

**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 Britney M. Beumeler's Motion to Dismiss  
Laura Hammett's Claims**

Co-Plaintiffs Sean Lynn (“Sean”)<sup>1</sup> 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. Britney M. Beumeler (“Beumeler”) contends that Laura did not include enough individualized facts about Beumeler to state a claim on which relief can be granted. While structuring the complaint differently would improve it, there are adequate facts presented that taken as true entitle Laura to relief from Beumeler.

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

**I. Laura Lynn stated facts upon which relief can be granted and amendment of the complaint to add facts and claims specific to Britney M. Beumeler is not futile.**

**a. Laura Hammett stated actionable claims against Britney M. Beumeler for negligence and outrage arising from the two weeks of trauma to which Beumeler contributed.**

Beumeler should be able to understand Laura's claims against her as currently written. Nevertheless, Plaintiffs intend to amend the Complaint and include separate sections and subsections describing Beumeler's known individual conduct, in addition to the existing allegations describing the team's concerted actions, and conduct witnessed by the plaintiffs where the names of the individual actors were unknown to them.

"Looking at the current complaint, Beumeler's mischaracterizes and attempts to trivialize her conduct. "Here, the only facts that pertain to Beumeler are that (1) she was a clinician at UAMS;" *Beumeler Br. in Supp. Mot.*, at p. 3. Beumeler was the nurse in charge on at least January 21, 2024. Plaintiffs will add this fact by amendment.

"(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;" *Beumeler Br. in Supp. Mot.*, at p. 3, 4. Referring to Sean's attempt to leave the hospital as an "elopement," despite the absence of any court order authorizing his confinement, minimizes the seriousness of the conduct at issue and reflects an apparent belief that nonconsensual restraint of a competent adult may be casually normalized. Plaintiffs contend that such

characterization supports the need for punitive damages sufficient to deter similar acts of false imprisonment in the future, including the requested share of the \$21 million punitive damages award attributable to Beumeler. Similarly, ordering that Sean be fed divalproex (Depakote) enteric coated tablet 500 mg was battery. In the amendment, plaintiffs will list each time Beumeler battered Sean. Beumeler should be charged with criminal battery and lose her nursing license, because she still claims entitlement to give a person drugs without consent. Beumeler contends that telling Laura that restraints and sedation were going to be used again without consent is not outrageous. Saying “I am tying your son up and battering him and there is nothing you can do to stop me” is outrageous.

“(3) that she misled Ms. Hammett regarding law enforcement involvement suggesting that police would intervene to prevent Mr. Lynn’s departure from the hospital;” *Beumeler Br. in Supp. Mot.*, at p. 4. Beumeler suggests that it was perfectly fine to lie to Laura, vicariously assaulting Laura to coerce her into talking Sean (over the phone) into going back to the room. Laura told Beumeler and many defendants that Sean has had several bad experiences with police misconduct and brutality and police involvement might trigger PTSD.

Writing about this is causing Laura an unhealthy amount of stress.

“(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.” *Beumeler Br. in Supp. Mot.*, at p. 4 (citing *Compl.*, at p. 42, ¶ 237).

This is a disgusting alteration to what the plaintiff’s wrote:

237. On January 21, Beumeler told Hammett by telephone that there were police approaching. Hammett feared it might end up like the fatal shooting of Tyrone Washington by a UAMS police officer. Hammett won some concessions if she would talk Lynn into going upstairs. Beumeler agreed to let Lynn wear clothes, eat soft foods, and use a comfortable pillow that Hammett would bring that day. Hammett talked Lynn into going back upstairs.

*Compl.*, at p. 42, ¶ 237.

After Lynn went upstairs is when Beumeler called Laura again and said she was going to use restraints and sedation again. *Compl.*, at p. 42, ¶ 239.

That was the day Laura started learning the extent of the drugs Beumeler and the other defendants used on Sean –not the fentanyl yet, though. Laura told a doctor that she was going to get an attorney to get Sean out right after she took the LSAT on the morning of the 23rd. *Compl.*, at p. 43. When Laura got to the hospital on the 23<sup>rd</sup>, Sean was restrained, catheterized with his bloody penis exposed, groggy, with other tubes and wires attached. *Compl.*, at p. 43. “On January 24, Lynn was in four-point restraints, no clothes on, sedated, tube in his nose, the pillow Hammett brought was not on his bed, the healthful soft foods Hammett brought on January 21 were on a table out of reach of Lynn and untouched.” *Compl.*, at p. 43. Beumeler left these details out of her motion to dismiss Hammett’s claims.

