

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

**Plaintiffs' Brief in Support of Joint Opposition to Karrar Aljiboori's Motion to Dismiss
Laura Hammett's Claims**

Co-Plaintiffs Sean Lynn (“Sean”)¹ and Laura Hammett (“Laura”) joined on a complaint pursuant to Ark. R. Civ. P. 20. Their claims arise from the same two-week-long continuous transaction and occurrence and share a common nucleus of both fact and law. One copy of the summons and complaint was served on behalf of both plaintiffs by a Pulaski County Sheriff Deputy on March 25, 2024. While structuring the complaint differently would improve it, there are adequate facts presented that taken as true entitle Laura to relief from Aljiboori.

Algiboori misstated:

¹ Common names are used because UAMS employees wrote versions of Laura Lynn in the medical report, and using “Lynn” may be confusing.

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).

Algiboori Br. in Supp. Mot., at p. 4.

Two paragraphs later, the court wrote:

As we pointed out above, the only paragraph directly linking the defendants to USI is paragraph 31, and clearly, that paragraph states only that the defendants were customers who brought their waste oil to USI for disposal. It contains no factual allegations specifying which, if any, of the defendants contributed any PCB-containing oil to the site, how much or when any given defendant may have contributed used oil, or the purposes for which the defendants conducted business with USI. The mere recitation that the defendants were “generators” or “transporters” who brought hazardous substances or hazardous waste to the USI site “for disposal,” without any further facts to support a conclusion that the *409 defendants came within the meanings of these terms, simply fails to comport with our fact-pleading requirements.

Arkansas Dep't of Env't Quality, 352 Ark. 396, 408–09, 102 S.W.3d 458, 466.

ADEQ, was a defunct company that had illegally disposed of hazardous waste and the ADEQ complained about past customers of the polluter. UAMS violated the laws against treatment without consent, and Sean and Laura are now complaining about employees who were acting in the course of their employment. The customers did not act in concert. The UAMS employees called themselves a “team.” Sean and Laura did not name each specific action that each individual took. But the plaintiffs here gave specific actions that each “Clinician Defendant” took.

Plaintiffs ask leave to amend the complaint to make separate sections for each defendant who is served a summons timely, giving not all, but ample specific actions taken by each. That includes a section for Algiboori.

I. Laura Hammett served sufficient summons on Aljiboori, therefore allowing this Court to exercise personal jurisdiction over Karrar Aljiboori on all claims.

Sean Lynn and Laura Hammett together served one sufficient summons and complaint on Karrar Aljiboori. This process is effective for both plaintiffs.

There is no defect in the summons or with both plaintiffs shared service of a single copy of the complaint and summons. In fact, it is identical in verbiage to the summons the Board of Trustees of the University of Arkansas d/b/a/ UAMS sent to an alleged debtor in 2022 and far superior to the summons sent by the Board to an alleged debtor in 2026. *Ex. 14* attached. Arkansas Rule of Civil Procedure 4(b) governs the content and issuance of a summons. Ark. R. Civ. P. 4. The rule provides that a summons shall contain, in its caption, "the names of the plaintiff and defendant or, if there are multiple parties, the names of the plaintiff and defendant listed first in the complaint." Further, "immediately on the filing of the complaint, the clerk shall issue a summons to the plaintiff or the plaintiff's attorney, who shall deliver it for service[]." Ark. R. Civ. P. 4(a)(using the singular "a", "plaintiff" and "plaintiff's"). The rule thus contemplates a single summons per case, with a specific accommodation for multiple-party litigation: when there are multiple plaintiffs or defendants, only the first-named plaintiff and first-named defendant need appear in the caption.

The rule also provides that "process" means the summons and a copy of the complaint, which shall be served together, and that the plaintiff or plaintiff's attorney shall furnish "as many copies as are necessary." Ark. R. Civ. P. 4(c)(1). This language addresses the logistics of serving multiple defendants — not a requirement of multiple summonses per plaintiff.

The Arkansas Supreme Court directly addressed the scope of Rule 4(b)'s party-identification requirement in *Nucor Corp. v. Kilman*, 358 Ark. 107, 186 S.W.3d 720 (2004). In that case, a summons identified the defendants as "Nucor Corporation, Et Al." without listing the names of all defendants. Nucor argued the summons was defective because it failed to list every party. The court rejected that argument, stating: "A literal interpretation of the requirement that the summons 'contain the names of the parties' would require a listing of every plaintiff and every defendant on every summons, no matter how many plaintiffs and defendants are parties to the case. We reject this interpretation of Rule 4(b)." *Nucor Corp.*, 358 Ark. At 123, 186 S.W.3d at 729. The court held that so long as the served party is correctly identified in the summons and is apprised of the pendency of the suit with an opportunity to be heard, the summons satisfies the rule. *Id.*, 358 Ark. at 123.

The Arkansas Supreme Court reaffirmed this principle in *Shotzman*, noting the *Nucor* holding that "not every party name need be contained on the face of the summons." *Shotzman v. Berumen*, 363 Ark. 215, 226, 213 S.W.3d 13 (2005). The court in *Shotzman* distinguished situations involving complete misidentification of the defendant being served — which is fatal — from mere omission of co-parties' names, which is not. *Shotzman*, 363 Ark. at 226, 213 S.W.3d 13.

