

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**ROSE LORONTA LAWRENCE, as
Representative of the Estate of Winfred
Javaar Lawrence**

PLAINTIFF

v.

No. 5:17-cv-296-DPM

**STATE OF ARKANSAS; WENDY
KELLEY, in her Individual and Official
Capacities; ARKANSAS DEPARTMENT
OF CORRECTION; CORRECT CARE
SOLUTIONS LLC; and DOES 1-10
ADC Staff; 1-10 Nurse Does; 1-10
Doctor Does, in their Individual and
Official Capacities**

DEFENDANTS

ORDER

The unopposed motions to dismiss by Correct Care and Kelley, on behalf of all the other Defendants except the Does, *No 9 & No 11*, are granted. These Defendants are right. Rose Lawrence was not the estate's personal representative when she filed this action; and there was at least one heir – Phyllis Lawrence – who didn't join as a plaintiff. Rose therefore lacked standing to bring claims for survival and wrongful death under Arkansas law. ARK. CODE ANN. §§ 16-62-101(a)(1) & 102(b). And Rose's complaint didn't toll the three-year statute of limitations, which appears to have run a few days before suit was filed, and certainly has by now. *St. Paul Mercury Ins. Co. v. Circuit*

Court of Craighead County, Western Division, 348 Ark. 197, 203-07, 73 S.W.3d 584, 587-90 (2002); ARK. CODE ANN. § 16-56-105(3). Rose's lack of standing, and the running of the statute, also dispose of the claims against the Doe Defendants, even though they haven't been identified. The complaint will therefore be dismissed with prejudice.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

11 April 2018