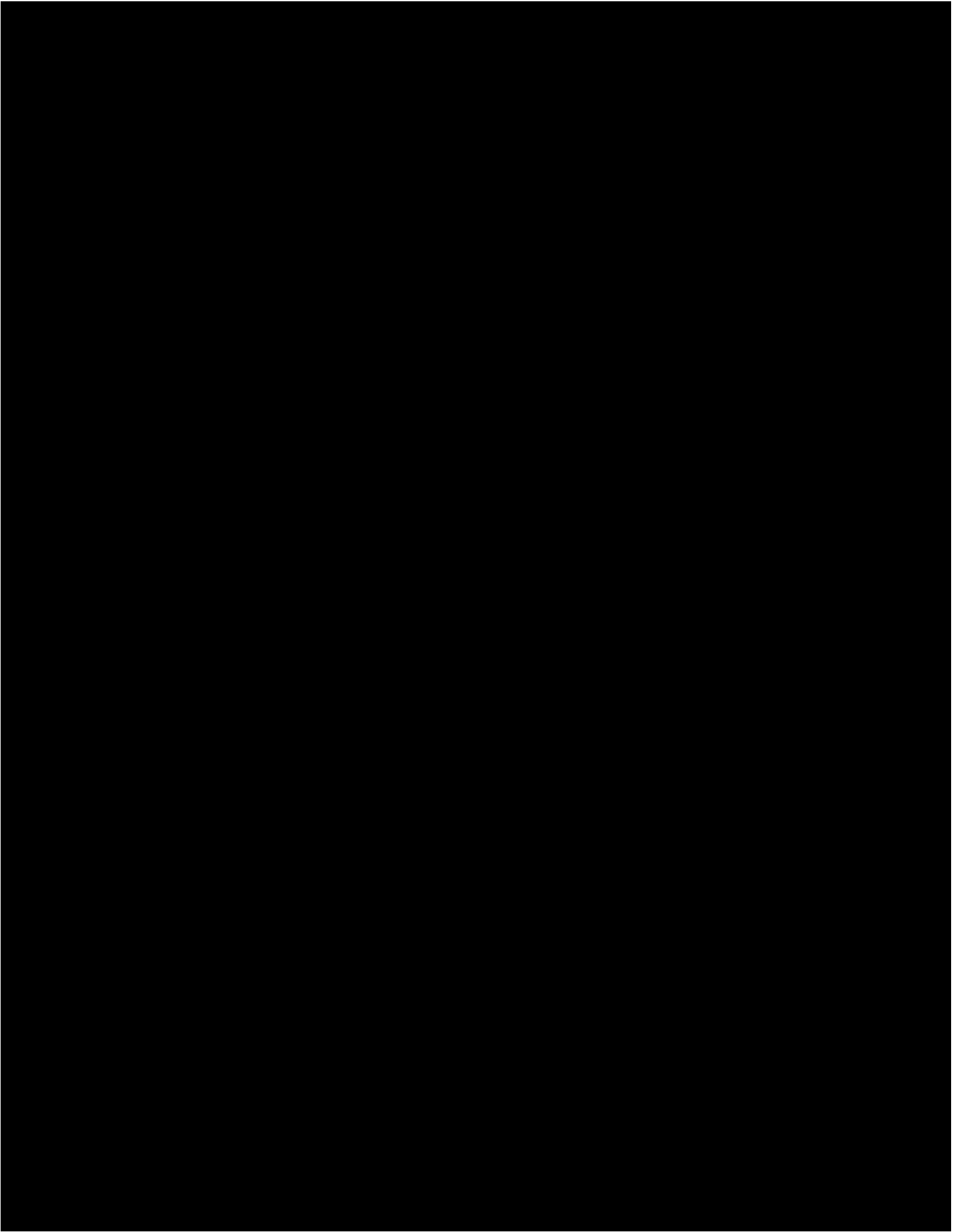


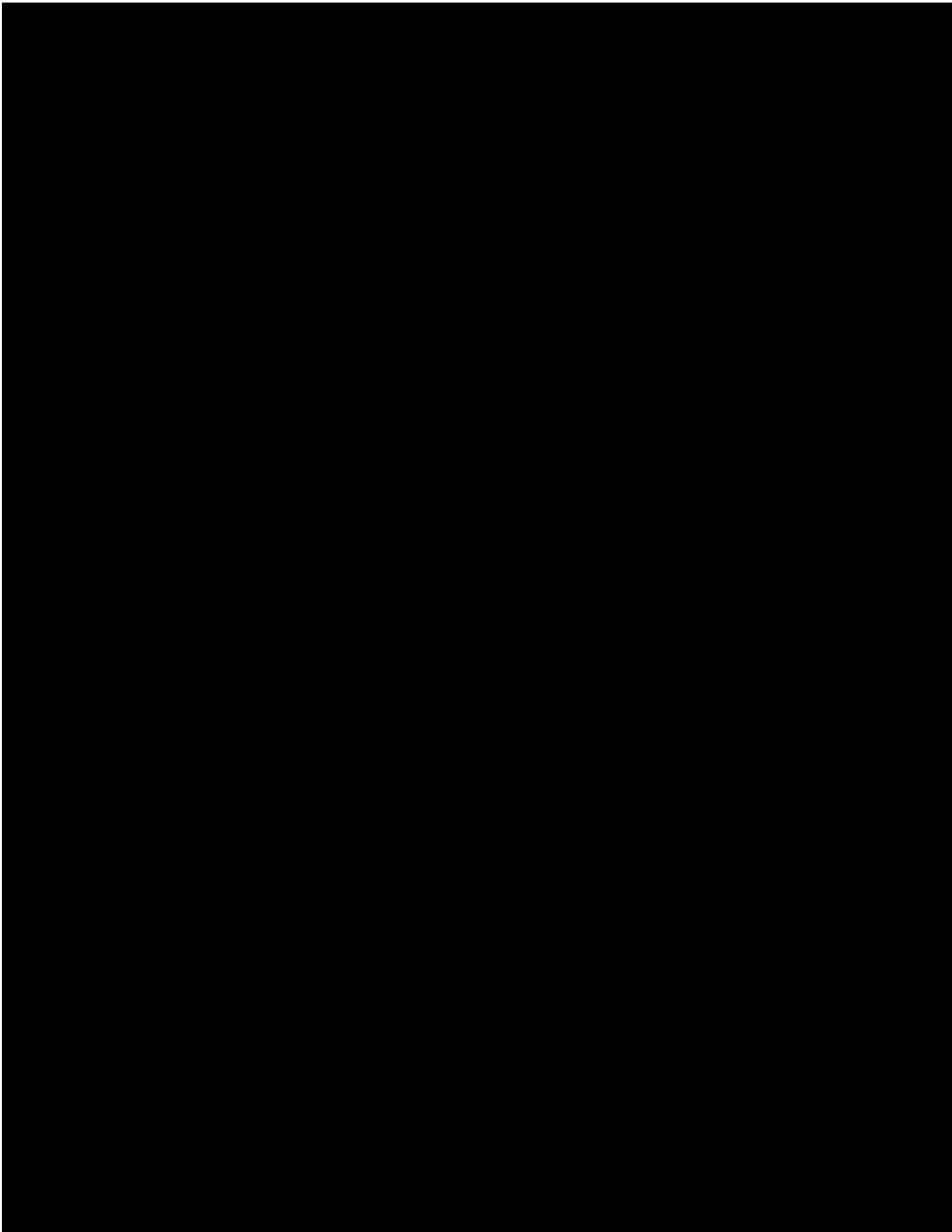


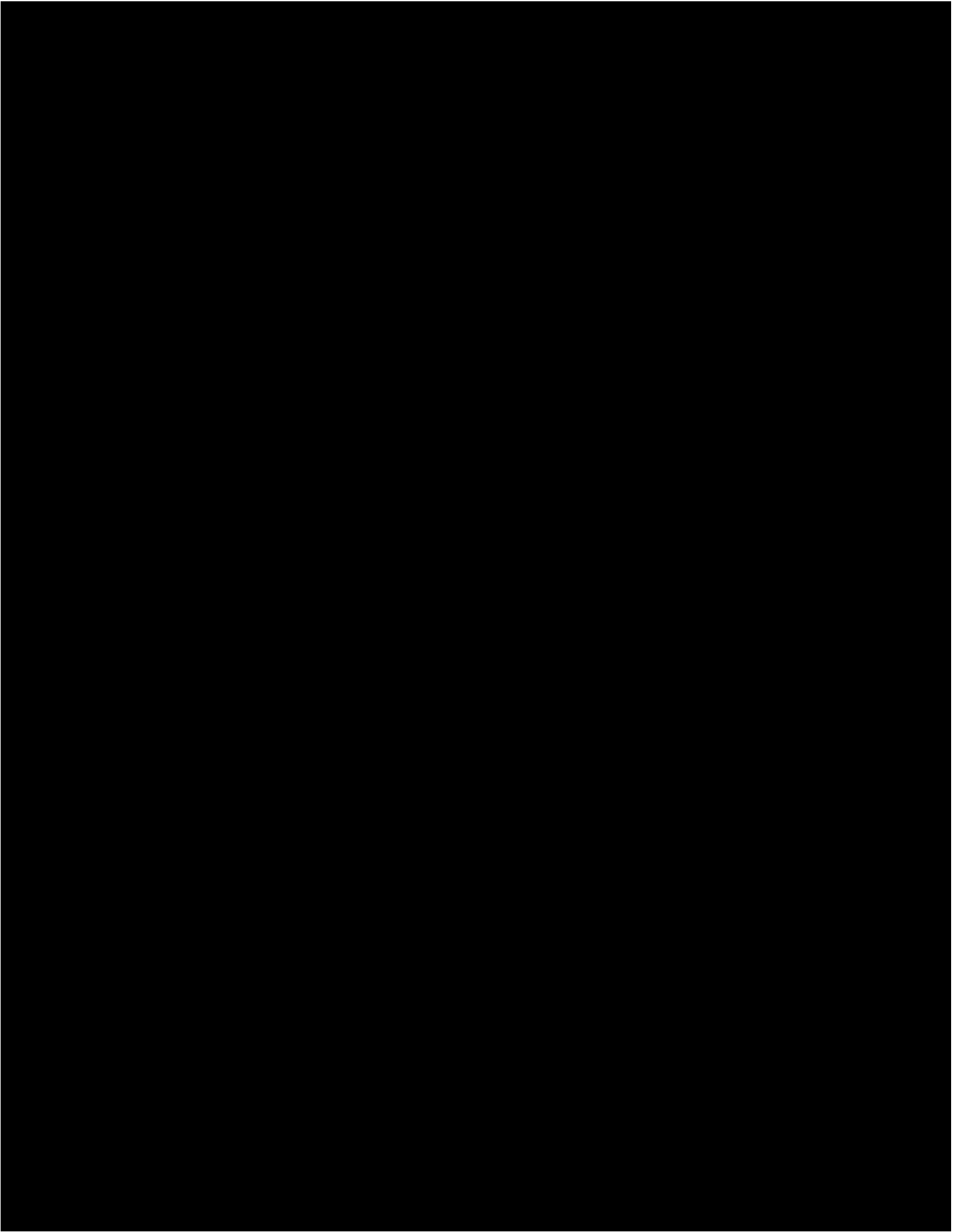


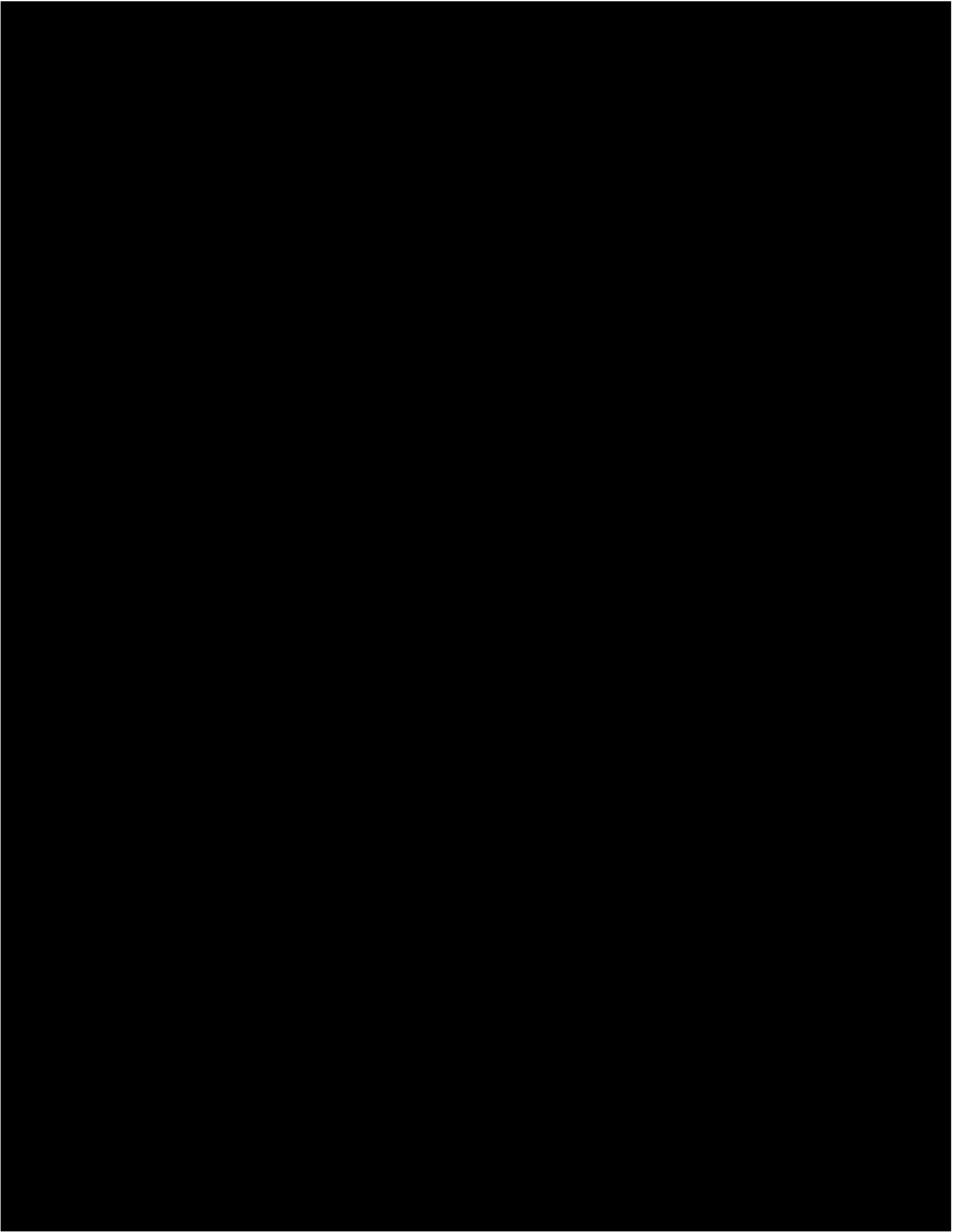


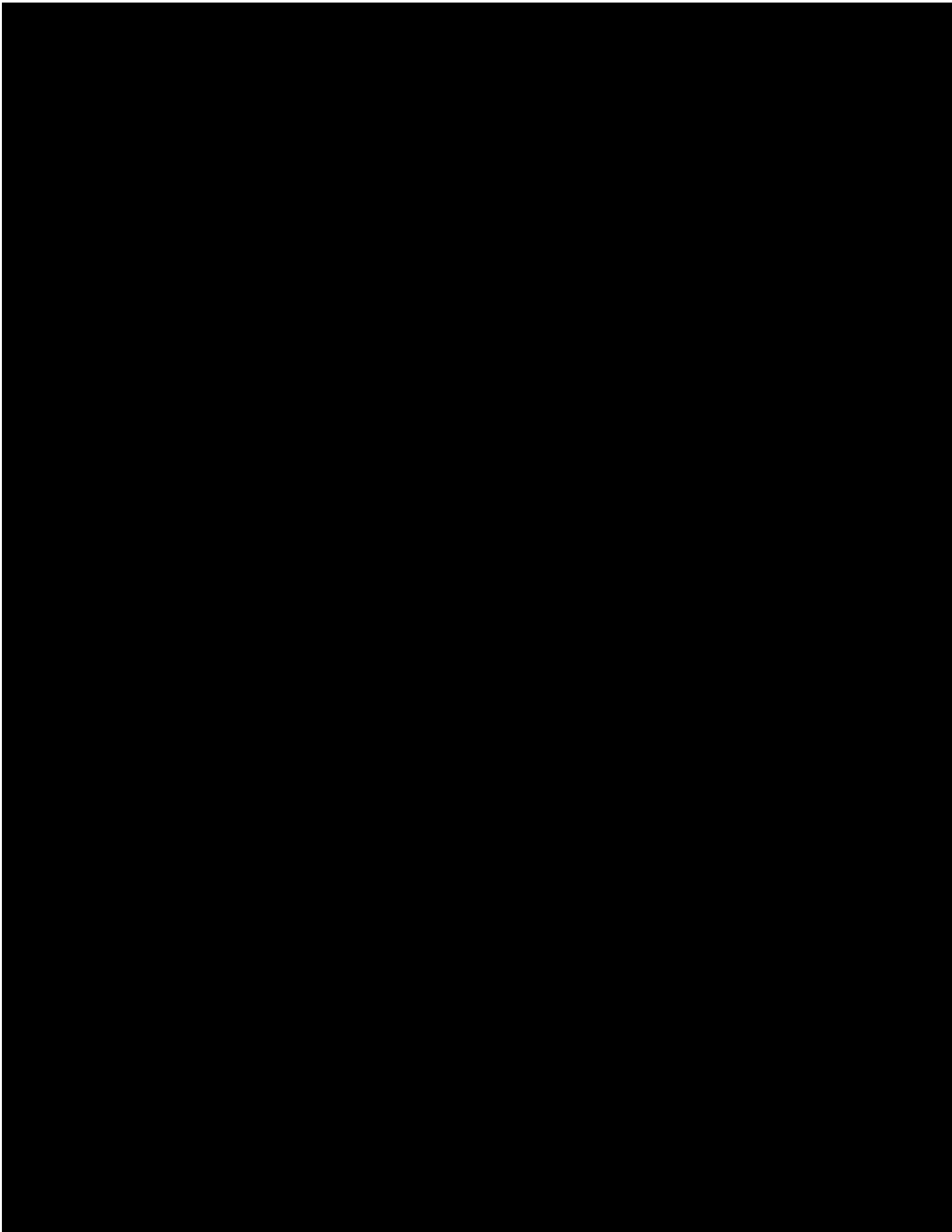


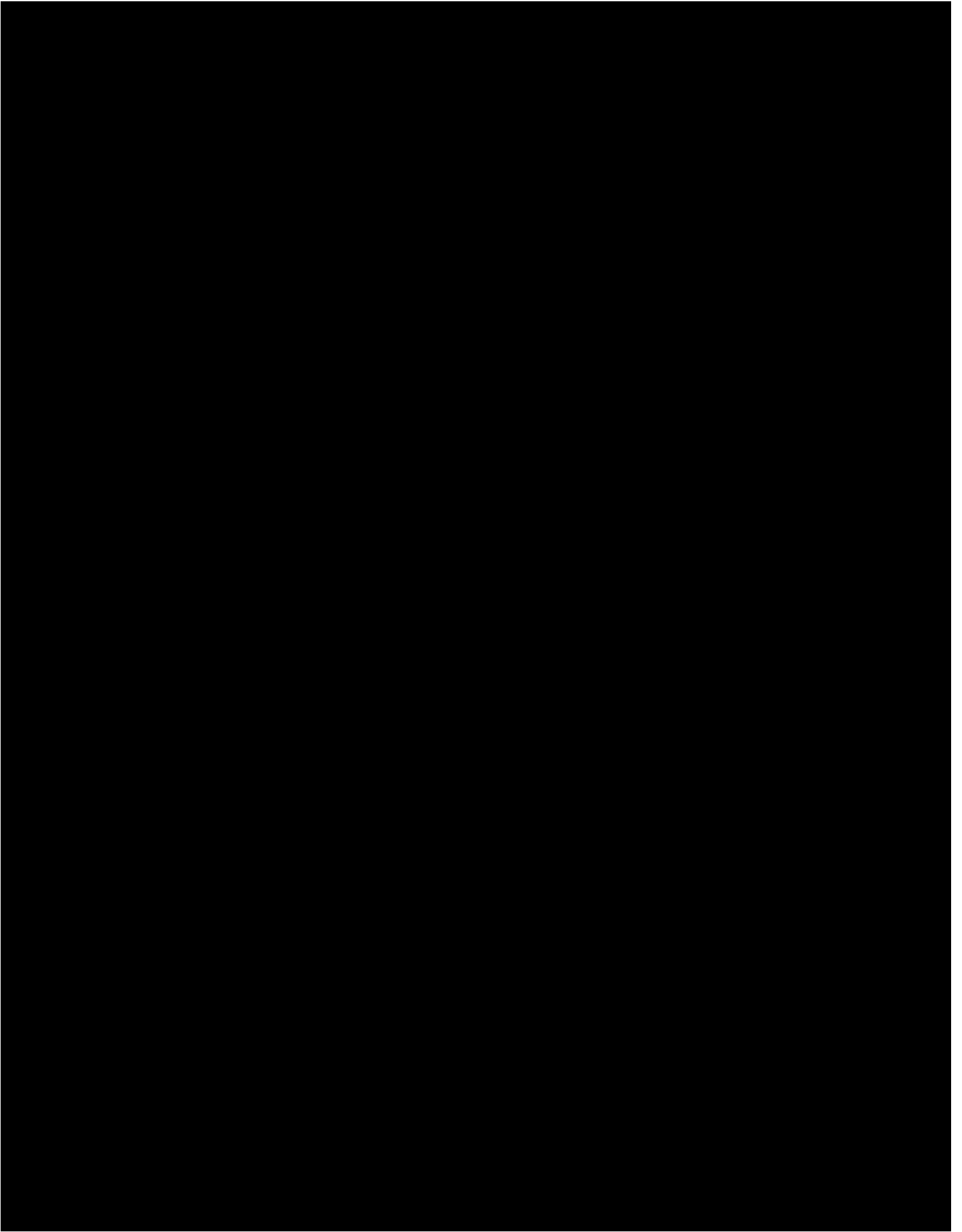


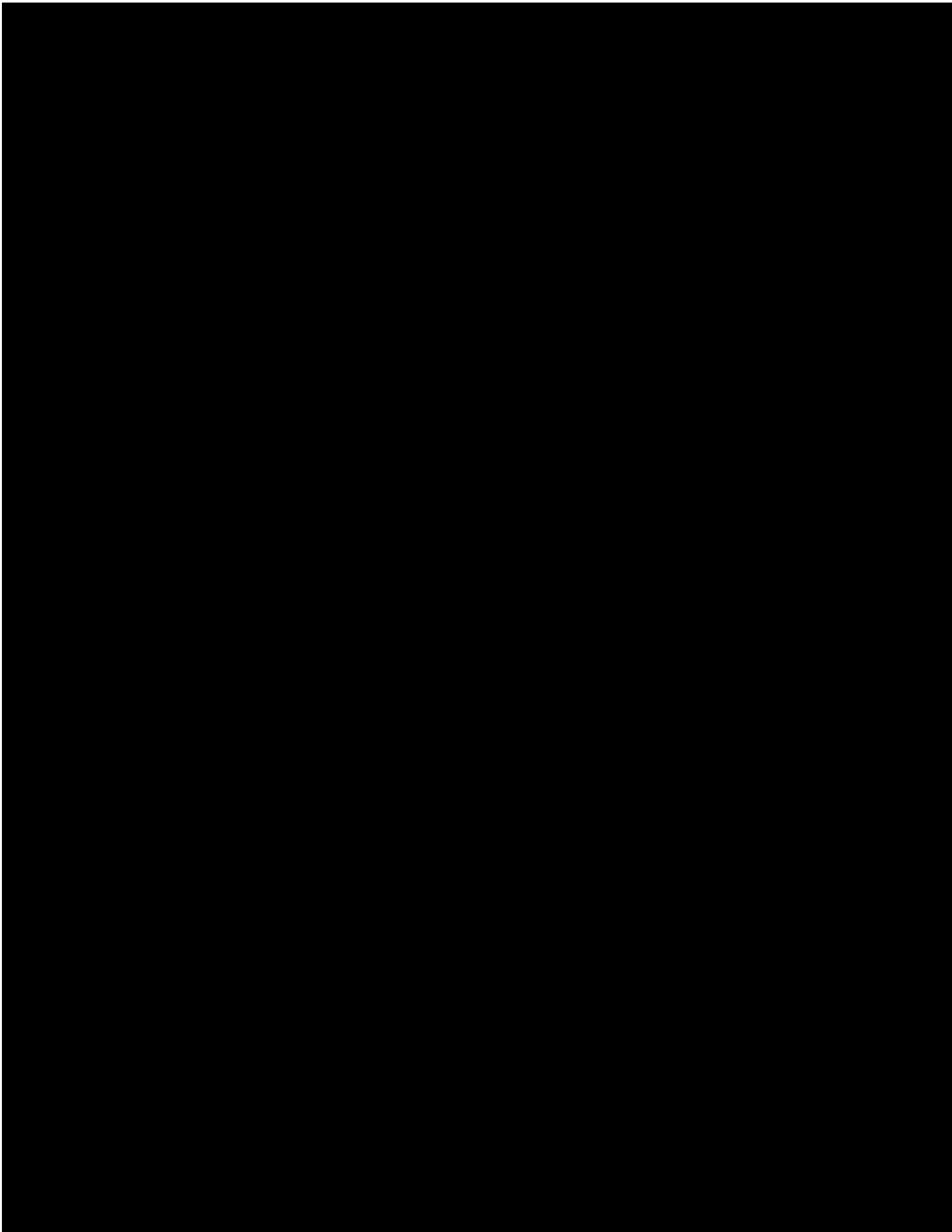












From: [Blakley, Sharon](#)
To: [ASCC Pleadings](#)
Cc: [Andrews, Amanda J.](#); mmettler@odomfirm.com
Subject: James Yates v ARDOT Claim 230756 ANS
Date: Friday, February 3, 2023 1:35:16 PM
Attachments: [image001.png](#)
[Yates.230756.ANS.Cvrltr. 2023.02.03.pdf](#)
[Yates.230756.ANS-MTHA.2023.02.03.pdf](#)

Please acknowledge receipt of the attached Answer for the referenced claim.

Sharon D. Blakley
ARDOT - Legal Office Manager
Tax Intercept Unit Administrator
(501) 569-2022 fax (501)569-2164
Sharon.Blakley@ardot.gov
ArDOT Logo (email)





ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

LEGAL DIVISION | Amanda J. Andrews, Staff Attorney | Amanda.Andrews@ardot.gov
 10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2278 | Fax: 501.569.2164

February 3, 2023

Ms. Kathryn Irby, Director
 Arkansas State Claims Commission
 101 East Capitol Avenue, Suite 410
 Little Rock, AR 72201-3823