The introduction of electronic filing, and eFlex in particular, has created the inability to have more than one of multiple plaintiffs' addresses on the form summons approved by the Arkansas Supreme Court. Unlike lack of service as in *Cogburn v. Marsh*, 2023 Ark. App. 114, 2, 663 S.W.3d 404, 406 (2023), that is fatal, the court adopted a substantial-compliance standard for Rule 4 that took effect in January 2019. *Carter v. Livingston*, 2021 Ark. App. 363, 3, 635 S.W.3d 351, 355 (2021); Ark. R. Civ. P. 4(k)(2019). The substantial-compliance standard adopted by the

supreme court in January 2019 was inapplicable in *Cogburn* because Ark. R. Civ. P. 4(k) retained the strict-compliance rule in default situations. *Cogburn*, 2023 Ark. App. at 3, 663 S.W.3d at 407 (citing *Ligon v. Bloodman*, 2021 Ark. 124, 8.)

The summons that is generated by the Clerk of the Court in response to the entry of all plaintiffs and each plaintiff's home address into the eFlex system is the summons The Supreme Court of Arkansas has adopted for use in all cases in which personal service is pursuant to Rule 4(c), (f), and (h) of the Arkansas Rules of Civil Procedure. https://www.arcourts.gov/sites/default/files/formatted-files/form_of_summons2019_1.pdf. The form incorporates a proof of service to be made by a sheriff, deputy sheriff, or other person, as appropriate, in accordance with Rule 4(g). *Id.*

A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability unless the entity can show a fundamental alteration. 28 C.F.R. § 35.130(b)(7)(i).

Here, the Clerk of the Court instructed Laura to use her eFlex account to cause the clerk to generate the summonses in this case, including the summons served on Karrar Aljiboori. Because of limitations in the software, the help desk personnel at the Administrative Office of the Courts and the Clerk of the Court spent significant time generating small batches of the summonses over a three-day period.

The system only allows for one plaintiff's address. Only one plaintiff's name is required in the caption. Sean Lynn's name is first on the caption, so it appeared on the summons. Laura provides ADA accommodations to Sean for his loss of vocabulary and loss of hearing. After a few adamant demands, UAMS replaced Sean's home address with Laura's home address for all

mailings. Because of system limitations, the plaintiff's name and address populated on the summonses is Laura's name and both Sean and Laura's mailing address.

The plaintiffs caused a Sheriff deputy to serve the approved summons form issued by a deputy clerk to Karrar Aljiboori, and Aljiboori concurs that he was indeed served. He did not specify how the summons is insufficient and he implied that each plaintiff must serve a separate summons, but did not, and could not give any reason why the same Sheriff deputy should hand him two copies. Karrar Aljiboori was named in only one capacity, as an individual.

Therefore, Karrar Aljiboori was served sufficient summons on behalf of Sean Lynn and Laura Hammett and is therefore subject to the jurisdiction of the Court on all claims.

II. Laura Lynn stated facts that describe outrageous conduct complaint to add facts and claims specific to Karrar Aljiboori is not futile.

a. Karrar Aljiboori acted in concert with his co-plaintiffs to convince Laura Hammett that her son fell 35 feet and it was probable that he would die suddenly.

Aljiboori should be able to understand Laura's claims against him as currently written. Nevertheless, Plaintiffs intend to amend the Complaint and include separate sections and subsections describing Aljiboori's known individual conduct, in addition to the existing allegations describing the team's concerted actions and conduct that Aljiboori aided and abetted.

Laura's claims arise out of being subjected to watching her son be traumatized and battered for two weeks; and the fraud Aljiboori and his co-defendants used to convince Laura that Sean's drugged behavior was a result of falling 35 feet onto his head instead of from being drugged by Aljiboori's co-defendants. Laura intends to add a claim of fraud and a claim of unjust enrichment against Aljiboori.

Aljiboori's failure to stop treating immediately upon Sean's refusal of consent and failure to ask the appropriate staff to contact Sean's family is a proximate cause of Laura's damages. If Aljiboori did the right thing, Laura would have been to the hospital in 15 minutes and taken Sean home with both oscillator chains intact, no aphasia, no hyponatremia, and only the trauma of hitting his head to deal with. Laura was visiting with Sean's daughter in North Little Rock at the time Aljiboori documented his first contact with Sean. Aljiboori's failure to report his co-defendants for their unlawful treatment of Sean is a proximate cause of Laura's damages. At any time during the two weeks, Aljiboori could have ended the nightmare by speaking up.

Aljiboori did not write how his co-defendants and he managed to bind Sean to the hospital cot railings. He did not write who or how many did it. Sean hit his head after jumping ten feet and said it hurt a little, 2 on the scale of 1 to 10. Sean remembers it being a few "wimpy" high school football looking guys who tackled him. But Aljiboori did not request for the surveillance videos of the encounter taken in the Emergency Department to be preserved.

Dismissal at this stage would be premature before Laura has had an opportunity to conduct discovery to develop the full record of Dr. Aljiboori's individual conduct and its impact on her. The plaintiffs request leave to amend to cure any deficiency in the structure of the original complaint and to augment as further facts become known.

