



**State of Arkansas
Bureau of
Legislative Research**

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 Kevin Anderson, Assistant Director
 for Fiscal Services
 Eric Sanders, Assistant Director
 for Information Technology
 Matthew Miller, Assistant Director
 for Legal Services
 Jessica Whittaker, Assistant Director
 for Research Services

State Agency Litigation Notification Form

Dear Agency Director:

Arkansas Code § 10-3-312 requires that any agency or institution that is not represented by the Attorney General shall notify the Director of the Bureau of Legislative Research of pending litigation so that the appropriate legislative committee may “determine the action that may be deemed necessary to protect the interests of the General Assembly and the State of Arkansas in that matter.”

In order to submit a report regarding pending litigation pursuant to Arkansas Code § 10-3-312, please complete the following form for each pending lawsuit, along with a cover letter to the Director of the Bureau of Legislative Research, and submit to desikans@blr.arkansas.gov.

DATE REPORTING:			
Agency:	Arkansas Department of Corrections	Phone:	501-682-3309
E-mail:	Wade.Hodge@doc.arkansas.gov	Contact:	Wade Hodge
1. STYLE OF THE CASE BEING LITIGATED			
Carolyn Arnett v. Larry Norris, et al., Case No. 3:21-cv-00088-KGB			
2. IDENTITY OF THE TRIBUNAL BEFORE WHICH THE MATTER HAS BEEN FILED (COURT)			
United States District Court Eastern District of Arkansas			
3. BRIEF DESCRIPTION OF THE ISSUES INVOLVED			
ADC inmate Carolyn Arnett sued various current and former ADC employees involving alleged incidents of violations of Title 42 U.S.C. § 1983, alleged to have occurred in the McPherson Unit of the ADC from December 2010 to September 10, 2014, and the ADC Defendants who remain in this case after summary judgment are Nurzuhal Faust, Christopher Budnik, and Linda Dykes. ADC Defendants deny that they, or any officer, employee, or agent of the ADC, other than separate Defendant Kenneth DeWitt, engaged in any wrongful, unconstitutional, or unlawful conduct of any kind. The lawsuit will proceed against separate Defendant Kenneth DeWitt.			
3A. OTHER DESCRIPTION INFORMATION			
Docket Number	3:21-cv-00088-KGB		
Date Filed	05/04/2021		
Defendant	Nurzuhal Faust, Christopher Budnik, Linda Dykes, Kenneth DeWitt		
Defendant Attorney	Michelle Banks for ADC Defendants and Jeff Rosenzweig for separate Defendant, Kenneth DeWitt		
Plaintiff	Carolyn Arnett		
Plaintiff Attorney	Michael J. Laux		
4. ANY OTHER RELEVANT INFORMATION			
4A. OTHER RELEVANT INFORMATION			
Case History	The ADC's motion for summary judgment was denied and the denial was upheld on appeal.		
Relief Sought	Compensatory Damages		
Current Status	Both parties have entered into a settlement agreement.		

A.C.A. § 10-3-312

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

- Arkansas Code Annotated
- Title 10 General Assembly
- Chapter 3 Committees
- Subchapter 3-- Legislative Council

10-3-312. NOTIFICATION OF LAWSUITS AFFECTING STATE.

- (a) In order that the General Assembly may take whatever steps it deems necessary concerning lawsuits which may affect the State of Arkansas, its officials, or its financial resources:
 - (1) The Attorney General shall notify the Director of the Bureau of Legislative Research who is the Executive Secretary to the Legislative Council as soon as possible after the Attorney General becomes involved in such litigation;
 - (2) **When any state agency or any entity which receives an appropriation of funds from the General Assembly becomes involved in litigation without representation by the Attorney General, the director or administrative head of the agency shall notify the Director of the Bureau of Legislative Research as soon as possible.**
- (b) The notice given by the Attorney General or by the director or administrative head of a state agency to the Director of the Bureau of Legislative Research shall include the style of the case being litigated, the identity of the tribunal before which the matter has been filed, a brief description of the issues involved, and other information that will enable the Legislative Council or the Joint Budget Committee to determine the action that may be deemed necessary to protect the interests of the General Assembly and the State of Arkansas in that matter.
- (c) Upon receipt of the notice, the Director of the Bureau of Legislative Research shall during the interim between legislative sessions transmit a copy of the notice to the cochair of the Legislative Council and to the cochair of the Joint Budget Committee during legislative sessions in order that those committees may schedule that matter upon their respective agendas at the earliest possible date.
- (d) During the interim between legislative sessions, the Legislative Council shall determine, and during legislative sessions the Joint Budget Committee shall determine, whether the General Assembly has an interest in the litigation and, if so, take whatever action deemed necessary to protect the General Assembly's and the state's interest in that matter.

