

**IN THE CIRCUIT COURT OF PULASKI, ARKANSAS
16th DIVISION**

**SEAN LYNN; and
LAURA HAMMETT**

PLAINTIFFS

vs.

CASE NO.: 60CV-26-216

**BOARD OF TRUSTEES of the UNIVERSITY
of ARKANSAS; ET AL**

DEFENDANTS

**BRIEF IN SUPPORT OF MOTION TO DISMISS CLAIMS BROUGHT BY
PLAINTIFF LAURA HAMMETT ON BEHALF OF SEPARATE DEFENDANT
BRITNEY BEUMELER, APRN**

Laura Hammett’s Complaint fails to state facts upon which relief could be granted against Britney Beumeler, APRN (“Beumeler”) and therefore, her claims should be dismissed against her pursuant to Ark. R. Civ. P. 12(b)(6).

I. INTRODUCTION

Separate Plaintiff Laura Hammett (pro se) has sued 80 plus individual medical care providers for experiences she claims to have had at UAMS while her son was in the hospital. Ms. Hammett has sued all 80 plus individual medical care providers on claims of negligence and outrage. However, Ms. Hammett lumps these claims against all defendants and fails to set forth specific facts against any particular defendant. Specifically, Ms. Hammett has failed to set forth specific facts against Separate Defendant APRN Beumeler that would support her claims of negligence and outrage. As such, her claims against Beumeler must be dismissed pursuant to Rule 12(b)(6).

II. STANDARD

A plaintiff's complaint should be dismissed if it fails to state facts upon which relief can be granted. Ark. R. Civ. P. 12(b)(6). A pleading is also deficient if it fails to set forth facts pertaining to an essential element of the cause of action. *Wiseman v. Batchelor*, 315 Ark. 85, 864 S.W.2d 248 (1993). It is well-settled that Arkansas law requires fact pleading; therefore, a plaintiff is only entitled to relief when their complaint states facts and not mere conclusions. *Key v. Coryell*, 86 Ark. App. 334, 340, 185 S.W.3d 98, 102 (2004). "In testing the sufficiency of the complaint on a motion to dismiss, all reasonable inferences must be resolved in favor of the complaint and the pleadings are to be liberally construed." *Id.* (citing *Travelers Cas. & Sur. Co. of Am. v. Arkansas State Highway Comm'n*, 353 Ark. 721, 120 S.W.3d 50 (2003)). "However, Arkansas law requires fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* (citing *Travelers; Rippee v. Walters*, 73 Ark. App. 111, 40 S.W.3d 823 (2001)).

"According to Ark. R. Civ. P. 8(a)(1), a pleading that sets forth a claim for relief shall contain a statement in ordinary and concise language of facts showing that the pleader is entitled to relief." *Id.* "Rule 12(b)(6) provides for the dismissal of a complaint for failure to state facts upon which relief can be granted." *Id.* "These two rules must be read together in testing the sufficiency of a complaint." *Id.* (citing *Hames v. Cravens*, 332 Ark. 437, 966 S.W.2d 244 (1998)). The court "look[s] to the underlying facts supporting an alleged cause of action to determine whether the matter has been sufficiently pled." *Id.* (citing *Country Corner Food & Drug, Inc. v.*

First State Bank & Trust Co., 332 Ark. 645, 966 S.W.2d 894 (1998)). Importantly, in evaluating the complaint, the trial court is not permitted to “surmise what additional facts might be developed should [the] claim be allowed to proceed.” *Faulkner v. Ark. Children’s Hosp.*, 347 Ark. 941, 958, 69 S.W.3d 393, 404 (2002). “[A] plaintiff must state facts in the complaint sufficient, if taken as true, to sustain her causes of action.” *Id.*

III. LEGAL ARGUMENT

a. Ms. Hammett failed to state facts upon which relief may be granted as to APRN Beumeler.

Ms. Hammett asserts claims for negligence and outrage. The elements to be plead for negligence are a duty to the plaintiff, a breach of that duty, and proximate cause of the plaintiff’s injuries. *See Ark. Dep’t Finance Authority v. Wiley*, 2020 Ark. 395, at 7-8, 611 S.W.3d 493, 499. The elements to be plead for outrage are (1) the actor intended to inflict emotional distress, or that the actor knew or should have known the emotional distress was the likely result of his conduct; (2) conduct extreme and outrageous and utterly intolerable in a civilized community; (3) the conduct was the cause of the plaintiff’s distress; and (4) the plaintiff’s emotional distress was so severe in nature that no reasonable person could be expected to endure it. *See Perrodin v. Rooker*, 322 Ark. 117, 121, 908 S.W.2d 85, 87-88 (1995).