(Via Electronic Mail)

Re: *James Yates v. Arkansas Department of Transportation*
 Claim No. 230756

Dear Ms. Irby:

Enclosed please find the Answer of Respondent to be filed in the above-styled claim. I request that you acknowledge receipt at your earliest convenience.

Please do not hesitate to contact me if you have any questions or require anything further.

Respectfully,

Amanda J. Andrews
 Staff Attorney

AJA\sdb
 Enclosures

cc: Martha-Kay(Gus) Mettler
 161 W. Van Asche Loop, Ste 1
 Fayetteville, AR 72703
mmettler@odomfirm.com

**BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS**

JAMES YATES

CLAIMANT

V.

CLAIM NO. 230756

RESPONDENT

ARKANSAS DEPARTMENT OF TRANSPORTATION

**ANSWER OR, IN THE ALTERNATIVE,
MOTION TO HOLD CLAIM IN ABEYANCE**

COMES THE RESPONDENT, Arkansas Department of Transportation, by and through its Staff Attorney, Amanda J. Andrews, and for its Answer or, in the alternative, Motion to Hold Claim in Abeyance, states the following:

1. The Respondent denies all allegations of the Complaint not admitted herein.
2. The Claimant's damage, if any, was not caused by negligence of the Arkansas Department of Transportation or its employees.
