

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

VANESSA COLE,
As Personal Representative of the Estate of Roy
Lee Richards Jr.

PLAINTIFF

v.

No. 4:17-cv-553-DPM

DENNIS HUTCHINS

DEFENDANT

ORDER

The Court notes the copy of Mr. Carpenter's letter, *Doc. 144*, and Mr. Laux's response, which is attached so it will be of record. The Court appreciates counsel's thoughts. The Court accepts Mr. Carpenter's explanation and his apology. The Court sees human error, some fumbling with technology, a bit of haste, and confusion rather than any intentional effort to mislead the Court. This matter is closed as far as this Court is concerned.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

27 August 2021

Clayton Jackson

From: Michael Laux <mikelaux@icloud.com>
Sent: Tuesday, August 24, 2021 1:52 PM
To: Carpenter, Tom
Cc: AREDDb_dpmchambers@uscourts.gov; Clayton Jackson; mlaux@lauxlawgroup.com; slaux11@yahoo.com; judkidd@dkrfirm.com; lrowan@dkrfirm.com; Betton, Alex; Wisdom, Debbie
Subject: Re: Letter filed as Document 144 in Cole v. Hutchins, No. 4:17-cv-553-DPM

CAUTION - EXTERNAL:

Dear Judge Marshall:

It was my understanding that Mr. Carpenter was required in his letter to explain his two (2) separate instances of misrepresentation to the Court, as well as his phony email address stunt. As far as I can see, his letter is absolutely silent to the former.

Of note, it would seem that Mr. Carpenter's administrative assistant, Debbie Wisdom, inadvertently used his phony email addresses in communication to the Court. One must surmise that she too received "bounce back" emails. I know Ms. Wisdom to be a conscientious and dutiful City employee, the type of person who would likely immediately report this to Mr. Carpenter. If this is accurate, it would seem to make Mr. Carpenter's misrepresentations more egregious.

My understanding is the Court was more concerned about Mr. Carpenter's misrepresentations to the bench than the phony email address stunt.

Am I mistaken in the Court's instructions to Mr. Carpenter? Should Mr. Carpenter not be required to explain why he told the Court one thing about why I did not receive a communication to which I was entitled and then, in the next breath, admitted to co-counsel and myself the very opposite?

Thank you,

Mike Laux

On Aug 20, 2021, at 12:50 PM, Carpenter, Tom <TCarpenter@littlerock.gov> wrote:

Dear Judge Marshall,

This email is to inform you of two things:

1. I have fulfilled the direction given to me about the email problems with the proposed defendant instructions for the 2nd verdict phase of the trial;
2. Even though I have copies of emails to dpmchambers@arde.uscourts.gov, and have included that address in the individual emails about this matter sent today, I have received a bounce back notice as to that specific address. A copy of that notice is attached. Evidently, the address used above has gotten through to the Court. The point is that this is one reason why some items that I emailed during the trial did not get to chambers as intended. For that, I apologize.

Tom Carpenter

Thomas M. Carpenter
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<mime-attachment>

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