

IN THE CIRCUIT COURT OF PULASKI, ARKANSAS

SEAN LYNN; and
LAURA HAMMETT

PLAINTIFFS

v.

Case No. 60CV-26-216

BOARD OF TRUSTEES of the UNIVERSITY
of ARKANSAS, in their official capacity;
et al.

DEFENDANTS

**BRIEF IN SUPPORT OF PLAINTIFFS' RESPONSE TO THE BOARD OF TRUSTEES
OF THE UNIVERSITY OF ARKANSAS'S MOTION FOR A PROTECTIVE ORDER**

The Court should overrule the Board's objections to disclosure of the named defendants' contact information. The interrogatory is standard and the Board's weak arguments against answering it were raised for the first time by its motion, not by a meet and confer.

The Court should deny the Board's alternative request for confidentiality. The Board did not give any reason for the need for enlarged confidentiality in its meet and confer emails, nor by its motion.

The Board's proposed confidentiality order shifts the burden of proving a need for confidentiality from the party who wants the record to be filed under seal to the party who wants full disclosure. This is contradictory to the First Amendment of the United States Constitution that protects the right of the public and the litigants to open and public judicial proceedings.

I. Disclosure of a defendant's contact information is standard.

Parties are permitted to discover the identity and location of persons who will or may be called as witnesses at trial. Ark. R. Civ. P. 26(b). It is clear that the information must be furnished. Ark. R. Civ. P. 26(b) reporter's notes to Rule 26(2), at 487 (2021).

Margolick asked Lynn for his address. *Margolick Interrogs. set one, Pls.' Ex. 5*, at Rog 2. He went further than that: "INTERROGATORY NO. 2: Please list in chronological order your home address for the last ten years, including the dates you each lived at each address and all persons with whom you lived at each address." *Id.* Margolick, though worded poorly, seems to ask for the names of all occupants who lived in Lynn's dwelling with him and dates of occupancy for each occupant for the past ten years.

Next Margolick asked for the current name and address of each spouse Lynn ever had. *Margolick Interrogs. set one, Ex. 5*, at Rog 3.

Lynn intends to object to most of Margolick's more than ninety interrogatories (including subparts), as they are mostly compound, broad and burdensom. In light of those sweeping and defective requests propounded by a half-million dollar salaried employee, the co-defendant Board's objection to Hammett's single interrogatory is untenable.

II. The Board did not meet and confer on the issues raised by motion.

The Board waived objections by failing to raise them in the meet and confer emails. In a similar meet and confer situation, the Arkansas Court of Appeals held:

The circuit court abused its discretion when it found that a two-sentence email communication that plaintiff doctor later filed with the circuit court met the requirements of Ark. R. Civ. P. 37(d) where the doctor had not warned that he would seek court intervention if the [opposing parties] either failed to act on his request or otherwise demonstrate a meaningful attempt to resolve the discovery dispute, and the rule required a statement of good faith in the motion. *Jefferson Hosp. Ass'n v. Davis*, 2020 Ark. App. 562 (2020).

Ark. R. Civ. P. 37 case notes to Rule 37, motion at 529 (2021).

The Board wrote two short emails and attached the proposed protective order. Neither the emails nor the protective order hinted at the arguments made by motion. There was not a single authority cited, other than Ark. R. Civ. P. 26(c). There was no mention of Hammett’s blog or YouTube channel. There is no indication in the record that General Counsel representing the Board also represents any individual defendant. Yet General Counsel purports to make a pre-summons 12(b)(6) motion to dismiss.

The proposed order has contradictory clauses that open it to different interpretations. *See, e.g., Mot., Board’s Ex. D*, ¶ 1, (“All documents and materials produced in the course of discovery ... are subject to this Order concerning Confidential Information as set forth below”), and ¶ 2, (“For purposes of this Order, the parties will limit their designation of ‘Confidential Information’ to the following categories”).

