

IN THE CIRCUIT COURT OF PULASKI, ARKANSAS

SEAN LYNN; et al.

PLAINTIFFS

v.

Case No. 60CV-26-216

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

DEFENDANTS

**Errata of Sean Lynn and Laura Hammett's Joint Brief in Support of Opposition in
Response to Shannon Cobb's Motion to Dismiss Claims of Laura Hammett**

[The plaintiffs did not add three days to time allowed to respond and in haste to serve timely did not make all the appropriate changes to names, pronouns and name of drug or actions that constituted battery on Lynn and Fraud and Outrage on Hammett by Shannon Cobb (Section II(A), (E)). Those corrections are made hereunder.]

Defendant Shannon Cobb, while acting under color of her position as a government employee, unlawfully detained and physically assaulted Plaintiff Sean Lynn over a period of approximately two weeks. During this period of confinement, Plaintiff Lynn's physical health deteriorated substantially. But for the intervention, advocacy, and protection provided by Hammett,

Plaintiff Lynn would have faced a substantial risk of death at the hands of Defendant Cobb and individuals acting in concert with her.

Defendant Cobb's compensation was funded, in part, through Medicaid reimbursements associated with the provision of medical services. These services included non-consensual treatment resulting in hospital-acquired conditions, including but not limited to: (a) blood in his urine caused by forced catheterization, and (b) dislocation of Plaintiff Lynn's left ossicular chain, resulting in hearing loss.

UAMS, Cobb's employer, denied any negligence by Cobb. Defendant Cobb has not asserted a meritorious defense to the conduct alleged herein and instead relies upon assertions of immunity, and alleged lack of factual specificity. Immunity is meant to allow government employees to concentrate on their work instead of time consuming litigation, even when they act negligently; it is not entitlement for Cobb to engage in intentional conduct toward vulnerable individuals under the guise of legitimate medical or governmental action.

I. Immunity does not extend to defendants named as individuals for intentional acts.

While sovereign immunity under Article 5, Section 20 may bar official-capacity claims against state officers in certain circumstances, the plaintiffs have expressly stated in the Complaint that clinician defendants, including Cobb, are named as individuals. Compl. ¶ 3. Cobb's own brief concedes this point by framing the official-capacity immunity argument as made only "out of an abundance of caution." *Cobb Br.*, at p. 2. Because the Complaint expressly names Cobb as an individual defendant and not in her official capacity, the sovereign immunity doctrine applicable to official-capacity suits is simply inapplicable here. The Court need not reach the official-capacity immunity question at all, and Cobb's preemptive argument on this point should not be used to

recharacterize the nature of the claims or to extend immunity protections beyond their intended scope.

Cobb argues that in her individual capacity, she is entitled to statutory immunity under Arkansas Code Annotated § 19-10-305(a), which was formerly the number of the statute that immunizes state officers and employees from liability and suit for non-malicious acts occurring within the course and scope of their employment, except to the extent covered by liability insurance. Ark. Code Ann. § 25-44-305(a); *Cobb Br.*, at p. 2-3. Cobb argues that Hammett was required to assert Cobb maintains liability insurance; and Cobb concludes that she “acted in good faith in performing her duties as a nurse and is entitled to statutory immunity.” *Cobb Br.*, at p. 2.

When a defendant pleads an affirmative defense of immunity, that defendant must plead and prove no liability coverage. *City of Little Rock v. Dayong Yang*, 2017 Ark. 18, 5, 509 S.W.3d 632, 635 (2017). Cobb attempts to shift that burden to the plaintiffs. *Cobb Br.*, at p. 3 (“Plaintiff’s Complaint makes no allegation that Cobb maintains liability insurance that would subject her to this lawsuit.”). There is no way for the plaintiffs to know if Cobb has insurance coverage until given an opportunity to ask her by interrogatory or requests for admission. Because neither plaintiff was able to work full time on this case, the plaintiffs hope to serve discovery requests in the next month, after Hammett catches up with the backlog. (Lynn is pursuing a life goal that ends in August, and cannot work at a desk or computer, but he is in daily communication with Hammett, leads plaintiffs’ discussions, drafts sections as best he can within the limitations of aphasia and working on a cell-phone, and makes all corrections to plaintiffs’ joint documents as he deems appropriate.)

Under Arkansas law, immunity is an affirmative defense, and the party asserting it bears the burden of proving it. *Camden - Progressive Eldercare Servs., Inc. v. Robinson*, 2025 Ark. App.

