

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' Joint Response to Defendant Erika A. Petersen's Motion to Dismiss

COME NOW Plaintiffs, Sean Lynn ("Sean") and Laura Hammett ("Laura")¹, appearing pro se, oppose the separate defendant Erika A. Petersen's Motion to Dismiss filed May 27, 2026:

1. It would work a manifest injustice to dismiss Plaintiffs' claims against Dr. Petersen with prejudice based upon delays in obtaining information necessary to effect service, where Plaintiffs timely sought extensions and repeatedly attempted to comply with the Court's directives. Such a dismissal would prevent adjudication of Plaintiffs' allegations that Sean Lynn was confined for two weeks without the process required by law.

2. Plaintiffs filed a motion for extension of time to serve summonses, including service on Dr. Erika Petersen, on April 27, 2026 ("Summons Mot."). Because the motion was filed

¹ Laura Hammett is also known as Laura Lynn, therefore using common names for Sean and Laura is less confusing.

within 120 days after the Complaint was filed, the request for an extension was timely under Rule 4(i).

3. In the *Summons Mot.*, Plaintiffs explained the circumstances that prevented timely service and identified the defendants to whom those circumstances applied. *BIS Summons Mot.*, at 2 ("Plaintiffs have been unable to complete service by mail to the following defendants due to lack of address and have not yet received confirmation of employment at UAMS where the sheriff can serve them."). Plaintiffs further explained that they did not possess those addresses because UAMS and the Board had refused to answer interrogatories seeking that information absent a court order. *BIS Summons Mot.*, at 3-4.

4. Plaintiffs filed a Supplemented Motion for Extension of Time to Serve Summonses on May 3, 2026 ("Supp. Summons Mot."), also within the 120-day period prescribed by Rule 4(i). The supplemented motion provided additional facts and information supporting Plaintiffs' request for an extension.

5. The *Supp. Summons Mot.* detailed additional efforts Plaintiffs undertook to effect service after UAMS confirmed which defendants, including Dr. Petersen, remained employed by UAMS. *BIS Supp. Summons Mot.*, at 2-3. The supplemented motion identified the defendants whose summonses had been delivered to the sheriff for service and reflected that summonses delivered on April 30 had not yet been attempted by the sheriff. *Id.* These facts further demonstrated Plaintiffs' continued efforts to complete service within the Rule 4(i) period.

6. The Court issued an opinion and order on May 12, 2026, after the 120 days to serve summons had expired ("Order"). The Court stated that "Plaintiffs do not specify in either their motion or supplemented motion which of the Defendants they have been unable to serve and for which they need an extension of the service deadline." *Order.*, at 1. The Court further stated that

"regarding the unserved Defendants, Plaintiffs do not state with specificity their efforts at service regarding each unserved Defendant." *Order.*, at 1. As demonstrated above, the motions identified the affected defendants because each defendant had her address withheld and UAMS Human Resources Benefits & Solution Center Manager Dawn Weida explicitly refused to confirm or deny continued employment and directed the Plaintiffs to contact the Board's Counsel, Sherri Robinson.

7. The Order further stated that "Plaintiffs may timely refile this motion" and directed that, if they did so, they "must demonstrate specific attempts at service upon any unserved Defendant for which they are requesting an extension of the service deadline." *Order.*, at 2.

8. Rather than await dismissal of the unserved defendants and require appellate review of the issue, Plaintiffs sought reconsideration and explained why the *Summons Mot. and Supp. Summons Mot.* satisfied the requirements identified in the Order. In doing so, Plaintiffs attempted to address the Court's stated concerns within the trial court proceedings as ordered.

9. Plaintiffs thereafter filed a Second Supplemented Motion for Extension of Time to Serve Summonses ("Second Supp. Summons Mot."). In accordance with the guidance set forth in the *Order*, Plaintiffs added a separate paragraph for each unserved defendant specifying the attempts made to effect service upon that defendant. *The Second Supp. Summons Mot.* was filed within one week of the Order, a reasonable period considering the deliberation required to determine how best to proceed and the length of the filing.

10. The Court was well within its discretion to require additional defendant-specific detail concerning Plaintiffs' efforts at service. Plaintiffs complied by filing *the Second Supp. Summons Mot.*, which expanded upon and reorganized information that had already been presented in the timely *Summons Mot. and Supp. Summons Mot.* *The Second Supp. Summons Mot.* did not

assert new grounds for an extension but supplied the additional specificity contemplated by the Order.

11. The same transaction or occurrence complained of gives rise to claims with a three-year statute of limitations. Laura has already asserted ordinary negligence against Erika A. Petersen, that has a three-year statute of limitations. Therefore, a dismissal must be without prejudice. Sean intends to add a 42 U.S.C. § 1983 claim and an ordinary negligence claim against Erika Petersen, therefore asks that a dismissal be with leave to amend and without prejudice.

WHEREFORE, Plaintiffs respectfully request that the Court Deny Defendant Erika D. Petersen's Motion to Dismiss. If dismissal is granted, please allow leave to amend to include ordinary negligence and 42 USC 1983 claims and make the dismissal without prejudice.



June 10, 2026

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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 also will deliver a copy of the file stamped copy by email to Plaintiff Sean Lynn at SeanLynnP@yahoo.com.

/s/ Laura Hammett

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