Hammett fell for a similar promise that a similar proposed order would not allow the defendant to designate anything confidential if it was published elsewhere or already known to Hammett. Pursuant to a stipulation Federal District Judge Lee P. Rudofsky convinced Hammett to make during a hearing on the challenged order, that defendant was able to keep all the incriminating evidence against the debt collector on the FDCPA case under seal. *See Hammett v. Portfolio Recovery Assocs., LLC*, 145 S. Ct. 1189, 221 L. Ed. 2d 266 (2025) *cert. denied*. Hammett will not stipulate to this proposed order, as she did in *Portfolio Recovery*.¹

¹ Hammett made her bid to the Supreme Court of the United States to unseal the “confidential” evidence while caring for Lynn who was newly deaf, had aphasia and heavy symptoms of PTSD.

The Board did not make any further effort or inquiry into why Hammett did not draft an alternate protective order. Based on the lack of objections the Board shared with Hammett, there was no good faith meet and confer.

III. The Board’s allegations of “harassing and abusive” behavior lack legal and factual bases.

The Board failed to support its conclusion that Hammett is harassing and therefore is not entitled to discovery. Its factual allegations are insufficient and deceptive.

Arguments for a motion must be supported with citation to authorities in a brief. Ark. R. Civ. P. 7(b)(2). The Court will not consider an argument of any kind if the appellant does not make the argument or cite authority to support it. *Wagoner v. Wagoner*, 2024 Ark. App. 427, 5 (2024)(citing *Koch v. Adams*, 2010 Ark. 131, 361 S.W.3d 817). The court will not consider an issue that is not appropriately developed or supported by convincing argument. *Jones v. Pro. Background Screening Ass'n, Inc.*, 2020 Ark. 362, 10–11, 610 S.W.3d 640, 646 (2020).

The Board did not define “harassment” nor any derivative, in its Motion or BIS.

According to Bryan A. Garner, “harassment means:

Words, conduct, or action (usu. repeated or persistent) that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress to that person and serves no legitimate purpose; purposeful vexation. • Harassment is actionable in some circumstances, as when a creditor uses threatening or abusive tactics to collect a debt.

HARASSMENT, Black's Law Dictionary (12th ed. 2024).

In a case where a student was disciplined for posting two derogatory posts, including pictures of crude gestures, against the school’s cheerleading squad, the District Court found that the punishment the school imposed violated the First Amendment because the student’s Snapchat

posts had not caused substantial disruption at the school. *Mahanoy Area Sch. Dist. v. B. L. by & through Levy*, 594 U.S. 180, 180, 141 S. Ct. 2038, 2040, 210 L. Ed. 2d 403 (2021).

Hammett's publications are not directed at the defendants. Hammett is bringing public attention to the lack of due process when a person is in UAMS and the medical providers decide to override the patient's autonomy. Further, Hammett is informing taxpayers about how their money is wasted on government attorneys who defend the indefensible.

The Board does not want the bad conduct at UAMS exposed. But the Board and UAMS deny that holding Lynn without consent is false imprisonment and medicating him, with anything from Tylenol to Fentanyl, is battery. It is imperative that citizens know that the written bill of patients' rights at UAMS is a pretense.

The tone of Hammett's blog is not always appropriate for court documents, but in the interest of exposing the Board's deceit, the plaintiffs have attached the full version of posts that were truncated by the Board at *Motion*, p. 12, (Insurance Company v. ChatGPT); p. 13, (Does UAMS Attorney Hallucinate; Or Does She Use ChatGPT? [Redacted for error on 11/1/2025]); p. 14, (UAMS Lawyer Admits Some Lies Creates Others); p. 17, (Sunday Funday: The Insurance Rep and the Whopper). This will help the court assess the posts against the claim of harassment. *Pls. 'Exs. 1 - 3*.

As referenced in the blog post titled "*Tactics of the Arkansas Elite*," an unidentified individual or individuals brought both Hammett's blog and the Claims Commission's sua sponte order—expressing "concern" that Hammett may be engaging in the unauthorized practice of law—to the attention of Hammett's law school dean. Although the resulting investigation required a significant expenditure of Hammett's time, the University of Arkansas at Little Rock

William H. Bowen School of Law ultimately imposed no disciplinary action. The outcome of that investigation is relevant and may assist this Court.

As in *Mahanoy Area Sch. Dist.*, the Board has not and cannot show any disruption to its campus due to Hammett's blog. In comparison, the violation of Lynn's rights for two weeks on the UAMS Medical Center campus wreaked havoc.