562, 14, 726 S.W.3d 645, 655 (2025). Cobb did not present evidence to support her assertion that she acted in good faith. See *Cobb Br.*

Malice is the intent, without justification or excuse, to commit a wrongful act; or reckless disregard of the law or of a person's legal rights. MALICE, Black's Law Dictionary (12th ed. 2024)

Cobb, in concert with the other clinician defendants, intended to mislead Hammett to believe Lynn's intoxicated behavior was caused by falling on his head. It was caused by the administration of drugs, starting with Ernst's delivery of Fentanyl.

The plaintiffs asserted that Cobb acted, individually and in concert with the "Team" as an aider and abettor, as discussed in depth in Section II below.

II. Hammett pled sufficient facts against Cobb individually and for acts taken in concert.

The Court must "treat the facts alleged in the complaint as true and view them in a light most favorable to the plaintiff. *Goff v. Harold Ives Trucking Co., Inc.*, 342 Ark. 143, 27 S.W.3d 387 (2000); *Arkansas Tech Univ. v. Link*, 341 Ark. 495, 17 S.W.3d 809 (2000)." *Davenport v. Lee*, 348 Ark. 148, 155–56, 72 S.W.3d 85, 89 (2002).

The Court may, under the right circumstances, treat a motion to dismiss as a motion for summary judgment.

Rule 12(b)(8) states, "[i]f, on a motion asserting the defense numbered (6) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56."

Barrows/Thompson, LLC v. HB Ven II, LP, 2020 Ark. App. 208, 12, 599 S.W.3d 637, 645–46 (2020). But here, Cobb did not provide any evidence for her assertion that she acted in good faith in performing her duties as a nurse[.]” *Cobb Br.*

Cobb recognized that she is a “clinician defendant” as the plaintiffs asserted on Complaint ¶ 3. Her argument seems to be that the plaintiffs should replace “clinician defendants” with each of the 81 individual names. That would be about 45 replacements, at an additional 45 pages. Plaintiffs intend to amend, but to improve an already sufficient complaint.

Therefore, plaintiffs ask for leave to amend with permission to keep Cobb as a defendant. Rather than using the detailed timeline that mentions Cobb and each defendant by name, the plaintiffs plan to have 71 subsections that go into more specificity for each known defendant and two sections for the Doe defendants.

There are enough facts concerning Cobb in particular to fill a volume. For brevity, only enough facts are given here to show that the existing facts alleged against Cobb are sufficient to bring suit and, alternatively, that amendment is not futile by changing the structure of the complaint:

Cobb is liable to Hammett for fraud and outrage. Cobb and her accomplices gave Hammett the option of leaving her son tied naked to a bed, being forced to take drugs that could kill him, or watch him be tackled and have his head smashed into walls, and hear him cry and beg to be freed. Hammett as a mediator, and not knowing that Lynn was drugged, tried to convince Lynn not to attempt escape. She hopes Lynn can forgive her for the extra week in the hospital, before Hammett learned the truth. It was still another week before Hammett succeeded in negotiating a release that did not end like it ended for Tyrone Washington.

The following are the acts Hammett was exposed to firsthand.

A. Civil Battery

Battery is when a person intends to cause some harmful or offensive contact with another person, and that harmful or offensive contact results. *Mann v. Pierce*, 2016 Ark. 418, 7, 505 S.W.3d 150, 154 (2016). Liability for battery is not limited to the individual who makes the contact; an accomplice that enables or assists the act is liable as a principal and responsible for its full consequences. *Costner*, 82 Ark. App. 148, 156, 121 S.W.3d 164, 170.

Regardless of whether Lynn fell 35 feet or had injuries consistent with that fall—which he did not—Cobb had no legal authority to keep Lynn in the hospital nor inject him with acetaminophen, OLANZapine zydis, propranolol, divalproex (Depakote), QUETiapine (SEROquel), refuse nutrition without consent or sequester Lynn away from Hammett. *Compl.* ¶¶ 131, 150, 172, 177, 178, 214, 342. Cobb had no legal consent to inject Lynn with levetiracetam. *Compl.* ¶ 62. Etc. These were harmful and offensive contacts that Cobb meant to make.

Cobb is also liable for each contact made by each defendant who relied upon Ernst's negligent report that Lynn fell 35 feet.

B. Criminal Battery

Arkansas Code Annotated section 16–118–107 (Supp.2001), which was enacted in 1997, provides:

(a)(1) Any person injured or damaged by reason of conduct of another person that would constitute a felony under Arkansas law may file a civil action to recover damages based on the conduct.

(2) The burden of proof for showing conduct that constituted a felony shall be a preponderance of the evidence.