A. Aljiboori's conduct was a beginning link in the chain of events that foreseeably became an outrageous and horrifying experience for Laura.

The most horrifying and disturbing experience in Laura Lynn Hammett's life started with the false imprisonment of her son, Sean Lynn. The actions and decisions made by Dr. Aljiboori

during the first twelve hours of Sean’s hospitalization were a substantial factor in bringing about the subsequent physical, economic and emotional damage to Laura.

On January 13, 2024, at 5:54 p.m. Karrar Aljiboori wrote that Sean said, “Stope. What are you dong?” *Compl.*, at p. 37. He also wrote, “No neurosurgical intervention is warranted at this time.” *Compl.*, at p. 11. Sean had refused treatment, and immediately requested to leave the hospital. *Compl.*, at p. 14. Aljiboori refused to let him. *Compl.*, at p. 14.

Sean was injected with fentanyl from 5:49 p.m. to 5:52 p.m. *Compl.*, at p. 14; *Surveillance Videos That Were Destroyed*. Aljiboori’s name is not on the record as the person who ordered or injected Sean but it is plausible that he was present, aided and abetted in the drugging that Sean had refused. *Surveillance Videos That Were Destroyed*.

Plaintiffs intend to file a motion for spoliation sanctions similar to the motion that was pending at the Claims Commission when UAMS requested that Plaintiffs exhaust insurance. There was video taken in the Emergency Department that would show exactly what happened, but Dr. Aljiboori did not request those videos be preserved. *Surveillance Videos That Were Destroyed*. An aggrieved party can request that a jury be instructed to draw a negative inference against a spoliator, and plaintiff can ask for discovery sanctions or seek to have criminal prosecution initiated against the party who destroyed relevant evidence. *Goff v. Harold Ives Trucking Co., Inc.*, 342 Ark. 143, 150, 27 S.W.3d 387, 391 (2000).

There is no video preserved and no notes in the medical report that describe how Aljiboori was able to physically restrain Sean before or after the chemical restraints were injected. *Compl.*, at p. 51; *Surveillance Videos That Were Destroyed*.

On January 14 at 7:15 am, while Lynn was physically and chemically restrained, according to a note by Aljiboori, Lynn “Intermittently ask[d] for family members.” *Compl.*, at p. 19. Aljiboori

did not make any note reflecting an attempt to reach a family member by either handing Sean's phone to him (Sean was bound with four-point restraints, so could not reach his phone) or sending a patrol officer to the address in North Little Rock on Sean's license.

Laura was listed in Sean's phone as Mom, Granny, and Laura Lynn.

Aljiboori made no record of discussing Sean's forced confinement with legal counsel, or filing a petition under either a psychiatric hold or an emergency medical hold.

Aljiboori detained Sean with no lawful authority, the definition of civil false imprisonment.

Karrar Aljiboori also committed criminal false imprisonment against Sean. 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.

In this case, Aljiboori participated in administering fentanyl, a drug that is known to cause death. *Surveillance Videos That Were Destroyed*. In fact, Sean's brother died from a single dose of a pharmaceutical opioid. Aljiboori also refused to give Sean water, despite Sean begging. *Surveillance Videos That Were Destroyed; Compl.*, at p. 326 (referring to defendants in general, but Aljiboori will be specified on amendment). It is reasonable to think this contributed to cerebral salt wasting that could cause hyponatremia. On January 21, 2024, Dr. Arthur Rezayev wrote "Obtain serum and urine chemistries to determine[AR.3M] SIADH vs CSW vs psychogenic polydipsia[AR.1M][.]" Sean became critically hyponatremic during the confinement. *Compl.*, at p. 22, 39, 48, 59.

A foreseeable chain of events led from Aljiboori's initial encounter with Sean to Laura's need to give Sean vigilant protection. After taking Sean out AMA with an alarmingly low sodium level, Laura was able to help Sean achieve a healthy level in a few days. Aljiboori was not actively participating in Sean's treatment when his sodium level fell to critical, but Aljiboori set the electrolyte imbalance in motion.

Plaintiffs are not arguing the standard of medical care here. They are arguing that even if Aljiboori was providing the standard treatment for a traumatic brain injury, Sean did not consent to the treatment. *Compl.*, at p. 2, 6, 13, 14-17, 21, 24-36, 44, 45, 49, 51, 53, 59, 61, 63. Sean found the risks would outweigh the benefits, and Sean has a right to bodily autonomy arising from the Fourteenth Amendment of the United States Constitution.