3. Affirmatively pleading, the Respondent states that any injuries or damages sustained by the Claimant were proximately caused by Claimant's own contributory fault or negligence, which fault or negligence should bar or mitigate the Claimant's recovery in this case.
4. To date, the Claimant has failed to provide any proof that he has filed a claim with his insurance carrier, GEICO Advantage Insurance Company, for coverage or that any such claim has been denied.
5. Respondent is uninsured and is not required to have insurance pursuant to Arkansas Code Annotated §§ 27-22-101(b) and 27-13-102(d).

6. Arkansas Code Annotated § 19-10-302 requires a Claimant to exhaust all remedies against insurers, stating:

- (a) The Arkansas State Claims Commission shall not dismiss a claim with prejudice on grounds that the claimant has received or is due benefits under a policy of insurance. However, the commission shall hear no claim until the claimant has exhausted all remedies against insurers, including the claimant's insurer.
- (b) Every claim filed with the commission shall be accompanied by a sworn affidavit on a form to be provided by the commission, signed by the claimant and witnessed by the claimant's insurer and legal counsel, if any, that the claimant has exhausted all remedies against insurers, including claimant's insurer. The affidavit shall further state the total amount of insurance benefits paid to the claimant.

7. A copy of Claimant's insurance coverage is attached hereto as Exhibit "A" and incorporated herein by reference. The policy includes coverage for Uninsured Motorist – Bodily Injury in the amount of \$50,000 per person and \$100,000 per accident and Uninsured Motorist – Property Damage in the amount of \$25,000 per accident.

8. The Commission should hold this claim in abeyance until the Claimant has fully exhausted his remedies against his own insurer, GEICO Advantage Insurance Company.

WHEREFORE, Respondent, Arkansas Department of Transportation, prays that the claim be dismissed or, in the alternative, that this matter be held in abeyance pending Claimant's resolution of all claims against any applicable insurance coverage including coverage from Claimant's own insurer.

Respectfully submitted,

ARKANSAS DEPARTMENT OF TRANSPORTATION

Amanda J. Andrews

By: _____
 Amanda J. Andrews, Staff Attorney (Ark. Bar No. 2005205)
 Post Office Box 2261
 Little Rock, AR 72203-2261
 (501) 569-2278
 Amanda.Andrews@ardot.gov