On a motion to dismiss, the court takes facts pled as true. That is all the facts. Beumeler’s attorney should not certify that the only facts that pertain to Beumeler are in paragraphs where Beumeler’s name was used, but not the paragraphs following where the lie is exposed. That is deceptive to the tribunal.

Beumeler also misstated caselaw:

*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).

*Beumeler Br. in Supp. Mot.*, at p. 4.

Two paragraphs later in the *ADEQ* opinion, 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.

In *ADEQ*, a defunct company that had illegally disposed of hazardous waste and the ADEQ complained about past customers of the polluter. Here, UAMS violated the laws against treatment without consent, and Sean and Laura have complained about employees who were acting in the course of their employment. The polluter’s 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 there were enough details about Beumeler to state a claim.

Beumeler restrained Sean without consent and battered him as Laura looked on helplessly. Beumeler lied to Laura to convince her to talk Sean into going to the room; then made that look to Sean like a betrayal. (The Doctors Insurance representative Steve Hillis told Sean in letters that Laura agreed with the imprisonment until the last day.)

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 Beumeler.

Laura’s claims arise out of being subjected to watching her son be traumatized and battered for two weeks; and the fraud Beumeler and her 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

Beumeler and her co-defendants. Laura intends to add a claim of fraud and a claim of unjust enrichment against Beumeler. The unjust enrichment is that Laura saved Sean from probable death at Beumeler's hands and Beumeler got paid from the money collected on Sean's behalf.

The plaintiffs can list each of the recorded instances in a "Beumeler" section of the first amended complaint. It would be easier to accomplish if UAMS would use a function on its software to create a report by user name. UAMS has explicitly refused to do this.

The plaintiffs cannot know with certainty each time Beumeler entered the room of confinement, because Beumeler did not request that the surveillance videos be preserved. 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 hallways and stairwells that would show when Beumeler entered the room of confinement, but Beumeler 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).

**A. Beumeler supervised the events that could foreseeably become 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 Beumeler during Sean's hospitalization were a substantial factor in bringing about the subsequent damage to Laura, physical, economic and emotional.

Civil 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).

There is no video preserved and no notes in the medical report that describe how Beumeler was able to physically restrain Sean before or after the chemical restraints were injected. *Compl.*, at p. 32, 35, 36; *Surveillance Videos That Were Destroyed*.

Beumeler 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.

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

Britney M. Beumeler 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, Beumeler participated in administering drugs and applying physical restraints. *Compl.*, at p. 43; *Surveillance Videos That Were Destroyed*. It is reasonable to think the drugs ordered or approved by Beumeler 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.

Laura had to provide high sodium, healthful foods for Sean, which went untouched when Sean was physically restrained. *Compl.*, at p. 43. 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. Beumeler was actively participating in Sean's treatment when his sodium level fell to critical, proximately causing the electrolyte imbalance.

Plaintiffs are not arguing the standard of medical care here. They are arguing that even if Beumeler 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.

Beumeler knew or definitely should have known her legal obligation to petition a court before performing non-censensual treatment. *Compl.*, at p. 43. Beumeler also should know that she is not allowed to authorize students or PCTs she supervises to treat patients who have not signed consent to be worked on by trainees. See *Compl.*, at 53 (this point will be included directly on amendment). There was no consent form in the medical report at the time Beumeler was actively treating Sean, *compl.*, at p. 14 (there was a consent signed by "significant" at 4:09 p.m.), and Beumeler did not note any action on her part to obtain consent. The following opinion is only persuasive, but states the duty Beumeler 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 Beumeler stopped the false imprisonment, Laura would have been able to care for Sean in the comfort of their homes. Laura would be able to continue studying for the LSAT that she was scheduled to take on January 23, 2024. She would not be exhausted and stressed out when she took the LSAT. And she would get into law school a year earlier.

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.

It was foreseeable to a reasonably prudent person that holding a person's son against his will, telling the mother an unverified story that her son fell 35 feet, and not informing her that her son's behavior was caused by psychogenic polydipsia would cause her damages of many types, physical, economic and emotional.

**B. Beumeler battered Sean in front of Laura.**

Section A above is incorporated here as if word for word.

Civil 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.

Beumeler caused Sean to be drugged, pricked, tied up and have a feeding tube forced into him along with other atrocities. *Surveillance Videos That Were Destroyed*. Beumeler was supervising those who left Sean naked, forcing Laura to see and cover-up her grown son's genitals.

A person commits criminal 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.

Beumeler attempted and indeed committed the felony of false imprisonment (discussed above) 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. *Compl.*, at p. 42, 43; *Surveillance Videos That Were Destroyed*. Also, Sean had a history of substance abuse that he recovered from 10 years earlier and reintroducing drugs into Sean's system might cause him to start using again. *Compl.*, at p. 27. In the later case, Sean might eventually die and have a traumatic life in the meantime.