Making Aljiboori's conduct worse, as a resident, Aljiboori is required to take a lesson in patient rights on Workday. *Compl.*, at p. 13. Aljiboori also signed a contract that requires him to report misconduct. *Compl.*, at p. 57. Aljiboori did not report the misconduct of depriving Sean of his right to refuse treatment. *Compl.*, at p. 57-58. Further, patients must sign a valid consent, that is included in the UAMS adherence contract, to treatment by students and residents. See *Compl.*, at 53 (this point will be included directly on amendment). There was no consent form in the medical report at the time Aljiboori was actively treating Sean, *compl.*, at p. 14 (there was a consent signed by "significant" at 4:09 p.m.), and Aljiboori did not note any action on his part to obtain consent. The following opinion is only persuasive, but states the duty Aljiboori failed eloquently:

A physician occupies a position of trust and confidence as regards his patient - a fiduciary position. It is his duty to act with the utmost good faith. This duty of the physician flows from the relationship with his patient and is fixed by law - not by the contract of employment. 21 R.C.L. 379; *Parkell v. Fitzporter et al*, Mo. Sup., 256 S.W. 239. The law's exaction of good faith extends to all dealings between the physician and the patient. A person in ill health is more subject to the domination and influence of another than is a person of sound body and mind. The physician has unusual opportunity to influence his patient. Hence, all transactions between

physician and patient are closely scrutinized by the courts which must be assured of the fairness of those dealings. In regard to any contract between physician and patient, it is the rule that the physician has the burden of proving that the patient entered into it voluntarily and advisedly, and without undue influence. *41 Am. Jur., Physicians and Surgeons, Sec. 74.*

Moore v. Webb, 345 S.W.2d 239, 243 (Mo. Ct. App. 1961)

Had Aljiboori caused Laura to be notified of Sean's hospitalization as per the UAMS declaration of patient rights, not aided in the administration of fentanyl and told Laura that his co-defendants had administered the fentanyl, and allowed Laura to speak with Sean during Aljiboori's first encounter, Laura would not have been traumatized for two weeks.

B. Aljiboori's Negligent conduct was a proximate cause of Laura's damages.

All previous sections are incorporated herein as if stated word for word.

Negligence is the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not do. *Schubert v. Target Stores, Inc.*, 2010 Ark. 466, 4, 369 S.W.3d 717, 719 (2010). To prove negligence, it must be shown that the defendant failed to exercise reasonable care in carrying out a legal duty owed to the plaintiff under the circumstances. *Shannon v. Wilson*, 329 Ark. 143, 158, 947 S.W.2d 349, 356 (1997). A negligent act occurs when a reasonable person in the same circumstances would recognize a significant risk of harm to others and would either refrain from acting or proceed with greater caution. *Ouachita Wilderness*, 329 Ark. at 412, 947 S.W.2d at 784.

Proximate cause is that which, in a natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury, and without which the result would not have occurred. *Chambers v. Stern*, 347 Ark. 395, 406, 64 S.W.3d 737, 744 (2002), cert. denied, 536 U.S. 940 (2002). There must be a causal connection between the negligence of the defendant and the

damage shown by the evidence to prove negligence. *Chambers*, 347 Ark. at 406, 64 S.W.3d at 744 (2002), cert. denied, 536 U.S. 940.

Negligence is the proximate cause of an injury only if the injury is the natural and probable consequence of the negligent act and ought to have been foreseen in the light of attending circumstances. *Lindle Shows v. Shibley*, 249 Ark. 671, 675, 460 S.W.2d 779, 782 (1970). To prove negligence in this state, the injury must have been reasonably foreseeable. *Benson v. Shuler Drilling Co.*, 316 Ark. 101, 112, 871 S.W.2d 552, 558 (1994).

“In Arkansas, the violation of statutes may be considered evidence of negligence. See *Jackson v. Cadillac Cowboy, Inc.*, 337 Ark. 24, 986 S.W.2d 410 (1999); *Watkins v. Arkansas Elder Outreach of Little Rock, Inc.*, 2012 Ark. App. 301, 420 S.W.3d 477.” *Young v. Blytheville Sch. Dist.*, 2013 Ark. App. 50, 6, 425 S.W.3d 865, 871 (2013). The Young Court went on to explain:

The Restatement (Second) of Torts, section 286 (1965) provides the following analysis for legislative enactments to be considered evidence of negligence:

The court may adopt as the standard of conduct of a reasonable man the requirements of a legislative enactment or an administrative regulation whose purpose is found to be exclusively or in part:

- (a) to protect a class of persons which includes the one whose interest is invaded, and
- (b) to protect the particular interest which is invaded, and
- (c) to protect that interest against the kind of harm which has resulted, and
- (d) to protect that interest against the particular hazard from which the harm results.

Young, 2013 Ark. App. at 6, 425 S.W.3d at 871.

For example, under Arkansas law, where a patient refuses care and no valid surrogate exists, treatment may proceed only upon a court granting a petition supported by medical certification of necessity. Ark. Code Ann. § 20-9-604. *Compl.*, at p. 13. This statute protects persons who want to refuse treatment against the advice of medical providers. *Compl.*, at p. 19, 46-47 (the first and only notation in the medical report that discussed a legal consultation requested

by the defendants, including Aljiboori). It protects the patient's right to bodily autonomy, against confinement without due process, and against a seizure of the patients assets to pay charges by the medical provider. It protects against the denial of the patient to self-treat or use family care. And it protects a patient who is highly sensitive to many substances and who has a history of substance abuse from being forced to medicate. It protects the patient who has the capacity to understand he is held unlawfully from harms when he attempts escape.