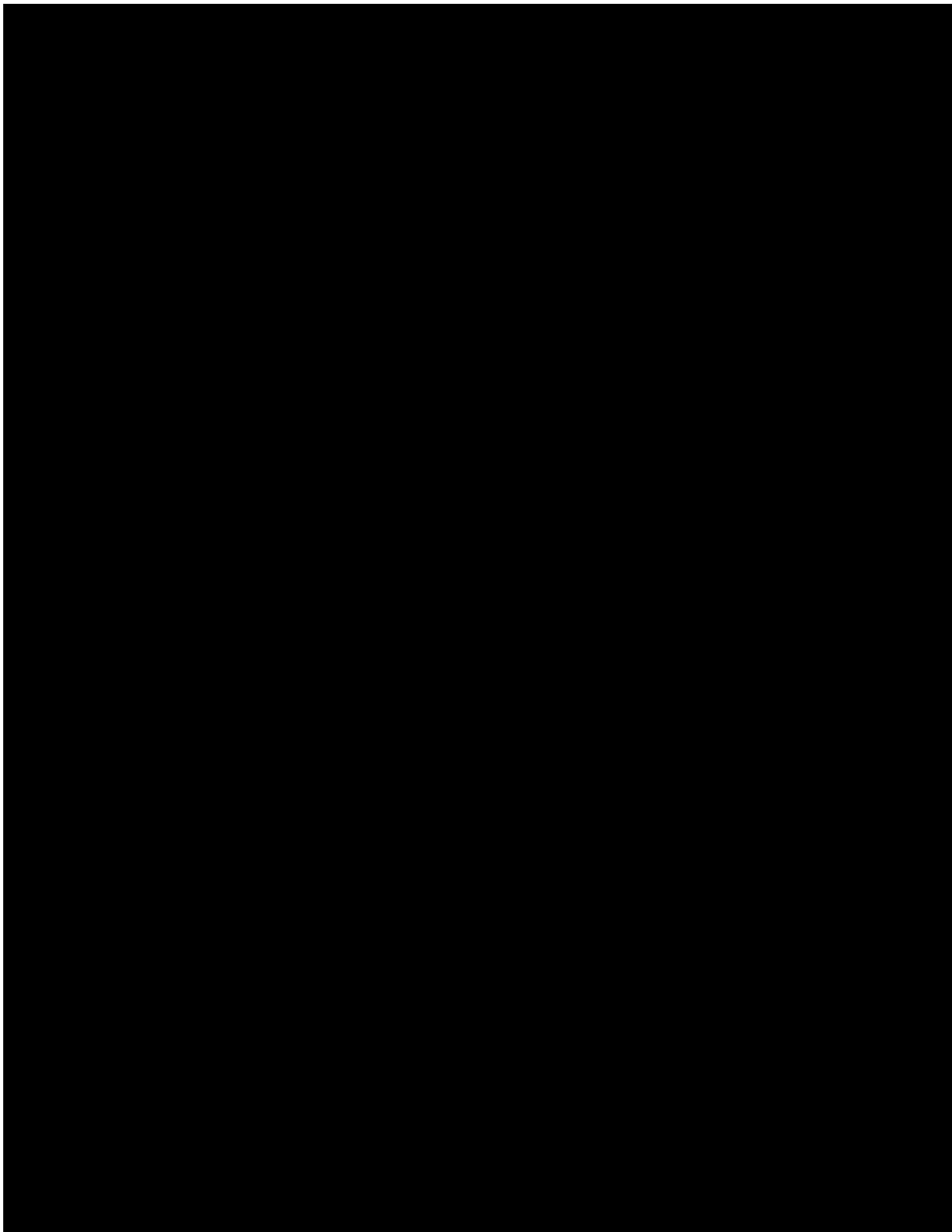
CERTIFICATE OF SERVICE

I, Amanda J. Andrews, certify that a true and correct copy of the foregoing notice has been served upon Counsel for Claimant by delivery of same via electronic mail this 3rd day of February, 2023, to:

Martha-Kay(Gus) Mettler
161 W. Van Asche Loop, Ste 1
Fayetteville, AR 72703
mmettler@odomfirm.com



Amanda J. Andrews



From: [Martha-Kay Mettler](#)
To: [Blakley, Sharon](#); [ASCC Pleadings](#)
Cc: [Andrews, Amanda J.](#); [REDACTED]; [Matthew Lindsay](#)
Subject: RE: James Yates v ARDOT Claim 230756 ANS
Date: Friday, February 3, 2023 1:51:01 PM
Attachments: [image002.jpg](#)
[image003.png](#)

You don't often get email from mmettler@odomfirm.com. [Learn why this is important](#)

Good afternoon,

I have received the Answer for the referenced claim.

Sincerely,

Martha-Kay (Gus) Mettler

Odom Law Firm, P.A.
 161 W. Van Asche Loop, Ste. 1
 Fayetteville, AR 72703
 Ph.: (479) 442-7575
 Fax: (479) 442-9008



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From: Blakley, Sharon <Sharon.Blakley@ardot.gov>
Sent: Friday, February 3, 2023 1:35 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>; Martha-Kay Mettler <mmettler@odomfirm.com>
Subject: James Yates v ARDOT Claim 230756 ANS

Please acknowledge receipt of the attached Answer for the referenced claim.

[Sharon D. Blakley](#)
 ARDOT - Legal Office Manager

Tax Intercept Unit Administrator
(501) 569-2022 fax (501)569-2164
Sharon.Blakley@ardot.gov

ArDOT Logo (email)



From: [ASCC New Claims](#)
To: [Looney, Rita S.](#); [Sparks, Trella A.](#); [Blakley, Sharon](#)
Bcc: ["Kathryn Irby"](#)
Subject: ADD"L DOCS REC"D: James Yates v. ArDOT, Claim No. 230756
Date: Tuesday, February 7, 2023 9:20:00 AM
Attachments: [RE James Yates v. ArDOT Claim No. 230756.msg](#)

Please see attached documents, which were sent to the Claims Commission by the claimant's attorney after the claim was transmitted to ArDOT.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

From: [Martha-Kay Mettler](#)
To: [ASCC New Claims](#)
Cc: [REDACTED]
Subject: RE: James Yates v. ArDOT, Claim No. 230756
Date: Thursday, February 2, 2023 8:30:34 AM
Attachments: [image001.jpg](#)
[Amended Police Report - Yates.pdf](#)

Good morning, Ms. McDaniel,

Please find attached an Amended Police Report in the above-mentioned claim. The officer's computer glitched and put the incorrect owner's name on Mr. Yate's vehicle. Please let me know if you prefer a mailed copy and I will be happy to mail it.

Sincerely,

Martha-Kay (Gus) Mettler

Odom Law Firm, P.A.
 161 W. Van Asche Loop, Ste. 1
 Fayetteville, AR 72703
 Ph.: (479) 442-7575
 Fax: (479)442-9008



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From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Tuesday, January 10, 2023 12:15 PM
To: Martha-Kay Mettler <mmettler@odomfirm.com>
Subject: James Yates v. ArDOT, Claim No. 230756

Dear Ms. Mettler,

Attached please find a copy of the letter sent with your claim to the Arkansas Department of Transportation.

Thank you,

Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**JAMES YATES****CLAIMANT****V.****CLAIM NO. 230756****ARKANSAS DEPARTMENT OF
TRANSPORTATION****RESPONDENT****ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas Department of Transportation (the “Respondent”) to hold this claim in abeyance until James Yates (the “Claimant”) has exhausted all remedies against insurers for his injuries and damages related to the October 19, 2022, accident. Claimant did not respond to the motion. As such, the Commission GRANTS Respondent’s motion and places this claim in abeyance to allow Claimant to exhaust his insurance remedies pursuant to Ark. Code Ann. § 19-10-302.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: June 16, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Kathryn Irby](#)
To: [Martha-Kay Mettler](#); [Blakley, Sharon](#)
Cc: [Andrews, Amanda J.](#); [Matthew Lindsay](#)
Subject: ORDER: Yates v. ArDOT, Claim No. 230756
Date: Monday, June 19, 2023 6:53:00 AM
Attachments: [11--WITH AFF--Yates--230756--abeyance motion granted.pdf](#)
[Affidavit re exhaustion of insurance remedies.pdf](#)

Ms. Mettler and Ms. Andrews, please see attached order entered by the Commission. I am also attaching a form affidavit for Ms. Mettler's use in complying with Ark. Code Ann. 19-10-302.

Thanks,
Kathryn Irby

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

AFFIDAVIT REGARDING EXHAUSTION OF INSURANCE REMEDIES

Ark. Code Ann. § 19-10-302(b): Every claim filed with the commission shall be accompanied by a sworn affidavit, on a form to be provided by the commission, signed by the claimant and witnessed by the claimant's insurer and legal counsel, if any, that the claimant has exhausted all remedies against insurers, including the claimant's insurer. The affidavit shall further state the total amount of insurance benefits paid to the claimant.

****Please attach additional pages, if needed, to provide the information requested.****

State of _____

County of _____

I, _____, swear under oath that I have **taken the following actions to exhaust my remedies against insurers**, including my insurer:

I hereby state that I have **received the following payments from insurers**:

I hereby state under oath that the foregoing statements are true and correct to the best of my knowledge.