HISTORY

Acts 1987, No. 798, §§ 1, 2.

Arkansas Code of 1987 Annotated Official Edition
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A.C.A. § 10-3-312 (Lexis Advance through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission)

Arnett V. Norris, et al., Case No. 3:21-cv-00088-KGB Case Summary

Department of Corrections inmate filed suit in federal court against various current and former employees alleging violations of Title 42 USC Sec. 1983. The events were alleged to have occurred in the McPherson Unit from December 2010 to September 2014. She alleged that she was repeatedly sexually assaulted by a prison chaplain during that time period. She further alleged that prison officials either knew or should have known of the assaults and failed to take proper precautionary and preventative action. The former chaplain was also a defendant, and he was represented by private counsel.

The ADC defendants, excluding the former chaplain, and the plaintiff reached a settlement agreement. The parties agreed that ADC will issue a check for \$551,000 and make a good-faith inquiry with the Division of Correction to determine whether the plaintiff is eligible for transfer to a specified unit and, if so, place her in line for transfer to that unit.

RELEASE AND SETTLEMENT AGREEMENT

WHEREAS, Plaintiff Carolyn Arnett, ADC # [REDACTED] (“Plaintiff”), currently has the following Title 42 U.S.C. § 1983 lawsuit (“the Lawsuit”) pending in the United States District Courts for the Eastern District of Arkansas:

Carolyn Arnett v. Larry Norris, et al., Case No. 3:21-cv-00088-KGB

WHEREAS, in the Lawsuit, Plaintiff sued various current and former Arkansas Division of Correction (“ADC”) employees involving incidents alleged to have occurred in the McPherson Unit of the ADC from December 2010 to September 10, 2014, and the ADC Defendants who remain in this case after summary judgment are Nurzuhal Faust, Christopher Budnik, and Linda Dykes (“ADC Defendants”).

WHEREAS, in the Lawsuit, all ADC Defendants deny that they, or any officer, employee, or agent of the ADC, other than separate Defendant DeWitt, engaged in any wrongful, unconstitutional, or unlawful conduct of any kind;

WHEREAS, subject to the terms set forth herein, Plaintiff and ADC Defendants (“the Parties”)¹ have reached an agreement (“the Agreement”) to finally resolve any and all claims and disputes by and between them pertaining to the Lawsuits, and as to any other matters relating to claims that have been brought or that *could* have been brought against ADC Defendants and/or any other officer, employee, or agent of the ADC pertaining to Plaintiff’s incarceration in the ADC at the McPherson Unit up to and through the dismissal of the Lawsuit; and

WHEREAS, the Parties wish to avoid further expense, time, effort, and uncertainty in

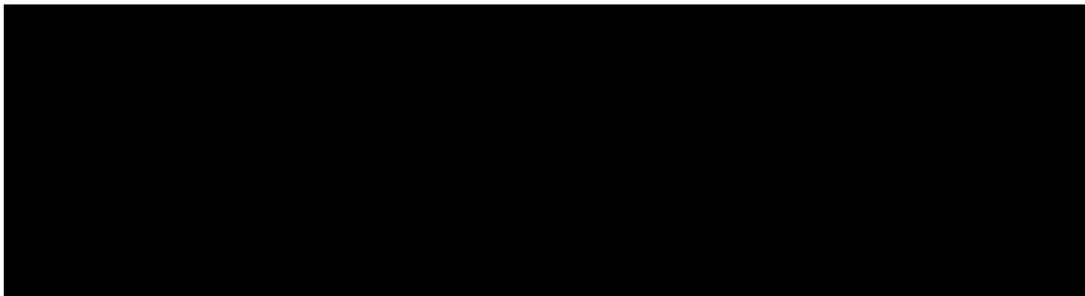
¹ Separate Defendant Kenneth DeWitt (“DeWitt”) is not a party to this agreement and is not included in the designations herein of “The Parties” or “ADC Defendants.”

regard to the Lawsuits and any other matter which could have been brought.

NOW, THEREFORE, Plaintiff and ADC Defendants agree to the following terms as full and final satisfaction of any and all claims arising from the claims made in the above lawsuits and/or other incidents at the McPherson Unit including any and all claims for costs and attorneys' fees, which were raised by Plaintiff in the Lawsuits or could have been raised by Plaintiff in this or any other potential lawsuit/claim which could have been brought prior to this agreement.

