

IN THE CIRCUIT COURT OF PULASKI, ARKANSAS

SEAN LYNN; and
LAURA HAMMETT

PLAINTIFFS

v.

Case No. 60CV-26-216

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

DEFENDANTS

Brief in Support of Plaintiffs' Joint Response to Defendant Erika A. Petersen's Motion to Dismiss

I. Plaintiffs Filed a Timely Motion for Extension of Time to Serve Summons on Erika A. Petersen

It is long settled that the Court has authority to allow for amendment of a timely filed document.

Our statute, as well as the whole current of our decisions, fully authorized the action of the court below in granting the motion made in this case to file an amended declaration. The record shows that one was filed in the pursuance of that leave, and within the time allowed. And we think it entirely clear, in view of this statute, of the powers of the court otherwise, and of those decisions, that the court below erred in granting the motion at the succeeding term to strike this amended declaration from the files, and in rendering a judgment against the plaintiff.

The judgment must, for this error, be-reversed, and the cause remanded to be-proceeded with.

Palmer v. Shepherd, 12 Ark. 685, 686–87 (1852).

Petersen filed her motion to dismiss while an amended and refiled motion remained pending and undecided. The Court should rule on the extension motion first. A motion to dismiss predicated on a service defect that is the subject of a pending and court-authorized motion for extension is simply premature. As *Henyan* makes clear, the circuit court has authority and jurisdiction to act on a timely extension motion; that authority should be exercised before entertaining dismissal. *Henyan*, 359 Ark. at 491, 199 S.W.3d at 53. The *Henyan* Court found a lack of any cause shown in the first three untimely motions, and a poor excuse offered after the motions were filed. *Id.* The plaintiff is not required to “get an extension of time from this Court” in 120 days. It is required that a motion be made; the Court then has discretion to entertain an amendment.

Furthermore, *Hawkins-Luckett v. Crossett Health Foundation*, 2024 Ark. App. 539 (2024) illustrates by contrast that courts examine the sufficiency of good-cause showings in extension motions on their merits—a process that cannot occur if a motion to dismiss is granted before the extension motion is resolved. Defendants' tactic of moving to dismiss while the extension motion is pending, without even acknowledging the Court's May 12 Order permitting refiling, should be viewed unfavorably by the Court.

II. Plaintiffs Showed Good Cause Why Service was Incomplete on Each Unserved Defendant, Though Not Listing the Name of Each Separately

Pietrezak v. Rural Revival Living Trust; and *Laura Lynn*, 65cv-21-20, presided over by Judge Susan Kaye Weaver is informative to this case. It is chosen as an illustration because *Laura Lynn Hammett* was a defendant and should expect equal protection.

In Pietrczak, Laura learned about the refiling of a nearly identical case when she looked the previous case up on Court Connect to see if the savings statute had run. No attempt at service had been made and only one of the two summonses was issued.

Pietrczak filed a written motion for extension of time to serve summons 117 days after filing the complaint. *Pls. 'Ex. 19* attached. The Pietrczak Court granted the motion in less than 24 hours. *Pls. 'Ex. 20* attached.

There were no specific attempts at service listed and no indication of what measures were taken to find Laura. See *Pls. 'Ex. 19*. The only claim was “Michael Pietrczak has been unable to locate Laura Lynn and/or the Rural Revival Living Trust because of their continued attempts to evade service.” *Pls. 'Ex. 19*, at p. 2.

Here, the Plaintiffs timely described to the Court that Laura asked the Board of Trustees by interrogatory for the address of each defendant, including Erika A. Petersen. The Board refused to answer without a protective order, and the motion for protective order has not been denied or granted yet. The Plaintiffs also showed good cause for not using the Sheriff to serve. The sheriff is more expensive than mailing service or mailing waivers. Also the Sheriff is unreliable, making zero attempts at service in eight days.

Based on Laura’s limited experience, her efforts listed in the motions before the refiling were above the barre.

