

APPENDIX

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IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS
CIVIL DIVISION

ESTATE OF BETTY MATLOCK, Deceased,
John L. Dickerson, Jr.,
Administrator of the Estate

PLAINTIFF

V.

CASE NO. 26CV-21-155

ST VINCENT HOSPITAL,
EMMANUEL TANCINCO, M.D.
NIZAR MOHAMEDALI SULEMAN, M.D.,
Unknown Employees Responsible

DEFENDANTS

**ORDER GRANTING DEFENDANTS'
MOTION FOR JUDGMENT ON THE PLEADINGS**

On May 27, 2021, this matter comes before the Court to address the motion for judgment on the pleadings of defendants CHI St. Vincent Hot Springs, Emmanuel Tancino, M.D., and Nizar Mohamedali Suleman, M.D. ("Defendants"). Plaintiff John L. Dickerson, Jr. ("Plaintiff") and Edwin L. Lowther, Jr., counsel for Defendants, appeared for the respective parties. The Court, having reviewed the motion and the brief in its support, the response of plaintiff Plaintiff, and having heard the arguments of Plaintiff and counsel for Defendants, is well and sufficiently advised, and makes the following findings of fact and conclusions of law:

1. This is a wrongful-death action brought by Plaintiff on behalf of the estate of Betty Matlock. Plaintiff alleges claims for medical injury against Defendants based on the care and treatment Ms. Matlock received at CHI St. Vincent Hot Springs through February 20, 2019.
2. As the administrator of Ms. Matlock's estate, Plaintiff filed a complaint against defendants CHI St. Vincent Hot Springs and Dr. Tancino on February 25,

2021. He filed an amended complaint adding Dr. Suleman as a defendant on March 8, 2021. He then filed second amended complaint on March 18, 2021. Plaintiff is not an attorney, and he filed each of these complaints *pro se*.

3. Because Plaintiff is a “nonlawyer estate administrator filing a pro se complaint on behalf of an estate in a wrongful-death action,” his filing of each complaint “constitutes the unauthorized practice of law and renders [each] complaint a nullity.” *Henson v. Cradduck*, 2020 Ark. 24, 6-7, 593 S.W.3d 10, 15 (2020), reh’g denied (Apr. 2, 2020). Plaintiff’s initial complaint, amended complaint, and second amended complaint are thus null and void. *See id.* at 6-7, 593 S.W.3d at 15; *Davenport v. Lee*, 348 Ark. 148, 160, 72 S.W.3d 85, 94 (2002). Further, because they never existed, these complaints cannot be corrected. *Henson*, 2020 Ark. at 7, 593 S.W.3d at 15. Plaintiff’s complaints are, therefore, dismissed.

THEREFORE, Defendants’ Motion for Judgment on the Pleadings is granted, and Plaintiff’s claims against Defendants are dismissed with prejudice.

IT IS SO ORDERED.

Circuit Judge Ralph Ohm

Date: _____

Prepared by:

WRIGHT, LINDSEY & JENNINGS LLP
200 West Capitol Avenue, Suite 2300
Little Rock, Arkansas 72201-3699
PHONE:(501) 371-0808
FAX: (501) 376-9442
E-MAIL: elowther@wlj.com

By: Ed Lowther, Jr.
Edwin L. Lowther, Jr. (81107)
Laura E. Cox (2017208)

Attorneys for Defendants



Arkansas Judiciary

Case Title: ESTATE OF BETTY MATLOCK V CHI ST VINCENT
HOSP ETAL
Case Number: 26CV-21-155
Type: ORDER MOTION GRANTED

So Ordered

A handwritten signature in black ink, reading "Ralph Ohm", enclosed in a rectangular box.

Honorable Ralph C Ohm, 18th East
Judicial Circuit, Division 1

OFFICE OF THE CLERK
ARKANSAS SUPREME COURT
625 MARSHALL STREET
LITTLE ROCK, AR 72201

SEPTEMBER 22, 2022

RE: SUPREME COURT CASE NO. CV-21-445
ESTATE OF BETTY MATLOCK, DECEASED, JOHN L. DICKERSON, JR.,
ADMINISTRATOR V. EMMANUEL NOEL, CRUZ TANCINCO, NIZAR
MOHAMEDALI SULEMAN, AND ST. VINCENT HOSPITAL

THE ARKANSAS SUPREME COURT ISSUED THE FOLLOWING ORDER TODAY IN THE
ABOVE STYLED CASE:

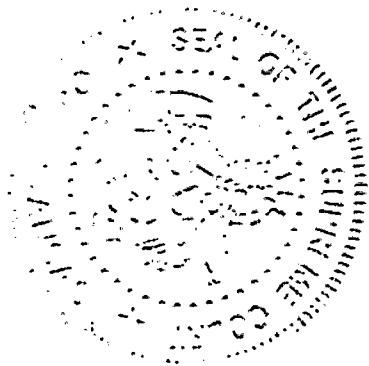
“APPELLANT’S PRO SE PETITION FOR REVIEW IS DENIED.”

