

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
16th DIVISION

SEAN LYNN and
LAURA HAMMETT

PLAINTIFFS

V. NO. 60CV-26-216

BOARD OF TRUSTEES OF THE UNIVERSITY
OF ARKANSAS, IN THEIR OFFICIAL CAPACITY;
KARRAR ALJIBOORI; NATALIE J. APPLEBAUM;
TIMOTHY J. BAER; JARRED M. BAXTER;
ALEXIS BEAVERS; REBEKAH DANIELLE BEENE;
KRISTY BIENVENU; JENNINGS R. BOYETTE; CAROL BRIZZOLARA;
CEJAE BROWN; NOLAN R. BRUCE; AMBER BRYANT;
ELIZABETH CATE; CHRISTOPHER S. CATHCART;
PRASHANTH REDDY DAMALCHERUVU; JOSEPH P. DELOACH;
AMANDA DIEHL; JAICEY DOWD; NATHAN ERNST;
JAMES FITSIMONES; CHRYSTAL T. FULLEN;
MACALL GILMARTIN; TYLER GRAY; EMILY GRAY;
SHANNON HANKINS; BRANDON HEARN; RACHEL HILL;
MI-RAN KIM; MARY K. "KATIE" KIMBROUGH;
ALYSSA KIRKPATRICK; JACOB LANGSTON; ERIC LAMBERT;
PAYTON D. LEA; ARIANA LIMON; NOAH LLOYD;
SARAH E. MARTIN; TYREE MCCLURE; ZACHARY A. MCCONNELL;
ELIZABETH MCNULTY; JORDAN MILLSAPPS; ANNA G. MORRIS;
SRIRAM NAVULURI; DERRICK C. NICHOLS; MASON NOBLE;
KRISTINA ONG; NA'KIKI PERKINS; ERIKA A. PETERSEN;
BRITTANY PRESSON; NATHAN REDDING; EDWARD REECE;
ARTHUR REZAYEV; BRENDA ROBERTS; TYLER K. ROSE;
CHRISTIAN ROSENBAUM; KRISTEN ROSENBAUM;
TONYA R. SANDERS; JACKSON SARGENT;
HANNAH SCLIMENTI; CARMEN SHAW; CHRISTIAN SPALLINO;
CAROLINE STEELE; KRISTA J. STEPHENSON; JORDAN M. TAKASUGI;
EVELYN TIPTON; MARISA D. TRAN; JULIEN P. VINAS;
CHARLES WATERS; ADAM S. WATKINS; DERRICK WILKES;
EDWARD WILLIAMS; KESLEY M. WINN; LESLIE WITT;
SUSAN ZALESKI; CLINICIAN DOE DEFENDANTS 1-5;
SECURITY AND POLICE DOE DEFENDANTS 1-5

DEFENDANTS

REPLY IN SUPPORT OF MOTION TO STRIKE PLAINTIFFS' UNTIMELY RESPONSE,
BRIEF, AND LETTER

1. As a threshold issue to ensure an accurate record, plaintiffs' brief states that Dr. Damalcheruvu "caused Sean Lynn to be confined for approximately two weeks and subjected him to force more excessive than allowed in a maximum security prison[.]" *Pls.' Brief in Support of Pls.' Response to Def. Damalcheruvu's Mot. to Strike*, pp. 3-4. This statement is inaccurate. Dr. Damalcheruvu is a neuroradiologist, and his alleged involvement was limited to reviewing and interpreting diagnostic imaging within that specialty. He did not order, direct, or control Mr. Lynn's confinement, the use of force, or any aspect of his custodial care.

2. The arguments and authorities set forth in Dr. Damalcheruvu's motion speak for themselves.

3. Plaintiffs' response confirms the dispositive fact underlying the motion: plaintiffs did not complete transmission of their response, brief, and letter to the electronic filing system until July 11, 2026. Saving the documents as drafts on June 19, 2026, does not constitute filing.

4. Plaintiffs rely upon Laura Hammett's law-school obligations, stress, migraines, vision difficulties, age, osteoarthritis, and fatigue to excuse the failure to complete transmission. Although these circumstances may explain the error, they do not relieve plaintiffs of their responsibility to comply with the applicable procedural rules and filing deadlines.

5. Pro se litigants are held to the same standards as licensed attorneys and are not afforded special or relaxed treatment in complying with procedural rules. See *Breckenridge v. Lowery*, 2015 Ark. App. 157 (Ct. App.).

6. Likewise, litigants have a duty to exercise reasonable diligence in keeping up with the status of their cases, and “all litigants must bear the responsibility for conforming to the rules of procedure or demonstrating good cause for not doing so.” *O’Neal v. State*, 2016 Ark. 94, 3, 484 S.W.3d 671, 672.

7. The issue before the Court is straightforward: plaintiffs did not timely file their response to Dr. Damalcheruvu’s motion to dismiss and did not obtain leave to file it out of time. Dr. Damalcheruvu therefore requests that plaintiffs’ joint response, brief, and letter be stricken or otherwise not considered in the Court’s ruling on his motion to dismiss.

8. Plaintiffs’ argument concerning the scope of Rule 12(f) does not resolve the issue before the Court. Regardless of the title or procedural characterization of Dr. Damalcheruvu’s motion, the relief requested is that the Court enforce the response deadline established by Rule 6(c) and decline to consider documents filed after that deadline without leave of court.

9. Plaintiffs’ reliance on Rule 7(b)(2) and *Wine v. Chandler* is misplaced. Dr. Damalcheruvu does not contend that his motion to dismiss should be granted solely because plaintiffs failed to file a timely response. Rather, his motion to dismiss must be decided on its merits. *Wine* establishes only that the absence of a response does not automatically entitle a movant to dismissal; it does not require the Court to consider a response filed after the applicable deadline without leave.

10. Even accepting plaintiffs’ argument that Rule 6(d) extended their response deadline to July 6, 2026, plaintiffs did not complete transmission until July 11, 2026. Plaintiffs’ pending motion for a stay did not automatically suspend or extend any deadline,

and no order granting the requested stay or otherwise extending plaintiffs' time to respond was entered.

11. Plaintiffs' preparation of the documents before the deadline, personal circumstances, and lack-of-prejudice arguments do not change the date on which the documents were filed. Plaintiffs did not request or obtain leave under Rule 6(b) to file their response after the applicable deadline.

12. As stated in his motion to strike, Dr. Damalcheruvu submits the motion out of an abundance of caution while his motion to correct the record remains pending so that, if the Court grants that motion, the issue of plaintiffs' untimely response may be resolved without further delay.

WHEREFORE, separate defendant, Prashanth Reddy Damalcheruvu, M.D., prays that his motion to strike plaintiffs' joint response, brief, and letter to the court be granted and for all other proper relief.

Respectfully submitted,

ANDERSON, MURPHY & HOPKINS, L.L.P.

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CERTIFICATE OF SERVICE

On this 5th day of August, 2026 a copy of the foregoing has been served via email and e-flex to the following:

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