Beumeler should have foreseen that reintroducing drugs into a former drug addict, in front of the man's mother, would cause his mother severe distress and the physical response of PTSD. Laura's cortisol levels were probably dangerously high for the entire 13 days.

The unbroken chain of events with Beumeler's accomplices left Sean with 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. Beumeler's Negligent conduct was a proximate cause of Sean'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).

Medical injury requires that the medical provider falls below the "standard of care." But standard of care extends to conduct that can be comprehended without the expertise of another

medical provider. For example, leaving a sponge in the patient after surgery, as Co-defendant Joseph Beumeler did to Carl Sullivan, is something that a person with no medical training would understand to create a foreseeable risk. *Sullivan v. Bd. of Trs. of the Univ. of Ark.*, 60-CV-5497.

“[E]xpert testimony is not necessary in every malpractice case. *See Dodd v. Sparks Reg'l Med. Ctr.*, 90 Ark. App. 191, 197, 204 S.W.3d 579, 583 (2005). Classic examples in which these elements are satisfied without the need for an expert include instances when a surgeon might fail to sterilize the instruments, wash his hands, or remove a sponge before closing an incision. *Id.* (citing *Lanier*, 207 Ark. 372, 180 S.W.2d 818 (1944)).” *Daniels v. Lyle*, 2025 Ark. App. 197, 13, 713 S.W.3d 15, 23 (2025), *reh'g denied* (May 7, 2025), *review denied* (Sept. 25, 2025).

“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 Beumeler). It protects the patient's right to bodily autonomy, against confinement without due process, and against a seizure of the patient's 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, where Beumeler is a charge nurse, 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. Surely Beumeler should be familiar with the UAMS written patient's rights that is supposed to be given to each patient or surrogate when asked to sign the consent form.

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. Beumeler, 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 Beumeler. 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.

Beumeler 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 her own clinical observations." Beumeler's failure to ask Sean how he was injured, instead demanding that Sean fell 35 feet was a reckless disregard for the truth. *Compl.*, at 58 ( ¶ 316).

Beumeler acted in utter disregard of Lynn's legal rights, knowing they denied Lynn due process as required for a 72-hour psychiatric hold or a medical hold to treat an imminent life-threatening condition. *Compl.*, at 58 ( ¶ 319).

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.

Beumeler's conduct was a proximate cause of the brutality suffered by Sean and witnessed by Laura. Beumeler knew or should have known that allowing trainees to treat Sean without

consent and without a petition for a court order and no legal representation appointed to Sean would cause Sean extreme harm. It is foreseeable that a person unlawfully held will try to escape. It is foreseeable that nurses and patient care technicians who see a charge nurse acting as if the confinement was legal, might themselves fail to make a reasonable inquiry into the propriety of disobeying the patient's demands to stop.

It is foreseeable that Laura, when seeing this conduct, would use every bit of her energy to help release Sean without having Sean or Laura shot in the face by UAMS PD, like they did to Tyrone Washington. *Compl.*, at p. 42.

Beumeler acted negligently as an individual, but she is also liable for the damages caused by the Team as an aider and abettor as discussed below.

#### **D. Beumeler'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 Beumeler toward Sean and the outrageous conduct by Beumeler toward Laura is inextricably intertwined.

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.

Beumeler knew or should have known that emotional distress was the likely result of confining Sean without consent. Beumeler knew or should have known that both Laura and Sean would be emotionally damaged by Beumeler's conduct. One or more defendants, plausibly including Beumeler, 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.

Beumeler's conduct toward Sean was clearly outrageous. Beumeler allowed her trainees to leave Sean exposed and to force Sean to use a bedpan to defecate. This caused Laura to not only see her grown son naked, but need to wipe his genitals where other nurses did not clean him of blood and feces. *Compl.*, at p. 34.

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

**b. Beumeler 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 Welsh 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, Beumeler knew or should have known Sean refused to consent. *Compl.*, at p. 37. Beumeler was a professor at UAMS and therefore responsible for all the actions the students, trainees and residents took in the performance of their work. UAMS denied all allegations at the Claims Commission. Beumeler's motion is based on his contention that Laura's complaint, even taken as true, does not state a claim against him. Therefore, Beumeler is saying he had no duty to

insist that his students, trainees and residents petition a court before treating a patient who clearly refused consent.

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

Respectfully Submitted,



Sean Lynn

May 22, 2026

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May 22, 2026

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### 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

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