SINCERELY,

Mr. Burt

KYLE E. BURTON, CLERK

CC: JOHN L. DICKERSON, JR.
EDWIN L. LOWTHER AND LAURA E. COX
GARLAND COUNTY CIRCUIT COURT
(CASE NO. 26CV-21-155)



MANDATE
DISMISSED

PROCEEDINGS OF JUNE 1, 2022

COURT OF APPEALS CASE NO. CV-21-445

ESTATE OF BETTY MATLOCK, DECEASED,
JOHN L. DICKERSON, JR., ADMINISTRATOR

APPELLANT

V. APPEAL FROM GARLAND COUNTY CIRCUIT COURT
(26CV-21-155)

EMMANUEL NOEL, CRUZ TANCINCO,
NIZAR MOHAMEDALI SULEMAN, AND
ST. VINCENT HOSPITAL

APPELLEES

THIS APPEAL WAS SUBMITTED TO THE ARKANSAS COURT OF APPEALS ON THE RECORD OF THE GARLAND COUNTY CIRCUIT COURT AND BRIEFS OF THE RESPECTIVE PARTIES. AFTER DUE CONSIDERATION, IT IS THE DECISION OF THE COURT THAT THE APPEAL IS DISMISSED FOR THE REASONS SET OUT IN THE ATTACHED OPINION.

MURPHY, J., AUTHORED THE OPINION OF THE COURT, IN WHICH GLADWIN AND BARRETT, JJ., AGREE.

IT IS ALSO ORDERED THAT THE APPELLANT SHALL PAY THE APPELLEES \$33.00 FOR BRIEF COSTS IN THE APPEAL.

IN TESTIMONY, THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE JUDGMENT OF THE ARKANSAS COURT OF APPEALS, I, KYLE E. BURTON, CLERK, SET MY HAND AND AFFIX MY OFFICIAL SEAL, ON THIS 22ND DAY OF SEPTEMBER, 2022.



KYLE E. BURTON, CLERK

ARKANSAS COURT OF APPEALS

DIVISION I
No. CV-21-445

ESTATE OF BETTY MATLOCK,
DECEASED, JOHN L. DICKERSON, JR.,
ADMINISTRATOR

APPELLANT

v.

EMMANUEL NOEL, CRUZ TANCINCO,
NIZAR MOHAMEDALI SULEMAN, AND
ST. VINCENT HOSPITAL

APPELLEES

Opinion Delivered June 1, 2022

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. 26CV-21-155]

HONORABLE RALPH C. OHM,
JUDGE

DISMISSED

MIKE MURPHY, Judge

John Dickerson, Jr., appeals the decision of the Garland County Circuit Court dismissing the wrongful-death action he brought on behalf of the estate of Betty Matlock against the appellees. We dismiss this appeal because we do not have jurisdiction over it.

The underlying allegations are that Matlock sustained medical injury and died while being treated at the CHI St. Vincent in Hot Springs in 2019. The appellees moved for judgment on the pleadings and provided three arguments supporting dismissal. One of the arguments was that Dickerson's status as a nonlawyer filing a pro se complaint on behalf of the estate rendered the complaint a nullity.

Arguments were heard on the appellees' motion, and on June 1, 2021, the circuit court issued an order granting the motion and dismissing the complaint with prejudice because Dickerson, as a nonlawyer, was not authorized under Arkansas law to file a pro se

complaint on behalf of the estate. Dickerson timely appeals. In this pro se appeal, Dickerson argues that the circuit court erred in dismissing his complaint. Specifically, he argues that, in dismissing the complaint, he was not afforded due process.

However, like in the underlying litigation, in filing this appeal, Dickerson again engages in the unauthorized practice of law.

An administrator acting on behalf of an estate does so in a fiduciary capacity. *Henson v. Cradduck*, 2020 Ark. 24, at 6–7, 593 S.W.3d 10, 15. A person who is not a licensed attorney and is acting as an administrator cannot practice law in matters relating to his or her trusteeship on the theory that they are practicing for themselves. *Id.* In bringing a suit for wrongful death, a personal representative acts only as a “trustee of conduit,” and any proceeds recovered are held in trust for the benefit of the beneficiaries and not the estate. *Id.* And just as a complaint in such a situation is a nullity, so is the notice of appeal. *See, e.g., Memphis Wrecking Co. v. Dir.*, 2021 Ark. App. 29, at 2. Because the notice of appeal and subsequent filings made by Dickerson are null and void, we lack jurisdiction over the matter and dismiss the appeal.

Dismissed.

GLADWIN and BARRETT, JJ., agree.