Signature of Affiant

Witnessed by _____, _____ with _____.
(print name) (title) (Claimant's insurer)

(signature)

If you did not have insurance coverage for the applicable person, vehicle, or property, write N/A on these blanks.

Witnessed by _____, legal counsel for Claimant, if any.
(print name)

(signature)

If you are not represented by an attorney, write N/A on these blanks.

Subscribed and sworn to me on _____ day of _____, 20____.

Signature of Notary Public

My commission expires: _____.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES YATES

CLAIMANT

V.

CLAIM NO. 230756

ARKANSAS DEPARTMENT OF
TRANSPORTATION

RESPONDENT

RULE 41(B) NOTICE

Now before the Arkansas State Claims Commission (the “Commission”) is the claim of James Yates (the “Claimant”) against the Arkansas Department of Transportation (the “Respondent”). More than 12 months have passed without any substantive action by Claimant shown on the record.¹ As such, pursuant to Ark. R. Civ. Proc. 41(b), the Commission directs that this claim will be dismissed for want of prosecution unless, **on or before June 26, 2025**, Claimant files a statement establishing good cause why this claim should remain on the Commission’s docket.

¹ On June 19, 2023, the Commission transmitted an order to the parties placing this claim in abeyance to allow Claimant to exhaust his insurance remedies.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: June 5, 2025

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(b). If a Motion for Reconsideration is denied, that party then has twenty (20) days from transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(b)(3). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(b). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: mmettler@odomfirm.com; mlindsay@odomfirm.com; michelle.davenport@ardot.gov
Cc: [ASCC Pleadings](#); [Kathryn Irby](#); [Blakley, Sharon D.](#); [Mika Tucker](#)
Subject: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756
Date: Thursday, June 5, 2025 3:18:34 PM
Attachments: [James Yates v. ADOT.pdf](#)
[James Yates-rule 41b notice.pdf](#)

Ms. Mettler and Ms. Davenport:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619
FAX (501) 682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS
72201-3823

June 5, 2025

Ms. Martha-Kay Crowder
Odom Law Firm
161 West Van Asche Loop, Suite 1
Fayetteville, Arkansas 72703

*(via U.S. mail and email to
mmettler@odomfirm.com and
mlindsay@odomfirm.com)*

Ms. Michelle Davenport
Arkansas Department of Transportation
Post Office Box 2261
Little Rock, Arkansas 72203-2261

(via email)

RE: ***James Yates v. Arkansas Department of Transportation***
Claim No. 230756

Dear Ms. Mettler and Ms. Davenport:

Enclosed please find the Rule 41(b) Notice entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: msscott

From: [Kathryn Irby](#)
To: [Martha-Kay Mettler](#)
Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756
Date: Sunday, June 15, 2025 3:47:00 PM
Attachments: [image001.png](#)
[image003.png](#)

Ms. Crowder, the claim was filed electronically on 12/8/2022, and the signature page and supporting documents were submitted on 1/3/2023.

Thanks,
 Kathryn Irby

From: Martha-Kay Mettler <mcrowder@odomfirm.com>
Sent: Tuesday, June 10, 2025 10:41 AM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

You don't often get email from mcrowder@odomfirm.com. [Learn why this is important](#)

Good morning, Kathryn,

Can you please share when our initial claim was filed? I show where we initially mailed it to you all, but I am unsure what the actual filing date was.

Sincerely,



Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings
Sent: Thursday, June 5, 2025 3:19 PM
To: Martha-Kay Mettler <mcrowder@odomfirm.com>; Matthew Lindsay <MLindsay@odomfirm.com>; michelle.davenport@ardot.gov

Cc: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>;
Blakley, Sharon D. <sharon.blakley@ardot.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>
Subject: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

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You may be required to authenticate, in that case follow these instructions:

1. You will be directed to a page where you would be requested to specify your email address.
2. An email with verification code will be sent to you.
3. Copy the code and return to the attachment recovery page.
4. The email with original attachments will be released to your mailbox.

Please exercise discretion when requesting to release suspicious attachments.

Ms. Mettler and Ms. Davenport:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

From: [Martha-Kay Mettler](#)
To: [ASCC Pleadings](#); [Matthew Lindsay](#); michelle.davenport@ardot.gov
Cc: [Kathryn Irby](#); [Blakley, Sharon D.](#); [Mika Tucker](#); [Andrews, Amanda J.](#); [\[REDACTED\].filevineapp.com](#)
Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756
Date: Wednesday, June 25, 2025 9:06:35 AM
Attachments: [image001.png](#)
[image003.png](#)
[CLAIMANT'S STATEMENT OF GOOD CAUSE IN RESPONSE COMMISSION'S RULE 41\(B\) NOTICE - Yates.pdf](#)

Some people who received this message don't often get email from mcrowder@odomfirm.com. [Learn why this is important](#)

Good morning,

Please see attached for filing.

Sincerely,



Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings

Sent: Thursday, June 5, 2025 3:19 PM

To: Martha-Kay Mettler <mcrowder@odomfirm.com>; Matthew Lindsay <MLindsay@odomfirm.com>; michelle.davenport@ardot.gov

Cc: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; Blakley, Sharon D. <sharon.blakley@ardot.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>

Subject: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

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3. Copy the code and return to the attachment recovery page.
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Ms. Mettler and Ms. Davenport:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES YATES

CLAIMANT

v.

CLAIM NO. 230756

ARKANSAS DEPARTMENT OF
TRANSPORTATION

RESPONDENT

**CLAIMANT'S STATEMENT OF GOOD CAUSE IN RESPONSE TO THE
COMMISSION'S RULE 41(B) NOTICE**

COMES NOW the Claimant, James Yates, by and through his undersigned counsel, and for his Statement of Good Cause in Response to the Commission's Rule 41(B) Notice, states and alleges the following:

1. This case arises from a motor vehicle collision (hereinafter the "Collision") between Claimant, James Yates, and Respondent, the Arkansas Department of Transportation, in Beebe, White County, Arkansas on October 19, 2022.

2. On or about January 10, 2023, Claimant initiated the above-captioned Claim while continuing to seek treatment for the injuries sustained in the Collision. In response, Respondent filed a Motion to Hold the Claim in Abeyance (hereinafter the "Motion") to allow the Claimant time to exhaust his insurance remedies pursuant to Ark. Code. Ann. § 19-10-302.

3. Respondent's Motion was granted by the Commission on June 16, 2023. The Commission's Order Granting Abeyance (hereinafter the "Order") did not explicitly state a deadline in which Claimant was required to exhaust his insurance remedies.

4. In the time since the Order was entered, Claimant continued and completed treatment and has recently exhausted his uninsured motorist coverage through [REDACTED]

██████████. See *Affidavit Regarding Exhaustion of Insurance Remedies*, attached and incorporated by reference herein as **Exhibit “A.”**

5. As such, Claimant is prepared to move forward with prosecuting this Claim and respectfully asks that the Commission allow him to proceed accordingly.

WHEREFORE, Claimant James Yates, prays that his claim remains open so that he may move forward with prosecution.

Respectfully submitted,

JAMES YATES

By: Martha-Kay Crowder
Martha-Kay (Gus) Crowder, ABA 2022166
Matthew L. Lindsay, ABA 2004028
Odom Law Firm, PA
161 W. Van Asche Loop, Ste. 1
Fayetteville, AR 72703
P: 479-442-7575
F: 479-442-9008
Mcrowder@odomfirm.com
MLindsay@odomfirm.com

CERTIFICATE OF SERVICE

I, Martha-Kay (Gus) Crowder, certify that a true and correct copy of the foregoing notice has been served upon the Arkansas Department of Transportation by delivery of same via electronic mail this 25th day of June, 2025, to:

Amanda J. Andrews
Michelle Davenport
PO Box 2261
Little Rock, AR 72203-2261
Amanda.Andrews@ardot.gov
michelle.davenport@ardot.gov

AFFIDAVIT REGARDING EXHAUSTION OF INSURANCE REMEDIES

Ark. Code Ann. § 19-10-302(b): Every claim filed with the commission shall be accompanied by a sworn affidavit, on a form to be provided by the commission, signed by the claimant and witnessed by the claimant's insurer and legal counsel, if any, that the claimant has exhausted all remedies against insurers, including the claimant's insurer. The affidavit shall further state the total amount of insurance benefits paid to the claimant.