UAMS was not aware of this statute or was purposefully creating an inaccurate record. On January 27, 2024, simultaneously with Sean's release AMA, a note was made in the medical report. "Arkansas has no law (and UAMS, no policy) that covers so-called 'medical holds,'[]." *Compl.*, at p. 19, 46-47. This note was written by someone on the ethics committee, not general counsel. *Compl.*, at p. 46. Still it is disturbing that one whose job it is to study bioethics was unaware that patients have a statutory right to refuse treatment.

At some point before Sean was confined with no legal authority, someone at UAMS might have known about Ark. Code Ann. § 20-9-604 and the Fourteenth Amendment of the United States Constitution. The patients' rights, enumerated on a form that Laura found online after Sean's release, included the right to refuse treatment. *Compl.*, at p. 61.

Failure to learn of one's legal obligation before forcing controlled substances on another and binding that person naked to a bed for days at a time is evidence of negligence that does not need to be explained by an expert on standard of care. Aljiboori, Ernst, Cobb, and every other team member who failed to petition a court to override Sean's refusal of treatment violated the statute. The statute's purpose was to protect Sean's right to refuse treatment. It was meant to protect Sean's right to bodily autonomy, against confinement without due process, and against seizure of his assets to pay charges by UAMS that went in part to paying Aljiboori. It was meant to protect Sean's

right to treat at home, to eat and drink nutritiously, to sleep in a comfortable bed, to have the company of his mother and child, and to be free of bondage, toxins, and brutality. And it was meant to protect Sean, who is highly sensitive to many substances and who has a history of substance abuse, from being forced to medicate. It was meant to protect Sean, who had the capacity to understand he was held unlawfully, from having his head bashed against hard surfaces and be catheterized when he attempted escape.

Aljiboori relied upon the unwitnessed assumptions of an EMT regarding the mechanism of Sean's injury as the sole basis for a Level 2 trauma activation, without reconciling that narrative with his own clinical observations. Aljiboori failed to ask Sean how he was injured. Aljiboori did not file a petition and have representation appointed to Sean before confining Sean without consent. *Compl.*, at 58 (¶ 316).

Plaintiff's Complaint, ¶ 319 actually says: "Defendants acted in utter disregard of [Sean]'s legal rights, knowing they denied [Sean] due process as required for a 72-hour psychiatric hold or a medical hold to treat an imminent life-threatening condition."

Proving that a medical provider fell below the standard of care for persons in the same field in the same area is easy when the standard of care of a medical provider who is in a fiduciary relationship falls below the standard of care of the non-professional, reasonably prudent person.

Aljiboori's conduct was a proximate cause of the entire two weeks of brutality suffered by Sean and witnessed by Laura. Aljiboori knew or should have known that failing to report the non-consensual treatment or demanding to file a petition for a court order and have legal representation appointed to Sean would cause Sean and his family extreme emotional distress.

It is foreseeable that a person unlawfully held will try to escape. It is foreseeable that a family member, if alerted to the fact of the confinement, will try to help the prisoner escape. That

is the probable reason Aljiboori did not cause Laura to be notified. It is foreseeable that the intended harmful and offensive contact meant to confine the patient might accidentally transfer to the patient's family member who is trying to help him. Here, Laura had Sean pulled away from her and had her and Sean's heads hit together. It is foreseeable that if a family member is not allowed to take the prisoner home, that the family member will stay in the room the prisoner is confined in. It is foreseeable that if no place to lay down is provided for the family member, she will have a difficult time sleeping. Here, Laura, who had a well-documented problem with insomnia that was controlled with the help of her medical providers was unable to sleep again on the nights she stayed at UAMS. This would not happen if Aljiboori had not acted negligently during the first 12 hours of Sean's confinement.

It is foreseeable that if a family member with special dietary needs like Laura is forced to stay in the room with the prisoner instead of caring for him at home, and no refrigerator or cooking facilities are provided, the family member may not be able to stay on her restricted diet. This happened to Laura because Aljiboori and his co-defendants did not allow Sean to leave UAMS.

Laura was so upset during the confinement that she lost a year of her already short law career. Laura scored 157 on the last practice LSAT she took before January 13, 2024. She scored 145 or less on the LSAT she took on January 23, 2024. In August 2024, she scored 162. The pattern of Laura's scores shows that she was significantly stressed on January 23, 2024.

Aljiboori acted negligently as an individual, but he is also liable for the damages caused by the Team as an aider and abettor as discussed in Section III.

C. Aljiboori's conduct was outrageous.

All previous sections are incorporated herein as if stated word for word.

To prevail on an outrage claim in Arkansas, a plaintiff must prove four elements: (1) the defendant intended to inflict emotional distress or knew or should have known that emotional distress was the likely result of the conduct; (2) the conduct was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community; (3) the defendant's actions caused the plaintiff's distress; and (4) the emotional distress was so severe that no reasonable person could be expected to endure it. *Croom v. Younts*, 323 Ark. 95, 101, 913 S.W.2d 283, 286 (1996). Arkansas courts have emphasized that the tort "requires clear-cut proof" and that merely describing conduct as outrageous does not make it so. *Fam. Dollar Trucking, Inc. v. Huff*, 2015 Ark. App. 574, 9, 474 S.W.3d 100, 107 (2015).