FORMAL ORDER

**BE IT REMEMBERED, THAT A SESSION OF THE COURT OF APPEALS
BEGUN AND HELD IN THE CITY OF LITTLE ROCK, ON OCTOBER 27, 2021,
AMONGST OTHERS WERE THE FOLLOWING PROCEEDINGS, TO-WIT:**

COURT OF APPEALS CASE NO. CV-21-445

JOHN DICKERSON, JR., ADMINISTRATOR OF THE ESTATE OF BETTY MATLOCK,
DECEASED APPELLANT

V. APPEAL FROM GARLAND COUNTY CIRCUIT COURT - 26CV-21-155

ST. VINCENT HOSPITAL; EMMANUEL TANCINCO, M.D.; NIZAR MOHAMEDALI
APPELLEES
SULEMAN, M.D.

APPELLANT'S PRO SE MOTION TO CORRECT THE RECORD IS GRANTED.

TENDERED SUPPLEMENT TO THE RECORD FILED THIS DATE.

IN TESTIMONY, THAT THE ABOVE IS A TRUE COPY OF
THE ORDER OF SAID COURT OF APPEALS, RENDERED
IN THE CASE HEREIN STATED, I, STACEY PECTOL,
CLERK OF SAID COURT OF APPEALS, HEREUNTO
SET MY HAND AND AFFIX THE SEAL OF SAID
COURT OF APPEALS, AT MY OFFICE IN THE CITY
OF LITTLE ROCK, THIS 27TH DAY OF OCTOBER,
2021.

Spacy Pector

CLERK

BY: John Doe (Signature)

DEPUTY CLERK

ORIGINAL TO CLERK

CC: JOHN DICKERSON, JR.
EDWIN L. LOWTHER

OFFICIAL PROBATE FORM 10

This Form Has Been Officially Prescribed by the Supreme Court of Arkansas for Use Under the Probate Code, Act 140 of 1949 Acts of Arkansas.

PROBATE CODE, SEC 71

**IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS
PROBATE DIVISION
DIV II**

IN THE MATTER OF THE ESTATE OF
BETTY MATLOCK, deceased

26PR-20-592-II

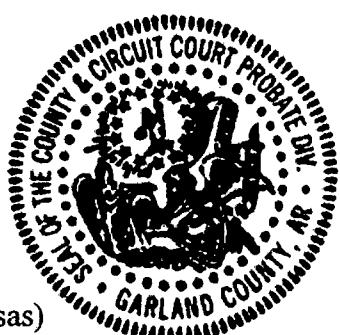
LETTERS OF ADMINISTRATION

BE IT KNOWN:

THAT: JOHN L. DICKERSON, JR., whose address is PO BOX 35982, TULSA, OK 74153, having been duly appointed and qualified as Administrator of the Estate of BETTY MATLOCK, deceased, who died on or about February 20, 2019 is hereby authorized to act as such Administrator for and in behalf of the estate and to take possession of the estate's property as authorized by law.

ISSUED this 13th day of January 13, 2021

(SEAL)



State of Arkansas
County Of Garland) ss January 13, 2021

SARAH SMITH, Clerk

By: Leslie Kauffman, Chief Deputy Clerk

SARAH SMITH, Clerk

By: Leslie Kauffman C.D.C.

I Hereby Certify This To Be a True Copy of the Original Letters Of Administration Issued In This Probate Court On January 13, 2021, and that Same Is Now In Full Force and Effect.

**IN THE CIRCUIT COURT OF
GARLAND COUNTY, ARKANSAS**

IN THE MATTER OF THE ESTATE OF
BETTY JANE MATLOCK, Deceased

NO. 26PR-20-592-II

ORDER ISSUING LETTERS OF ADMINISTRATION AND
APPOINTING PERSONAL REPRESENTATIVE

NOW, on this 13th day of January, 2021, there comes on regularly for hearing the Petition of John L. Dickerson Jr. for appointment of Administrator.

The Court hereby finds and orders:

1. No demand for notice has been filed and the Petition for Appointment of Administrator is not opposed.
2. Betty Jane Matlock died on February 20, 2019, while a resident of Garland County, State of Arkansas.
3. A diligent search has been made and no Will has been found. Thus Betty Jane Matlock died without having prepared her Last Will and testament.
4. That Letters of Administration should be issued appointing John L. Dickerson Jr. As the Personal Representative of this Estate to serve without bond and with no restrictions.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that Betty Jane Matlock died on February 20, 2019, while a resident of Garland County, State of Arkansas.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY CERTIFIED IN
COUNTY COURT THIS

JAN 13 2021

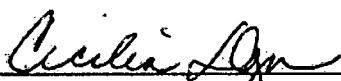
SARAH SMITH COUNTY CLERK
GARLAND COUNTY, ARKANSAS

BY Sarah Smith DC

that John L. Dickerson Jr. be and hereby is appointed as Personal Representative of the Estate of Betty Jane Matlock, and that Letters of Administration be issued to John L. Dickerson Jr.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that bond for the Administrator be and is hereby waived.

DATED this 13th day of January, 2021.



CECILIA DYER, CIRCUIT JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**