III. Dismissal With Prejudice Is Improper Because Plaintiffs Should be Granted Leave to Assert Claims Governed by a Three-Year Statute of Limitations

- Sean has a viable claim against Erika A. Petersen for denying his Constitutional Right to bodily autonomy and freedom from confinement under 42 U.S.C. 1983, which carries a three year statute of limitations that overrides state law. Laura already has a claim of negligence against Erika A.

Petersen. *Compl.*, at p. 68. Negligence has a three-year statute of limitations. Ark. Code Ann. § 16-56-105.

Wherefore, the plaintiffs ask the Court to deny Erika A. Petersen's Motion to Dismiss. If dismissed, the dismissal must be without prejudice.

The plaintiffs pray that whether their civil claims are dismissed or not, that this Honorable Court will refer the allegations of criminal false imprisonment by Dr. Erika A. Petersen to an appropriate prosecutorial agency.

Respectfully submitted,



June 10, 2026

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

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

June 10, 2026

Certificate of Service

I, Laura Hammett, hereby certify that on June 10, 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 parties' attorneys in this matter. I will also deliver a copy of the file stamped copy by email to Plaintiff Sean Lynn at SeanLynnP@yahoo.com within one day.

/s/ 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 19

Motion for Extension of Time to Serve Summonses
Pietrzak v. Rural Revival Living Trust; and Laura Lynn

Space Reserved for Court Filing Purposes:

**IN THE CIRCUIT COURT OF SEARCY COUNTY, ARKANSAS
CIVIL DIVISION**

MICHAEL PIETRCZAK

PLAINTIFF

V.

CASE NO. 65CV-21-20

**RURAL REVIVAL LIVING TRUST; AND
LAURA LYNN**

DEFENDANTS

**MOTION FOR EXTENSION OF TIME TO PERFECT SERVICE
AND BRIEF IN SUPPORT THEREOF**

Comes now the Plaintiff, Michael Pietrczak, via attorney, William Z. White, who in support of this Motion for Extension of Time to Perfect Service and Brief in Support Thereof, states and alleges as follows:

1. On August 4, 2021, the Plaintiff, Michael Pietrczak, came before the Court via Zoom accompanied by William Z. White. Laura Lynn was present before the Court via Zoom representing herself pro se.
2. Laura Lynn initially requested a continuance of the hearing to be held on August 4, 2021.
3. Laura Lynn filed several pleadings and discovery requests in the days leading up to the hearing date.

4. Michael Pietrczak's Motion for Extension of Time to Perfect Service is brought forth pursuant to Ark. R. Civ. P. 4. (i)(2) states:

The court, on written motion and a showing of good cause, may extend the time for service if the motion is made within 120 days of the filing of the suit or within the time period established by a previous extension. To be effective, an order granting an extension must be entered within 30 days after the motion to extend is filed, by the end of the 120-day period, or by the end of the period established by the previous extension, whichever date is later.

5. Michael Pietrczak filed his complaint on April 23, 2021. As of August 4, 2021, Michael Pietrczak had seventeen (17) days remaining pursuant to Ark. R. Civ. P. 4 to serve Laura Lynn and the Rural Revival Living Trust pursuant to Ark. R. Civ. P. 4.

6. Michael Pietrczak made an oral Motion for Extension of Time to Perfect Service during the August 4, 2021, hearing, which was granted by the Court.

7. This Motion to Extend Time to Perfect Service has been made within one hundred and twenty (120) days of the filing of his complaint.

8. Michael Pietrczak has been unable to locate Laura Lynn and/or the Rural Revival Living Trust because of their continued attempts to evade service.

9. Michael Pietrczak needs additional time to attempt to locate and serve Defendants, Laura Lynn and/or the Rural Revival Living Trust.

10. Plaintiff, Michael Pietrczak, requests this Court enter its written order confirming its oral ruling from the Bench that he be granted an additional one hundred and twenty (120) days for good cause shown to serve the Laura Lynn and the Rural Revival Living Trust.

Wherefore, Plaintiff requests that this Court extends the time in which is required to serve the Defendants and for all other relief in which he is entitled.

Respectfully submitted on behalf of the
Plaintiff, Michael Pietrczak.