(3) If the person who is injured or damaged prevails, he or she shall be entitled to recover costs and attorney's fees.

(b) The action may be maintained by the person who was injured or damaged or, after the person's death, the executor, administrator, or representative of his or her estate.

(c) The remedy provided in this section shall be in addition to any other remedies in law or equity.

Costner v. Adams, 82 Ark. App. 148, 157, 121 S.W.3d 164, 170–71 (2003).

A person commits battery in the first degree if acting alone or with one (1) or more other persons the person commits or attempts to commit a felony; and in the course of and in furtherance of the felony or in immediate flight from the felony the person or an accomplice causes serious physical injury to any person under circumstances manifesting extreme indifference to the value of human life. Ark. Code Ann. § 5-13-201.

Cobb attempted and indeed committed the felony of false imprisonment (discussed below) by using physical and chemical restraints or having an accomplice use physical or chemical restraints on Lynn, showing complete indifference to the fact that Lynn might be allergic to the drugs administered. Also, that Lynn had a history of substance abuse that he recovered from 10 years earlier and reintroducing drugs into Lynn's system might cause him to start using again. In the later case, Lynn might eventually die and have a traumatic life in the meantime.

A person commits battery in the second degree if the person recklessly causes serious physical injury to another person by means of a deadly weapon. Ark. Code Ann. § 5-13-202. "Deadly weapon" means anything that in the manner of its use is capable of causing death or serious physical injury. Ark. Code Ann. § 5-1-102.

Again, Cobb injected drugs into Lynn, which caused a bad reaction. The unbroken chain of events with her accomplices left Lynn with a dislocated ossicle chain in his left ear and severe hyponatremia. It is also clear from the refusal of one accomplice, Edward Williams, to allow Lynn free outpatient testing for his sodium level for three days, that the accomplices did not “treat” Lynn out of concern or “love”—but out of a desire to generate revenue. *Compl.* ¶ 286.

C. Civil False Imprisonment

False imprisonment is the unlawful violation of the personal liberty of another consisting of detention without sufficient legal authority. *Headrick v. Wal-Mart Stores, Inc.*, 293 Ark. 433, 435, 738 S.W.2d 418, 420 (1987). Cobb detained Lynn with no lawful authority.

D. Criminal false imprisonment

A person commits the offense of false imprisonment in the first degree if, without consent and without lawful authority, the person knowingly restrains another person so as to interfere substantially with the other person's liberty in a manner that exposes the other person to a substantial risk of serious physical injury. Ark. Code Ann. § 5-11-103. False Imprisonment in the second degree does not expose the victim to serious bodily injury. Ark. Code Ann. § 5-11-104.

Cobb had no lawful authority to restrain Lynn, and did so, which exposed Lynn to serious physical injury.

E. Exposing Hammett to this Conduct was an Outrage

To establish an outrage claim, a plaintiff must demonstrate the following elements: (1) the actor intended to inflict emotional distress or knew or should have known that emotional distress was the likely result of his conduct; (2) the conduct was “extreme and outrageous,” was “beyond all possible bounds of decency,” and was “utterly intolerable in a civilized community”; (3) the actions of the defendant were the cause of the plaintiff's distress; and (4) the emotional distress

sustained by the plaintiff was so severe that no reasonable person could be expected to endure it. *McQuay v. Guntharp*, 331 Ark. 466, 470, 963 S.W.2d 583, 585 (1998).

Cobb should have known that she would cause Lynn's family deep emotional distress when she ordered Hammett to leave Lynn's room, and began drugging Lynn, then denying or causing her accomplices to deny the drugging. Cobb seemed to take particular glee in knowing Lynn was being forced to be catheterized, when she walked past Hammett, who was made to sit in the waiting room. Cobb smirked and waved her fingers at Hammett. This document is an errata of the document filed at about midnight on May 14, 2026, because of a miscalculation of the time limit.

Plaintiffs pray the Court's grace.

Wherefore, the plaintiffs request the Court deny Separate Defendant Shannon Cobb's motion to dismiss claims made by Hammett or grant plaintiffs leave to amend no more than 30 days after plaintiffs' anticipated renewed motion for an extension of time to serve summonses is decided.

Respectfully submitted,



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May 17, 2026

Date

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May 17, 2026

Certificate of Service

I, Laura Hammett, hereby certify that on May 17, 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 all attorneys in this matter. I also served a copy by email of the unstamped copy to each attorney by email. I also will deliver a copy of the file stamped copy by email to Plaintiff Sean Lynn at SeanLynnP@yahoo.com.

/s/ Laura Hammett

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