Please attach additional pages, if needed, to provide the information requested.

State of Arkansas

County of Washington

I, James Yates, swear under oath that I have taken the following actions to exhaust my remedies against insurers, including my insurer:

[REDACTED]

I hereby state that I have received the following payments from insurers:

\$50,000.00 - Uninsured Motorist from [REDACTED]

[REDACTED]

I hereby state under oath that the foregoing statements are true and correct to the best of my knowledge.

James Yates

Signature of Affiant

Witnessed by Tabitha Little (print name) Claims Supv (title) with GEICO Advantage (Claimant's insurer)

Tabitha Little
(signature)

If you did not have insurance coverage for the applicable person, vehicle, or property, write N/A on these blanks.

Witnessed by Marna Kay Crowder (print name), legal counsel for Claimant, if any.

Marna Kay Crowder
(signature)

If you are not represented by an attorney, write N/A on these blanks.

Subscribed and sworn to me on 24th day of June, 2025.

[Signature]
Signature of Notary Public

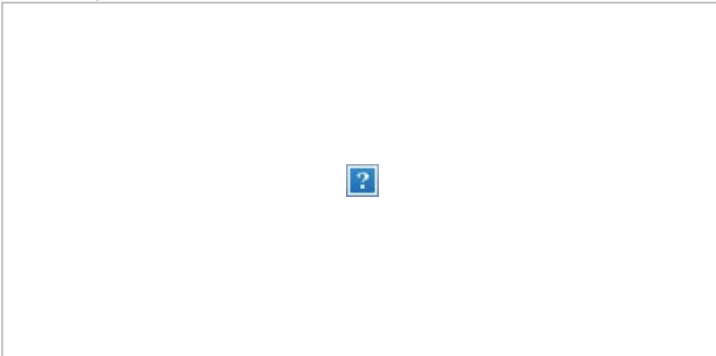
My commission expires: 5/9/29

OFFICIAL SEAL - #12707707
ELIZABETH DAVIS
NOTARY PUBLIC-ARKANSAS
WASHINGTON COUNTY
MY COMMISSION EXPIRES: 05-09-29

From: [Martha-Kay Mettler](#)
To: [Kathryn Irby](#)
Cc: [REDACTED]
Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756
Date: Tuesday, September 23, 2025 9:25:13 AM
Attachments: [image003.png](#)
[image005.png](#)
[image001.png](#)

It absolutely does and I appreciate the clarification. This is my first time working on a Claims Commission case, so I really appreciate your patience and clearing up my confusion.

Sincerely,



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From: Kathryn Irby <kathryn.irby@arkansas.gov>
Sent: Tuesday, September 23, 2025 9:23 AM
To: Martha-Kay Mettler <mcrowder@odomfirm.com>
Cc: [REDACTED]
Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

I don't think my email was very clear, and I apologize for any misunderstanding. The Commission entered the 41b notice in June. You responded, and the Commission typically either (1) enters an order allowing the claim to proceed or (2) setting a hearing on the Claimant's response to the 41b notice. I am submitting the claim file to the Commission with a proposed order allowing the claim to proceed.

Does that make sense?

Kathryn

From: Martha-Kay Mettler <mcrowder@odomfirm.com>
Sent: Tuesday, September 23, 2025 9:10 AM
To: Kathryn Irby <kathryn.irby@arkansas.gov>

Cc: [REDACTED]

Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

Kathryn,

Forgive me if I am misunderstanding, but I was under the impression that the Commission entered the 41(b) Notice on June 5, 2025. We then filed our response on June 25, 2025 and received correspondence that it was received for filing by Misty Scott. Has it not been filed?



Sincerely,

**Confidential & Privileged**

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From: Kathryn Irby <kathryn.irby@arkansas.gov>
Sent: Tuesday, September 23, 2025 9:00 AM
To: Martha-Kay Mettler <mcrowder@odomfirm.com>
Cc: [REDACTED]
Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

Ms. Crowder, thank you for your email. I am submitting this 41b notice and your response to the Commission for an order. I expect to have something for the parties in the next 3 weeks. Please reach out if you have not received anything from me by October 15.

Kathryn Irby

Kathryn Irby
Arkansas State Claims Commission
 101 East Capitol Avenue, Suite 410
 Little Rock, Arkansas 72201
 (501) 682-2822

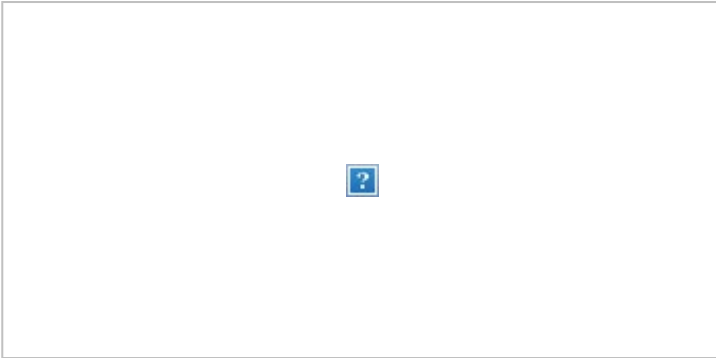
From: Martha-Kay Mettler <mcrowder@odomfirm.com>
Sent: Monday, September 22, 2025 5:02 PM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: [REDACTED]
Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

You don't often get email from mcrowder@odomfirm.com. [Learn why this is important](#)

Good afternoon,

Please advise if the Commission ever filed anything in response to our Statement of Good Cause filed and referenced in the previous email thread below. We have submitted our demand to ARDOT and are awaiting their response.

Sincerely,



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From: Kathryn Irby <kathryn.irby@arkansas.gov>
Sent: Sunday, June 15, 2025 3:47 PM
To: Martha-Kay Mettler <mcrowder@odomfirm.com>
Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

Ms. Crowder, the claim was filed electronically on 12/8/2022, and the signature page and supporting documents were submitted on 1/3/2023.

Thanks,
 Kathryn Irby

From: Martha-Kay Mettler <mcrowder@odomfirm.com>
Sent: Tuesday, June 10, 2025 10:41 AM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Subject: RE: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

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Good morning, Kathryn,

Can you please share when our initial claim was filed? I show where we initially mailed it to you all, but I am unsure what the actual filing date was.

Sincerely,



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From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings

Sent: Thursday, June 5, 2025 3:19 PM

To: Martha-Kay Mettler <mcrowder@odomfirm.com>; Matthew Lindsay <MLindsay@odomfirm.com>; michelle.davenport@ardot.gov

Cc: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; Blakley, Sharon D. <sharon.blakley@ardot.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>

Subject: Rule 41b Notice: James Yates v. ADOT, Claim No. 230756

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4. The email with original attachments will be released to your mailbox.

Please exercise discretion when requesting to release suspicious attachments.

Ms. Mettler and Ms. Davenport:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

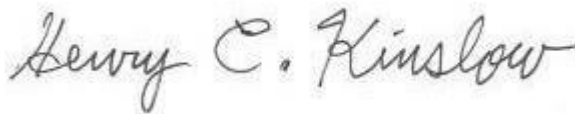
BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**JAMES YATES****CLAIMANT****V.****CLAIM NO. 230756****ARKANSAS DEPARTMENT OF
TRANSPORTATION****RESPONDENT****ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is the response filed by James Yates (the “Claimant”) to the Rule 41(b) Notice issued by the Commission on June 5, 2025. Claimant filed a timely response on June 25, 2025. The Arkansas Department of Transportation (the “Respondent”) did not object to Claimant’s response or to Claimant’s request that this claim move forward. As such, and in light of the Claimant’s submission of his affidavit pursuant to Ark. Code Ann. § 25-44-302, the Commission finds that this claim should proceed into discovery.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: October 3, 2025

Notices which may apply to this claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(a)(3).
- (2) If a Claimant is awarded \$15,000.00 or less by the Commission at hearing, that award is held forty (40) days from the date of disposition before payment will be processed to allow either party to utilize its remedies under Ark. Code Ann. § 25-44-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of more than \$15,000.00 are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 25-44-215(b).