1. ACTIONS TO BE TAKEN BY ADC DEFENDANTS.

Following the signing and filing of the Joint Stipulations of Dismissal with prejudice in the Lawsuit, the ADC will do the following:



2. ACTION TO BE TAKEN BY PLAINTIFF. Plaintiff will voluntarily dismiss the Lawsuits against all ADC Defendants with prejudice via a Joint Stipulation of Dismissal, which upon signatures will be filed by counsel for the ADC Defendants/the Arkansas Attorney General's Office to dismiss the ADC Defendants from the Lawsuit with prejudice. Plaintiff hereby agrees that all claims, actions, or future lawsuits arising from matters stemming from actions or inactions pertaining to the claims raised in the Lawsuit against ADC Defendants, or pertaining to other claims that were or could have been raised therein, *and* any each and every other claims which *could* have been brought stemming from any other events involving Plaintiff pertaining to her incarceration at the McPherson Unit from December 2010 through September 10, 2014, up to the

time of Plaintiff's signature on this Agreement, will be fully resolved and finally settled by this Agreement.

3. COMPLETE RELEASE AND WAIVER. Plaintiff waives, releases, relinquishes and forever discharges ADC Defendants from all claims, liens, or causes of action, known or unknown, arising out of his claims raised in the Lawsuits and any other unspecified issues raised in the Lawsuits for damages, attorneys' fees, costs or recovery of any type against ADC Defendants including any officers, officials, employees, and agents of the ADC, in their official and individual capacities, and any claims/lawsuits stemming from any other event(s) that Plaintiff may have pertaining to her incarceration at the McPherson Unit from December 2010 through September 10, 2014, which could have been brought up to and through Plaintiff's signature on this agreement will be fully resolved and finally settled by this Agreement.

4. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties. The terms of this Agreement are contractual and not a mere recital. A breach of any portion of this Agreement shall give the non-breaching party a cause of action for breach of contract in an appropriate tribunal possessing jurisdiction over such a claim, which is not expected because the Court is maintaining jurisdiction over the settlement agreement for 90 days post the April 1, 2026, settlement conference. Plaintiff and ADC Defendants have not relied upon any promise or statement, oral or written, that is not set forth in this Agreement.

5. MODIFICATION. Plaintiff and ADC Defendants agree that this Agreement may not be modified, amended, or altered except by a written agreement executed by all parties or their authorized representative(s).

6. VOLUNTARY AGREEMENT. Plaintiff acknowledges that she has read this Agreement and has signed this Agreement voluntarily and without duress. Plaintiff and ADC

Defendants, via Arkansas Department of Correction Chief of Staff, Wade Hodge, knowingly and freely enter into this Agreement which will extinguish all pending and prospective lawsuits against ADC Defendants stemming from the Lawsuit and/or Plaintiff's incarceration in the McPherson Unit from December 2010 through September 10, 2014. (The Lawsuit proceeds against DeWitt.)

7. **NO RESCISSION FOR MISTAKE.** Plaintiff and ADC Defendants, through counsel and Wade Hodge, acknowledge that each has had the opportunity to investigate the facts and law relating to the claims raised in the Lawsuit and any additionally waived and released claims which could have been brought to date to the extent each deems necessary and appropriate. Plaintiff and ADC Defendants assume the risk of any mistake of fact or law and agree that any mistake of fact or law shall not be grounds for rescission or modification of any part of this Agreement.

8. **NO ADMISSION OF LIABILITY.** Plaintiff and ADC Defendants acknowledge that this Agreement is a compromise and is not an admission of liability or wrongdoing on the part of ADC Defendants, or any officer, employee, or official of the ADC. Plaintiff agrees not to suggest or construe this Agreement as an admission or implication of wrongdoing by ADC Defendants and that the Agreement is not admissible in any court or administrative body except as necessary to enforce its terms or as otherwise required by law. ~~ISSUE: Plaintiff agrees that any disclosure about this case or settlement, orally or in writing, will not make reference to guilt, liability, or wrongdoing of ADC Defendants, and will include a statement that ADC Defendants did not admit liability, and the matter was settled to bring finality to their involvement as parties to the litigation.~~

9. **CHOICE OF LAW.** This Agreement shall be governed by and construed in accordance with the substantive law of the State of Arkansas.

10. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon Plaintiff and ADC Defendants and each of their respective heirs, descendants, successors, and assigns.

11. **EFFECTIVE DATE.** This Agreement shall be effective upon the signatures of the Parties, except that the timing of actions to be taken by ADC Defendants as set forth in “Section 1” above shall not become effective until the Joint Stipulation of Dismissal with prejudice is filed in the United States District Court.

12. **COUNTERPARTS.** This Agreement may be executed in counterparts and the counterparts taken together will have binding effect.

AGREED AND CONSENTED TO AND IN WITNESS WHEREOF, we have set our hands on the dates indicated below:



CAROLYN ARNETT
PLAINTIFF

April 2, 2026

Date



WADE HODGE
CHIEF OF STAFF
AR DEPARTMENT OF CORRECTIONS

April 2, 2026

Date



MICHAEL J. LAUX
ATTORNEY FOR PLAINTIFF

April 2, 2026

Date