By: Wm. Z. White
William "Zac" White - Attorney & Counselor at Law
William Z. White (AR Bar No. 2007255)
706 West Quitman Street
Heber Springs, AR 72543
(501) 365-3934 Office
(501) 365-3935 Facsimile
Email: wzwhite@wzwhite.com

CERTIFICATE OF SERVICE

I, William Z. White, hereby certify that a true and correct copy of the foregoing pleading has been served upon opposing counsel of record and/or other interested parties in this case as set forth below either by hand delivery, facsimile, email, electronic mail, auto notification via the Court's ECF/E-File System other delivery methods _____, and/or depositing a copy of the same with the U.S. Postal Service with sufficient postage to arrive at its destination, addressed to the following:

Laura Lynn Hammett
16 Gold Lake Clube Road
Conway, AR 72032
Bohemian_books@yahoo.com

Dated: Wednesday, August 18, 21



William Z White

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 20

Order Granting Motion for Extension of Time to Serve Summonses

Pietrzak v. Rural Revival Living Trust; and Laura Lynn

Space Reserved for Court Filing Purposes:

**IN THE CIRCUIT COURT OF SEARCY COUNTY, ARKANSAS
CIVIL DIVISION**

MICHAEL PIETRCZAK

PLAINTIFF

V.

CASE NO. 65CV-21-20

**RURAL REVIVAL LIVING TRUST; AND
LAURA LYNN**

DEFENDANTS

ORDER TO EXTEND TIME TO PERFECT SERVICE

On the date set forth below, the Plaintiffs' Motion to Extend Time to Perfect Service came before the Court. Based upon the pleadings filed of record, statements of counsel (if any), and all other matters before it the Court finds as follows:

1. On August 4, 2021, the Plaintiff, Michael Pietrczak, came before the Court via Zoom accompanied by William Z. White. Laura Lynn was present before the Court via Zoom representing herself pro se.
2. Laura Lynn initially requested a continuance of the hearing to be held on August 4, 2021.
3. Laura Lynn filed several pleadings and discovery requests in the days leading up to the hearing date.
4. Michael Pietrczak is still within his response period to several of Laura Lynn's recently filed pleadings and discovery requests pursuant to the Ark. R. Civil Procedure.

5. Michael Pietrczak filed his complaint on April 23, 2021. As of August 4, 2021, Michael Pietrczak had seventeen (17) days remaining pursuant to Ark. R. Civ. P. 4 to serve Laura Lynn and the Rural Revival Living Trust pursuant to Ark. R. Civ. P. 4.

6. Michael Pietrczak made an oral Motion for Extension of Time to Perfect Service during the August 4, 2021, hearing, which was granted by this Court.

7. Michael Pietrczak's written and oral Motions to Extend Time to Perfect Service were made within one hundred and twenty (120) days of the filing of his complaint.

8. Michael Pietrczak has been unable to locate Laura Lynn and/or the Rural Revival Living Trust.

9. Michael Pietrczak needs additional time to attempt to locate and serve Defendants, Laura Lynn and/or the Rural Revival Living Trust.

10. This Court hereby confirms its oral ruling from the Bench.

11. Pursuant to Ark. R. Civ. P. 4. (i)(2), Michael Pietrczak is granted an additional one hundred and twenty (120) days from August 4, 2021, the date this Court entered its oral order, for good cause shown to serve the Laura Lynn and the Rural Revival Living Trust.

IT IS SO ORDERED

**HONORABLE JUDGE SUSAN WEAVER
VAN BUREN COUNTY CIRCUIT JUDGE**

DATE

Prepared and Approved by:

/s/ William Z. White

William "Zac" White - Attorney & Counselor at Law

William Z. White (AR Bar No. 2007255)

706 West Quitman Street

Heber Springs, AR 72543

(501) 365-3934 Office

(501) 365-3935 Facsimile

Email: wzwhite@wzwhite.com



Arkansas Judiciary

Case Title: MICHAEL PEITRCZAK V RURAL LIVING TRUST
ETAL.
Case Number: 65CV-21-20
Type: ORDER EXTENSION OF TIME

So Ordered

A handwritten signature in blue ink, appearing to be "S. K. Weaver".

JUDGE SUSAN K. WEAVER