Here, the only facts that pertain to Beumeler are that (1) she was a clinician at UAMS; (2) that she provided medical care and treatment to Sean Lynn, including documenting his attempts to elope, ordering that he be fed divalproex enteric coated tablet 500 mg, and notifying Ms. Hammett that Lynn was being transferred to the

ICU and that restraints and sedation would likely be used; (3) that she misled Ms. Hammett regarding law enforcement involvement suggesting that police would intervene to prevent Mr. Lynn's departure from the hospital; and (4) that she informed Ms. Hammett on January 21 that police were approaching and then let Mr. Lynn wear clothes, eat soft foods, and use a comfortable pillow that Ms. Hammett brought later that day. Plaintiffs' Complaint, ¶¶ 3, 68, 72, 177, 237, and 239. Even if true, these facts do not support Ms. Hammett's claim for negligence or outrage against Beumeler.

Likewise, simply offering a vague conclusion that Ms. Hammett was injured by a group of people or entities, **such as 80 plus individual medical care providers**, is clearly insufficient. This principle is illustrated in *Arkansas Department of Environmental Quality v. Brighton Corporation, et al.* 352 Ark. 396, 102 S.W.3d 458 (2003). In that case, Plaintiff made allegations as to a corporation, along with several other individual defendants. *Id.* However, the plaintiff only generally alleged that the “**defendants . . . transported and/or disposed of hazardous wastes contrary to the rules, regulations, permits, or orders issued....**” *Id.*, 102 S.W.3d at 466 (internal quotations omitted). This was not sufficient. The trial court dismissed plaintiff's claims under 12(b)(6), finding the complaint consisted of nothing more than “generalities and conclusions of law **with no specifics alleged as to the individual defendants.**” *Id.*, 102 S.W.3d at 466 (emphasis added). The Arkansas Supreme Court affirmed, and in greater detail, found there were “no factual **allegations specifying which, if any, of the**

defendants contributed [to the allegations at issue.]” *Id.*, 102 S.W.3d at 466 (emphasis added).

Like the *ADEQ* case above, the same problem is present here. Plaintiffs’ Complaint lumps multiple allegations against the 80 plus individual medical care provider defendants generally, but Ms. Hammett has failed to make allegations against Beumeler, specifically related to her claims. Beumeler is an individual person, with rights that are separate and distinct from the other defendants. To recover against Beumeler, Ms. Hammett must plead facts showing the elements of negligence and outrage against Beumeler. Without “factual allegations specifying which, if any, of the defendants” erred, there are “no specifics alleged as to the individual defendants” and the Complaint must be dismissed. *See Ark. Dep’t Environ. Quality*, 352 Ark. at 408, 102 S.W.3d at 466.

Further, conclusory assertions, such as Ms. Hammett makes in this case, are not sufficient. *See e.g., id.*, 352 Ark. at 408, 102 S.W.3d at 466 (stating that failure to plead “how much and when any given defendant” generated or transported hazardous substances in an environmental lawsuit regarding the same was insufficient pleading for allegations regarding the same). Ms. Hammett has only plead conclusions as to the defendants, without pleading facts to support those conclusions. As a few examples, Ms. Hammett has alleged the defendants “engaged in chaotic and forceful restrain efforts” and “made false and misleading statements to Hammett regarding Lynn’s condition.” Plaintiffs’ Complaint, ¶¶ 374, 382. These are nothing more than bare conclusions, without the necessary specifics to survive a

motion to dismiss. Without any facts showing the who, what, where, when, or how, these allegations are “mere conclusions.” Accordingly, Ms. Hammett’s claims should be dismissed for failure to state facts upon which relief can be granted.

IV. CONCLUSION

As to Beumeler, Ms. Hammett has failed to state facts against her upon which relief can be granted. The specific facts against Beumeler concern the medical care and treatment of her son, Sean Lynn. Such facts do not support Ms. Hammett’s individual claims of negligence and outrage against her. Lumping her claims against all 80 plus individual medical care provider defendants and then making conclusory assertions to support her claims is improper and insufficient under Arkansas law. Beumeler is entitled to the dismissal of Ms. Hammett’s claims pursuant to Rule 12(b)(6).

WHEREFORE, Defendant Britney Beumeler, APRN prays that the Court dismiss Laura Hammett’s claims pursuant to Rule 12(b)(6); for her costs herein expended; and for all other relief to which she may be entitled.

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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2026, I electronically filed the foregoing with the Clerk of the Court using the Arkansas Judiciary Electronic Filing System, which shall send notification of such filing to the attorneys of record. I also sent a copy of the foregoing to the following as indicated below:

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