Irrespective of the deceptiveness of the Board's factual allegations, the leaders of Arkansas's law schools failed to cite a single case for the proposition that Hammett's purported conduct "would be far greater than the 'annoyance, embarrassment and oppression' contemplated by Rule 26 of the Arkansas Rules of Civil Procedure." *Motion*, at p. 3 and *see Motion*, at p. 2-3.

IV. The defendants will still be witnesses if dismissed, but they should not be dismissed.

As argued in Section I above, parties are permitted to discover the identity and location of persons who will or may be called as witnesses at trial. Ark. R. Civ. P. 26(b). It is clear that the information must be furnished. Ark. R. Civ. P. 26(b) reporter's notes to Rule 26(2), at 487. All the clinician defendants were shown as being present and involved in the incident between January 13, 2024 and January 27, 2024 or the record keeping and administration after, in the medical record produced by UAMS on April 29, 2025. A true and correct copy is attached here as Med. Rec. 4-29-25, *Pls. 'Ex. 6*. Therefore, each defendant is a viable non-party witness if dismissed.

Therefore, the Board's argument that the complaint fails to state a claim for relief against most of the individuals is moot. In an abundance of caution, the plaintiffs will address the argument so as not to be taken as a waiver.

Because the well-pled facts in the complaint must be taken as true, no defendant should be dismissed. *Nichols v. Swindoll*, 2023 Ark. 146, 6 (2023). If the complaint does not have adequate factual allegations against an individual, allegations can be added by amendment. Arkansas Rule of Civil Procedure 15(a) permits liberal amendments to pleadings at any time without leave of the court. *Cavalry SPV, LLC v. Anderson*, 99 Ark. App. 309, 311, 260 S.W.3d 331, 332 (2007)(Citing *Nat'l Sec. Fire & Cas. Co. v. Shaver*, 14 Ark.App. 217, 686 S.W.2d 808 (1985)).

Plaintiffs found each defendant's name in *Med. Rec. 4-29-25, Pls. 'Ex. 6*. As the Board acknowledged, there was not always individualized recording of an action by a defendant. That is why the plaintiffs named Doe defendants and included defendants who were involved in the imprisonment and battery even though not documented as to specific actions. For example, *Med. Rec. 4-29-25* does not list each person involved in tackling Lynn to the bed and holding his limbs so they could bind him to the rails. *See Id.* Lynn remembers this happening and Hammett witnessed several of these encounters. Another example is that Lynn was forced to use a bed pan. He asked to use the toilet, but it took too much man-power to do the restraint maneuver, making the bed pan more convenient for the staff. *Med. Rec. 4-29-25* has no indication of who wiped Lynn's anus after he defecated into the pan. *See Id.* These omissions in the record, along with the destruction of all the surveillance videos taken by UAMS requires testimony from each person who was involved with the forced hospitalization.

The Board discounts claims against the lower-level employees because the employees were only following orders. *See Motion*, at p. 4, 5. Each of the employees was involved in a concerted effort to imprison Lynn, and each had an obligation to release the prisoner. *See Pls. 'Ex. 6*. Where there is an integral relationship among employees' actions, the court will view each

employee as engaged in concerted activity. *N.L.R.B. v. City Disposal Sys. Inc.*, 465 U.S. 822, 833, 104 S. Ct. 1505, 1512, 79 L. Ed. 2d 839 (1984).

The Board's argument is also duplicitous in light of another active medical malpractice case against Dr. Joseph Margolick. *Sullivan v. University of Arkansas*, No. 60CV-24-5497 (Pulaski Cnty. Cir. Ct. Sept. 6, 2024) (defendant's brief in support of motion for summary judgment). There, Dr. Margolick is sued for negligently leaving a sponge in a surgery patient. *See Id.* Dr. Margolick, through his attorneys at Wright, Lindsey & Jennings LLP, claimed it was the nurses fault that the sponge was left behind. *Id.* at p. 6. "The standard of care does not require the physician-defendants 'to actually count and confirm the number of sponges used during Mr. Wesson's surgery. That is the RN circulator's responsibility. The lead surgeon is responsible for asking the RN circulator to verify counts prior to closing the surgical wound.'" *Id.* After learning of *Sullivan*, the plaintiffs decided to name all the persons who acted in concert, whether giving orders or carrying them out.

