

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 27, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-1231. Michael B. Arnett v. State of Arkansas, from Clark Circuit. Affirmed. Glover and Baker, JJ., agree.

CA10-96. George Gibbs and Rachel Gibbs v. Roger Dale Stiles and Sherrie Lee Turner Stiles, from Madison Circuit. Dismissed without prejudice. Glover and Baker, JJ., agree.

CA10-171. Elizabeth Ann Hickman v. Jerry Don Hickman, from Pope Circuit. Affirmed. Pittman and Hart, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-764. James Arley Holliday v. State of Arkansas, from Benton Circuit. Affirmed. Vaught, C.J., and Hart, J., agree.

ROBERT J. GLADWIN, JUDGE:

CACR10-128. Byron Wallace v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Pittman and Kinard, JJ., agree.

CA09-846. Johnny Weaver, James F. Valley, City of Helena-West Helena et al. v. Roosevelt Collins, from Phillips Circuit. Affirmed. Kinard, J., agrees. Pittman, J., concurs.

JOHN B. ROBBINS, JUDGE:

CACR10-131. Anthony Thomas v. State of Arkansas, from Faulkner Circuit. Affirmed. Hart and Gruber, JJ., agree.

CA10-85. Po-Boy Land Company, Inc.; F. Kramer Darragh III; Gary Futrell; John Hearnberger; Dennis Huffman; Emon Mahoney; Ben O'Dell; Randy Wilbourn; Julia P. Mobley; and Woody Futrell v. Kenneth R. Mullins; James F. Stinson; and Sam Tyson, from Hempstead Circuit. Dismissed without prejudice. Hart and Gruber, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR10-175. Richard Harvey Ellis v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Pittman and Gladwin, JJ., agree.

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RITA W. GRUBER, JUDGE:

CA09-1238. May Construction Company v. Town Creek Construction & Development, LLC; Chambers Bank of North Arkansas; and Ohio Casualty Insurance Company, from Washington Circuit. Remanded. Hart and Robbins, JJ., agree.

DAVID M. GLOVER, JUDGE:

CA10-264. Paul Phuoc Le, Paul Le Properties, L.L.C., and Gene Didion v. Ashley Xuan Nguyen, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Baker, J., agree.

RAYMOND R. ABRAMSON, JUDGE:

CACR10-41. Everett Gene Foster, Jr. v. State of Arkansas, from Lonoke Circuit. Affirmed. Henry and Brown, JJ., agree.

CA09-1202. Bio-Tech Pharmacal, Inc. v. Edmond Blouin, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Henry and Brown, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR10-381. Michael Lee Cowan v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Abramson and Brown, JJ., agree.

CA09-1217. David G. Vigneault v. Pamela J. Vigneault, from Benton Circuit. Affirmed. Vaught, C.J., and Gruber, Glover, and Brown, JJ., agree. Hart, J., dissents.

KAREN R. BAKER, JUDGE:

CACR10-91. Rodney Ray Hall v. State of Arkansas, from Randolph Circuit. Affirmed. Vaught, C.J., and Glover, J., agree.

CA10-344. Larie B. Craig v. Sharon M. Craig, from Washington Circuit. Reversed and remanded. Vaught, C.J., and Glover, J., agree.

WAYMOND M. BROWN, JUDGE:

CACR10-109. Tobias Gormley v. State of Arkansas, from Garland Circuit. Affirmed. Abramson and Henry, JJ., agree.

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CA10-22. Bobby W. Allen, Sr., Thomas F. Long, Allied International, Inc., and Allied Powder Coating, Inc. v. Richard O. Murphy, from Lee Circuit. Affirmed. Abramson and Henry, JJ., agree.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for Rehearing were denied today in the following cases.

CACR09-1188. David Wayne Fuson v. State of Arkansas, from Crawford Circuit.

CACR09-1286. Wendell Lee Strickland v. State of Arkansas, from Benton Circuit.

CACR09-1386. Emmett Lee Hillard v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CA09-1310. Deirdre Foster v. Winifred Foster, from Pulaski Circuit, Ninth Division.

CACR09-1132. Demetricus Marcus Hampton v. State of Arkansas, from Craighead Circuit, Western District. Amended motion of Grant C. DeProw for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1286. Wendell Lee Strickland v. State of Arkansas, from Benton Circuit. Motion of Matthew D. Black to be relieved as attorney for appellant is granted.

CACR09-1373. Willious E. Block v. State of Arkansas, from Hempstead Circuit. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,400.00.

CACR10-86. Josh Porter v. State of Arkansas, from Howard Circuit. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,400.00.

CACR10-115. Robert Eugene Cheater v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,400.00.

CACR10-157. Brandon Buford v. State of Arkansas, from Mississippi Circuit, Osceola District. Motion of John H. Bradley for attorney's fees is granted. Allowed \$1,400.00.

CACR10-315. Edward S. Collins v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for attorney's fees is granted. Allowed \$1,400.00.

CACR10-343. Jeremy Ridgell v. State of Arkansas, from Bradley Circuit. Motion of Daren J. Nelson for attorney's fees is granted. Allowed \$1,400.00.

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CACR10-832. James Edward Jackson, Jr. v. State of Arkansas, from Chicot Circuit. Appellant's motion to supplement the record is granted. Record deemed supplemented. Appellant's brief due November 26, 2010.