If conduct is sufficiently flagrant to give rise to the tort of outrage, then "the injury the law seeks to redress is the anguish itself and it need not rest, parasitically, on more demonstrative loss or injury." *Growth Props. I v. Cannon*, 282 Ark. 472, 474, 669 S.W.2d 447, 448 (1984)(the defendants asserted "that none of the appellees testified to any loss or injury 'except some rather vague references to feeling bad about it, or being "heartsick"."). Neither is physical injury a prerequisite to a recovery for mental suffering when wrongs are committed deliberately or wantonly and in both cases awards of punitive damages superimposed on compensatory damages where the insult was injured feelings without corporal injury were upheld. *Growth Props.*, 282 Ark. at 474, 669 S.W.2d at 448.

In *Growth Props.*, a cemetery was desecrating the plaintiffs' family graves by driving over them with construction equipment during an extended project. See *id.* One plaintiff was told by one of the cemetery's employees, evidently with some abruptness, not to come back until the work

was finished if she found it upsetting. *Id.*, at 476. The plaintiffs prevailed, and damages totaling \$55,000 in 1984. *Id.*, at 474.

Another defendant was ordered to pay \$25,000 in compensatory and \$50,000 in punitive damages in 1985 for the outrageous conduct of making false reports and keeping surveillance on the plaintiff. *Hess v. Treece*, 286 Ark. 434, 437, 693 S.W.2d 792, 794 (1985).

The outrageous conduct by Aljiboori toward Sean and the outrageous conduct by Aljiboori toward Laura is inextricably intertwined. Aljiboori did not make notes of contact with Sean after January 14, 2024, before Laura arrived. His conduct still affected both plaintiffs. First, Aljiboori failed to report the false imprisonment and battery, so it continued. Next, the records are incomplete, so Aljiboori may have been physically present more than marked in the documents provided. *Compl.*, at p. 49; *Surveillance Videos That Were Destroyed*. For example, there was a whole team of residents and nurses discussing Sean's case outside the room he was held in on January 24 at approximately 8:40 a.m. *Compl.*, at p. 27; *Surveillance Videos That Were Destroyed*. It is likely Aljiboori was attending that class and heard Laura's pleas to release Sean made to the entire group. *Compl.*, at p. 27; *Surveillance Videos That Were Destroyed*. The professor let Laura speak for many minutes before shutting her down abruptly. *Compl.*, at p. 27; *Surveillance Videos That Were Destroyed*. There was also video surveillance that would show if Aljiboori went into Sean's room at other times, to help bind him to the hospital cot railings or subdue him chemically, but that video was not preserved. *Compl.*, at p. 52, 54; *Surveillance Videos That Were Destroyed*. The videos would also show when Laura entered the room also, and was involved in the brawl that occurred when Sean broke loose of the restraints. *Surveillance Videos That Were Destroyed*.

As in *Growth Props.*, Laura was given the option to leave or to watch her son be brutalized, while he begged and cried to be released. In addition, Laura was not permitted to bring Sean's

daughter to visit him. As a result, Laura was forced to choose between leaving Sean alone or leaving her eight-year-old granddaughter home alone while school was out and the child's mother worked long hours, sometimes until midnight.

Aljiboori knew or should have known that emotional distress was the likely result of confining Sean without consent. Aljiboori knew or should have known that both Laura and Sean would be emotionally damaged by Aljiboori's cold-hearted failure to try to contact family after hearing Sean ask for them. *Compl.*, at p. 19. One or more defendants, plausibly including Aljiboori, hid the triage report from Sean and Laura until May 5, 2025, not informing them about the administration of fentanyl until then. *Compl.*, at p. 53 (there was a bill for fentanyl, but no documentation of it being administered in communications before then).

Aljiboori was involved in taking Sean's cloths off him. *Surveillance Videos That Were Destroyed*. It is foreseeable that a mother who comes to the hospital will see her grown son's genitals if he is tied up naked to the hospital cot railings. Laura, despite her best efforts to keep the sheet and small blanket over Sean's privates, could not always do so as Sean thrashed around trying to escape. UAMS claimed Sean was not naked, but Laura had taken videos against UAMS policy. (No one would tell Laura the policy number, so at the calmest moments, Laura made a record.)

Now, to show his disregard for truth and justice, Aljiboori contends that Sean and Laura did not state facts that, taken as true, show that Aljiboori's conduct was outrageous.

b. Aljiboori acted in concert with the "Team" and therefore is liable for each intentional tort committed under an aiding and abetting theory.

Liability for intentional torts is not necessarily restricted to the primary actor; any person who is present, encouraging, or inciting harmful conduct by any means, such as words, gestures,

looks, or signs, aids and abets the action. Thereby, liability is imputed on the aider and abettor as a principal. *Costner v. Adams*, 82 Ark. App. 148, 156, 121 S.W.3d 164, 170 (2003).

The United States Supreme Court adopted the “Halberstam elements” and elaboration of “substantial assistance” to define aiding and abetting. *Twitter, Inc. v. Taamneh*, 598 U.S. 471, 471 (2023). Three main elements were established: “(1) the party whom the defendant aids must perform a wrongful act that causes an injury, (2) the defendant must be generally aware of his role as part of an overall illegal or tortious activity at the time that he provides the assistance, and (3) the defendant must knowingly and substantially assist the principal violation.” *Twitter*, 598 U.S. 471, 486 (quoting *Halberstam v. Welch*, 705 F.2d 472, 477 (D.C. Cir. 1983)).