Further, each contact with Lynn was non-consensual, and therefore battery. In order to prove battery, the plaintiff must show that the defendant acted with the intent to cause some harmful or offensive contact with the plaintiff or acted with the intent to create the apprehension of some harmful or offensive contact with the plaintiff and that this contact resulted in and caused damages. *Mullins v. Helgren*, 2022 Ark. App. 3, 12, 638 S.W.3d 864, 872 (2022); AMI Civ. 418 (2021). Liability for an assault or assault and battery is not necessarily restricted to the actual participants; any person who is present, encouraging, or inciting an assault and battery by words, gestures, looks, or signs, or who by any means approves the same, is in law deemed to be an aider and abettor and liable as a principal, and such person assumes the consequences of the act to its full extent as much as the party who does the deed. *Costner v. Adams*, 82 Ark. App. 148,

156, 121 S.W.3d 164, 170 (2003)(Citing *Hargis v. Horriner*, 230 Ark. 502, 323 S.W.2d 917 (1959)).

Here, the plaintiffs made the plausible claim that each person listed in the medical report either participated in tackling Lynn, binding him, sticking a needle into him, catheterizing him, standing guard at a door with his arms crossed in a menacing stance, forcing drugs from Tylenol to fentanyl into Lynn, ordering others to do so, or was required by contract to report this conduct and did not do so, was a direct batterer or an aider and abettor. E.g. *Compl.* at ¶¶ 104, 115-206.

Arkansas law defines “false imprisonment” as the “unlawful violation of the personal liberty of another consisting of detention without sufficient legal authority.” *Durden v. Conway Behav. Health Hosp., LLC*, 2025 Ark. App. 284, 5–6, 715 S.W.3d 876, 879 (2025)(quoting *Headrick v. Wal-Mart Stores, Inc.*, 293 Ark. 433, 435, 738 S.W.2d 418, 420 (1987)). In Arkansas, a medical hold requires consent or a court order, which can be obtained on an emergency basis 24/7. Ark. Code Ann. § 20-9-604. E.g. *Compl.* at ¶ 57. A psychiatric hold also requires a court order, but the petition must be filed within 72 hours or the patient must be released.

Lynn did not give consent for the hospitalization nor the drugs. E.g. *Compl.* at ¶ 61-64. No one petitioned a court for permission to treat Lynn without his consent. E.g. *Compl.* at ¶ 56 Hammett did not consent. E.g. *Compl.* at ¶ 71, 74, 75.

Therefore, each participant who bound Lynn, guarded the door, chased him through the halls, or told Hammett that Lynn was not drugged and was going to act like a 17-year-old drug addict indefinitely, extended the time of confinement.

The fraud committed on Hammett is actionable toward each defendant who concealed the drugging from her. Also, each person involved in the struggles when Lynn broke out of bondage and tried to escape, where there was transference of battery to Hammett. Each person who


harmed Lynn while Hammett was onlooking is liable to Hammett for outrage. Each person who withheld sleeping, cooking facilities and refrigeration from Hammett is liable for Hammett's deterioration in health during and as a result of the two-week ordeal. The plaintiffs anticipate determining the extent of liability for each defendant through discovery or at trial. There is enough evidence to keep each of the named defendants in the suit. If dismissed, each will still be called as a witness.

V. The short statement about Margolick is not supported and is also wrong.

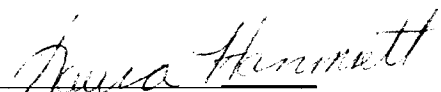
As discussed in section III, the Board's request for a special ruling that "should be easily understood by Hammett" is lacking the requisite legal authority. Further, as explained in section IV, service of summons on a defendant is not the only reason a party may ask for a defendant or non-party witnesses address.

Because the Board's request to determine that certain information should be withheld from the plaintiffs or filed under seal is neither supported or needed, the plaintiffs ask that the Board's motion be denied in full.

Respectfully Submitted, this 13th day of April, 2026,



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Certificate of Service

I, Laura Hammett, hereby certify that on April 13, 2026, I entered for filing the foregoing electronically with the Clerk of Court using the Arkansas Judiciary Electronic Filing System, which shall send notification to any other attorneys in this matter. I will deliver the file stamped copy by email to Sean Lynn, who joined this opposition, at SeanLynnP@yahoo.com within one business day after it is accepted for filing.

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