From: [Kathryn Irby](#)
To: mmettler@odomfirm.com
Cc: [Martinez, Ivan](#); [Newberry, Helen A.](#); cody.eenigenburg@ardot.gov; [Blakley, Sharon D.](#); [Wallace, Courtney E.](#)
Bcc: [Mika Tucker](#)
Subject: ORDER: Yates v. ArDOT, Claim No. 230756
Date: Friday, October 3, 2025 11:41:00 AM
Attachments: [C27--Yates v. ArDOT, 230756.pdf](#)

Ms. Crowder and ArDOT attorneys Martinez, Newberry, and Eenigenburg:

Please see attached order entered by the Commission.

Thanks,
Kathryn Irby

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

**In Re: James Yates
 Claim No. 230756**

FULL AND COMPLETE SETTLEMENT AND RELEASE

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being of lawful age, for and in consideration of the sum of Seventy-Three Thousand Three Hundred Fifty-Four and 59/100 Dollars (\$73,354.59), to the undersigned in hand paid, and other good and valuable considerations, receipt whereof is hereby acknowledged, do hereby for themselves and executors, administrators, successors, and assigns their release, acquit and forever discharge:

The Arkansas Department of Transportation (ARDOT), The Arkansas State Highway Commission and Commissioners, their administrators, employees, agents, assigns, heirs, servants, and all other persons, firms or corporations liable, or who may be claimed to be liable, from any and all claims, demands, damages, actions, causes of actions or suits of any kind or nature whatsoever, including, but not limited to, any claim for bad faith, personal injury, wrongful death, injury to property, for any and all damages, known or unknown, which may have resulted or may result or develop in the future from the accident or occurrence which is the subject of the dispute in the claims filed before the Arkansas State Claims Commission - Claim No. 230756.

The undersigned hereby accepts ARDOT's unconditional promise not to dispute liability for said claim filed by the undersigned before the Arkansas State Claims Commission as full and complete consideration as described above. It is understood that tender of payment by warrant made payable to the undersigned in the amount of Seventy-Three Thousand Three Hundred Fifty-Four and 59/100 Dollars (\$73,354.59), has been agreed to by the undersigned. This settlement, in accordance with Arkansas State Law, requires approval from the Arkansas State Claims Commission. The undersigned hereby accepts the aforementioned sum as full, sufficient, final

consideration, and final payment with respect to the above-mentioned claim before the Arkansas State Claims Commission for all claims past, present, and future.

The undersigned, hereby declares the terms of this settlement have been completely read, are fully understood, and are voluntarily accepted for the purpose of making a full and final compromise, adjustment, and settlement of any and all claims, disputed or otherwise, for the express purpose of dismissing and precluding forever any and all claims, including further or additional claims arising out of the aforesaid matter.

EXECUTED on this the 13th day of April, 2025.

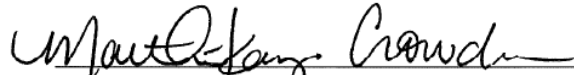
BY CLAIMANT:



James Yates



APPROVED:



Martha-Kay (Gus) Crowder

Odom Law Firm

161 W Van Asche Loop, Ste 1

Fayetteville, AR 72703

Counsel for Claimant

BY RESPONDENT:



Ivan Martinez, Ark. Bar No. 2024003
Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2158
Ivan.martinez@ardot.gov
Counsel for Respondent

From: [Martinez, Ivan](#)
To: [ASCC Pleadings](#)
Cc: mcrowder@odomfirm.com; [Wallace, Courtney E.](#); [Fenigenburg, Cody W.](#); [Newberry, Helen A.](#)
Subject: Yates v. ARDOT Claim 230756 - Settlement and Release
Date: Monday, April 13, 2026 9:44:56 AM
Attachments: [Outlook-lbgfkugt.png](#)
[Executed ARDOT Release - Yates.pdf](#)

CAUTION: External Email

Good morning,

Please acknowledge receipt of the attached Executed Settlement and Release Form for the referenced claim.

Kind Regards,

Iván Martínez

Attorney

Arkansas Department of Transportation

P.O. Box 2261

Little Rock, AR 72203-2261

Phone: 501-569-2158



From: [Kathryn Irby](#)
To: "Martha-Kay Crowder"
Cc: [Martinez, Ivan](#); [REDACTED]; [filevineapp.com](#); [Matthew Lindsay](#)
Subject: RE: ORDER: Yates v. ArDOT, Claim No. 230756
Date: Wednesday, May 6, 2026 2:10:00 PM
Attachments: [image001.png](#)
[image003.png](#)

I'm expecting to have an order to circulate to the parties in the next week.

Kathryn

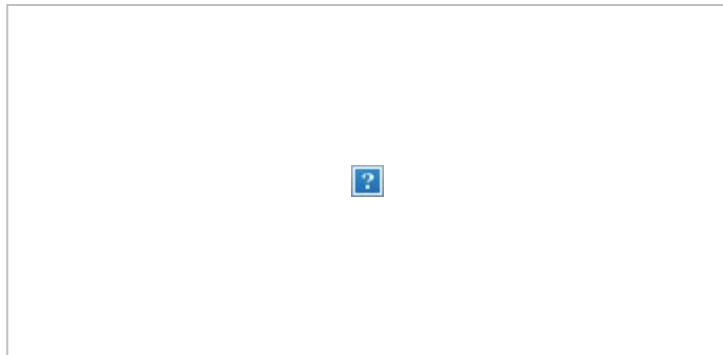
From: Martha-Kay Crowder <mcrowder@odomfirm.com>
Sent: Wednesday, May 6, 2026 12:18 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Martinez, Ivan <Ivan.Martinez@ardot.gov>; [REDACTED];
Matthew Lindsay <MLindsay@odomfirm.com>
Subject: RE: ORDER: Yates v. ArDOT, Claim No. 230756

CAUTION: External Email

Kathryn,

We signed a release with ARDOT on this claim and are awaiting scheduling from the Commission to approve. This is my first time working with the Commission. Are you able to share when we can expect to be scheduled?

Sincerely,



Confidential & Privileged

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From: Kathryn Irby <Kathryn.Irby@arkansas.gov>

Sent: Friday, October 3, 2025 11:41 AM

To: Martha-Kay Crowder <mcrowder@odomfirm.com>

Cc: Martinez, Ivan <Ivan.Martinez@ardot.gov>; Newberry, Helen A. <Helen.Newberry@ardot.gov>; cody.eenigenburg@ardot.gov; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>; Wallace, Courtney E. <Courtney.Wallace@ardot.gov>

Subject: ORDER: Yates v. ArDOT, Claim No. 230756

Ms. Crowder and ArDOT attorneys Martinez, Newberry, and Eenigenburg:

Please see attached order entered by the Commission.

Thanks,
Kathryn Irby

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**JAMES YATES****CLAIMANT****V.****CLAIM NO. 230756****ARKANSAS DEPARTMENT OF
TRANSPORTATION****RESPONDENT****ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is the Full and Complete Settlement and Release (referred herein as the “Agreement”) signed by James Yates (the “Claimant”), counsel for Claimant, and counsel for the Arkansas Department of Transportation. Based upon a review of the claim file and the Agreement, the Commission hereby APPROVES the Agreement and REFERS the award of \$73,354.59 to the General Assembly for review and placement on an appropriations bill pursuant to Ark. Code Ann. § 25-44-215(b).

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, chair

DATE: May 8, 2026

Notices which may apply to this claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(a)(3).
- (2) If a Claimant is awarded \$15,000.00 or less by the Commission at hearing, that award is held forty (40) days from the date of disposition before payment will be processed to allow either party to utilize its remedies under Ark. Code Ann. § 25-44-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of more than \$15,000.00 are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 25-44-215(b).