The court weighs the following factors to determine if assistance is “substantial”: (1) the nature of the act assisted, (2) the amount of assistance provided, (3) whether the defendant was present at the time of the principal tort, (4) the defendant's relation to the tortious actor, (5) the defendant's state of mind, and (6) the duration of the assistance given. *Id.*

Halberstam clarified that those who aid and abet “a tortious act may be liable” not only for the act itself but also “for other reasonably foreseeable acts done in connection with it.” *Halberstam*, 705 F.2d at 477. In fact, in *Halberstam*, the aider and abettor was not present when the tortious conduct occurred. *Id.* Halberstam was killed during a burglary committed by Bernard Welsh. *Id.* Linda Hamilton was Welsh’s cohabitating girlfriend. *Id.* Over the five years prior to Halberstam’s wrongful death, Hamilton and Welsh built a substantial fortune where Welsh would steal jewelry, melt it down and Hamilton would sell the gold and silver. *Id.* Then, Hamilton washed the money through her bank account to help Welsh avoid detection. *Id.*

Because Hamilton knew Welch was committing a ‘personal property crime’ that carried a foreseeable risk of violence and death, the court concluded she substantially assisted Welch and was liable for Halberstam’s death. *Id.*

Aiding and abetting does not require the defendant to have known “all particulars of the primary actor's plan.” RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS § 10, cmt. c, at 104 (AM. L. INST., Tentative Draft No. 3, 018). To illustrate, a person who intentionally helps others break into a building at night may be liable for aiding and abetting its burning if the intruders, without his knowledge, use torches and inadvertently start a fire. See *American Family Mutual Ins. Co. v. Grim*, 201 Kan. 340, 345-347, 440 P.2d 621, 625-626 (1968); RESTATEMENT (SECOND) OF TORTS § 876, cmt. d, Illus. 10, at 318.

Aiding and abetting, unlike conspiracy, requires no agreement with the principal actor, eliminating a significant restriction on liability. See *Nye & Nissen v. United States*, 336 U.S. 613, 620 (1949).

The *Twitter* court cautioned that some restraint should be shown when applying accomplice liability. *Twitter*, 598 U.S. 471, 490-91. Some decisions require a clear nexus between the defendant’s assistance and the trespass, along with an intent that the assistance lead to its commission, before liability will attach. *Id.*, at 491. Other courts have required a showing of culpable conduct and at least some awareness that the defendant’s actions were assisting the primary wrongdoer before imposing secondary liability. *Id.* Still others have found that culpability of some sort is necessary to attach fault to a secondary actor, lest mostly passive actors like banks become liable for all of their customers’ crimes by virtue of carrying out routine transactions. *Id.*

The plaintiffs did not name the pharmacists or the orderlies who brought Sean his meals of pudding and high fructose corn syrup water. Those employees carry out orders and might not know

that Sean was a prisoner. There are legitimate uses of restraints; the orderlies might not know that Sean was being abused.

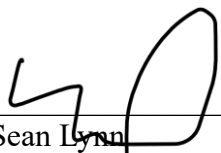
In contrast, Aljiboori knew or should have known Sean refused to consent. *Compl.*, at p. 37. Aljiboori heard Sean say what most people of average intelligence would understand to mean “stop.” *Compl.*, at p. 37. Aljiboori heard Sean ask for family, and did nothing to notify “Mom, Granny, Laura Lynn” who was an entry in Sean’s phone. *Compl.*, at p. 19.

Aljiboori was there when Sean was forced to use fentanyl. *Compl.*, at p. 11; *Surveillance Videos That Were Destroyed*. Aljiboori was there when Sean was stripped naked and bound hands and feet to a hospital bed. Aljiboori was there on the first morning, when the Team doubled down on the chemical restraints, injecting Sean with Lorazepam. Aljiboori was likely with the Team on January 24, 2024, when Laura shared personal details of Sean’s heart wrenching past and incarcerations for non-violent drug charges; then begged for his release. *Compl.*, at p. 27; *Surveillance Videos That Were Destroyed*.

There is no indication in the medical report and no surveillance videos that show Aljiboori was not being a Team player, aiding and abetting in the two weeks of continual false imprisonment and battery.

Aljiboori acted negligently toward Laura by failing to tell her the true cause of Sean’s intoxicated behavior.

Respectfully Submitted,



Sean Lynn
Mail to:

May 22, 2026

16 Gold Lake Club Road
Conway, Arkansas 72032
(213) 716-5231
SeanLynnP@yahoo.com

/s/ Laura Hammett

May 22, 2026

Laura Hammett, in pro se
16 Gold Lake Club Road
Conway, Arkansas 72032
(760) 966-6000
Bohemian_books@yahoo.com

Certificate of Service

I, Laura Hammett, hereby certify that on May 22, 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 will also deliver a file stamped copy by email to Plaintiff Sean Lynn who joined in this motion at SeanLynnP@yahoo.com.

/s/ Laura Hammett

Laura Hammett
16 Gold Lake Club Road
Conway, Arkansas 72032
(760) 966-6000
Bohemian_books@yahoo.com

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

PLAINTIFFS' EXHIBIT 14

Two Summonses Issued on Behalf of The Board of Trustees of the University of Arkansas d/b/a
University of Arkansas for Medical Sciences

THE CIRCUIT COURT OF SALINE COUNTY, ARKANSAS

UNIVERSITY HOSPITAL
Plaintiff

v.

No. 63 CV-22-408

GAYLONE T PLEDGER
Defendant

SUMMONS

THE STATE OF ARKANSAS TO DEFENDANT:

Gaylone T Pledger
501 East Hillside Drive
Benton AR 72015

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) — or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas — you must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are: Tim Cullen, P.O. Box 3255, Little Rock, Arkansas 72203.

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

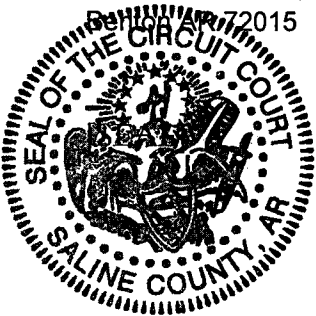
Myka Bono Sample
CLERK OF COURT

Address of Clerk's Office

Circuit Court of Saline County
200 North Main Street, Room 113
Benton, AR 72015

Jennifer Moore
[Signature of Clerk or Deputy Clerk]

Date: 4-6-2022



THE CIRCUIT COURT OF SALINE COUNTY, ARKANSAS

No. _____ *This summons is for Gaylone T Pledger.*

PROOF OF SERVICE

On _____ [date] I personally delivered the summons and complaint to the defendant at _____ [place]; or

After making my purpose to deliver the summons and complaint clear, on _____ [date] I left the summons and complaint in the close proximity of the defendant by _____ [describe how the summons and complaint was left] after he/she refused to receive it when I offered it to him/her; or

On _____ [date] I left the summons and complaint with _____, a member of the defendant's family at least 18 years of age, at _____ [address], a place where the defendant resides; or

On _____ [date] I delivered the summons and complaint to _____ [name of individual], an agent authorized by appointment or by law to receive service of summons on behalf of _____ [name of defendant]; or

On _____ [date] at _____ [address], where the defendant maintains an office or other fixed location for the conduct of business, during normal working hours I left the summons and complaint with _____ [name and job description]; or

I am the plaintiff or an attorney of record for the plaintiff in a lawsuit, and I served the summons and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached signed return receipt.

I am the plaintiff or attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with two copies of a notice and acknowledgment and received the attached notice and acknowledgment form within twenty days after the date of mailing.

Other [specify]:

I was unable to execute service because:

My fee is \$ _____.

To be completed if service is by a sheriff or deputy sheriff:

Date: _____ SHERIFF OF _____ COUNTY, ARKANSAS

By: _____
[signature of server]

[printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: _____

By: _____
[signature of server]

[printed name]

Address: _____

Phone: _____

Subscribed and sworn to before me this date: _____

Notary Public _____

My Commission Expires: _____

Additional information regarding service or attempted service:

IN THE DISTRICT COURT OF SHERWOOD, ARKANSAS

COMPLAINT

PLAINTIFF:

THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF ARKANSAS d/b/a
UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES

V.

CASE NO. SWCV-26-590

DEFENDANT(S): #82280208

LONDON MCFARLAND XXX-XX-0102
46 DONNA DR
SHERIDAN, AR 72150 , 870-484-2787
POE: UNION PACIFIC

FILED
2026/04/16, 12:04
SHERWOOD DISTRICT COURT

NATURE OF CLAIM: "UNPAID DEBT" DATE CLAIM AROSE: "SEE BELOW" FACTUAL
BASIS OF CLAIM: PAST DUE AND UNPAID OBLIGATION OWED BY THE DEFENDANT(S)
FOR SERVICES RENDERED BY PLAINTIFF TO DEFENDANT(S) AND/OR DEFENDANT(S)
MINOR CHILD. THESE DEBTS ARE LISTED AS FOLLOWS:

SERVICE RENDERED TO:	DATE:	AMOUNT:
LONDON MCFARLAND	04/22/24	234.00
Landon McFarland	04/22/24	141.16

LAST PAYMENT DATE:

TOTAL UNPAID DEBT(S):	\$	375.16
FILING FEE:	\$	82.50
ATTORNEYS FEE:	\$	123.80
SERVICE FEE:	\$	65.00
TOTAL AMOUNT OF RELIEF SOUGHT IN THIS ACTION:	\$	646.46



***** SUMMONS AND NOTICE TO DEFENDANT *****

You are hereby warned to file a written answer with the Clerk of the Court within 30 days after the date that you receive this complaint and to send a copy to the Plaintiff or to its attorney. If you do not file an answer within 30 days, or if you fail to file an answer, a default judgment may be entered against you.

Amey Bell

Court Clerk

Brad G. Dowler

Brad G. Dowler ABN: 2006177
THE DOWLER LAW FIRM
PO Box 30310
Little Rock, AR 72260
501-303-4580
Attorney for Plaintiff

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.