CACR10-943. Jimmy Lee Williams v. State of Arkansas, from Ouachita Circuit. Motion of Dana Reece to be substituted as counsel for appellant is granted.

CACR10-1014. Brian Keith Jordan v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of Clint Miller to be relieved and for appointment of appellate counsel is granted. Mr. George "Birc" Morledge IV is appointed to represent appellant.

CA09-1310. Deirdre Foster v. Winifred Foster, from Pulaski Circuit, Ninth Division. Appellee's motion for sanctions, fees and costs is denied.

CA10-398. Yanmar Co., LTD et al. v. Wanda H. Slater, from Jefferson Circuit. Motion of appellant Yanmar Co., LTD ("Yanmar Japan") to file reply brief in excess of page limits is granted. Reply brief due within thirty days. Pittman, J., not participating.

CA10-591. Terry Richardson v. Union Pacific Railroad Company, from Pulaski Circuit, Third Division. Appellant's motion to remand to correct the record or alternative petition for certiorari to complete the record and motion to extend time or stay the briefing schedule. Petition for writ of certiorari is granted. Supplemental record due within thirty days. Appellant's brief due within thirty days thereafter.

CA10-757. Janice L. Alfieri v. Wal-Mart Associates, Inc., from Workers' Compensation Commission. Appellant's motion to withdraw constitutional issue and for brief time is granted. Appellant's brief due within seven days (November 3, 2010).

CA10-758. Vibo Corporation et al. v. State of Arkansas, from Pulaski Circuit, Seventeenth Division. Appellant's motion to supplement the record is remanded to the trial court to settle the record within fifteen days. Appellant's brief due thirty days after supplemental record filed.

CA10-770. Margaret Ann Smith v. Morrison Management Specialists, from Workers' Compensation Commission. Appellee's motion to dismiss appeal is granted. Glover, J., not participating.

CA10-789. Helen Elizabeth Viele and David Viele v. Lacy Leach Caldwell, from Pulaski Circuit, Twelfth Division. Appellant's motion to supplement record is granted. Record deemed supplemented.

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CA10-792. James Hubbard v. Homebank of Arkansas, from Searcy Circuit. Appellee's motion to dismiss appeal is passed until case is submitted.

CA10-925. Stephen Toof Brown et al. v. Brian Kelton, from Pulaski Circuit, Second Division. Appellant's motion to supplement the record is granted. Appellant granted leave to supplement the record with certified copies within fifteen days. Appellant's brief due within thirty days thereafter.

CA10-960. Anthony Roseburrow v. Arkansas Department of Human Services, from Faulkner Circuit. Appellant's motion to correct the record and stay briefing schedule is remanded to the trial court to settle the record within seven days. Clerk to set new briefing schedule when supplemental record is filed.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA09-704. Estate of Helen Virginia Coan v. Michael P. Gaughan, from Ouachita Circuit.

CA09-1124. Dr. Marc Rogers v. Alan Sargent, from Garland Circuit.

CACR09-1158. James Louis Cannon v. State of Arkansas, from Randolph Circuit. Motion of C. Scott Nance for attorney's fees.

CACR10-35. Blake D. Burrow v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees.

CACR10-65. Nicholas Tarkington v. State of Arkansas, from Lonoke Circuit. Motion of Jonathan T. Lane for attorney's fees.

CACR10-118. Matthew Ray Beckman v. State of Arkansas, from Benton Circuit. Motion of Adam H. Butler for attorney's fees .

CACR10-383. Jeffery Garcia v. State of Arkansas, from Saline Circuit. Appellant's motion for leave not to copy State's Exhibit 31 in the addendum and for brief time.

CACR10-588. Jamie Leigh Jones v. State of Arkansas, from Washington Circuit. Appellant's motion to file belated reply brief.

CACR10-1037. Theodis Mitchell, Jr. v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Jeffery H. Kearney to be relieved and for substitution of William M. Howard, Jr. as counsel for appellant.

CACR10-1065. Charles Alvin Boatright v. State of Arkansas, from Madison Circuit. Appellant's motion to seal the record.

CA09-1297. R.R. v. State of Arkansas, from Faulkner Circuit. Motion of Brett D. Watson for attorney's fees.

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CA09-1299. C.M. v. State of Arkansas, from Faulkner Circuit. Motion of Gary J. Barrett for attorney's fees.

CA10-689. Sheila Myers and Trevor Myers v. Cooper Clinic, from Sebastian Circuit, Fort Smith District. Appellants' motion for extension of brief time pending outcome of motion for reconsideration of dismissal of appeal as to Appellee Pathology Services Laboratory, P.A.

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SUBMISSIONS

CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District.

CACR10-110. Roger Dale Rudd v. State of Arkansas, from Jackson Circuit.

CACR10-205. Louis Cortis Townsell v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR10-206. Timothy Clemmons v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CA10-373. Zechariah I. Jones v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR10-460. Kenric Partee v. State of Arkansas, from Mississippi Circuit, Chickasawba District.

CACR10-465. Travis Smith v. State of Arkansas, from Mississippi Circuit, Osceola District.

CACR10-501. David Juarez v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-524. Conya Goodman v. State of Arkansas, from Drew Circuit.

CACR10-622. Thelma Williams, Jr. v. State of Arkansas, from Pulaski Circuit, Second Division.

CA09-359. City of Little Rock v. McGeorge Contracting Company, Inc., from Pulaski Circuit, Ninth Division.

CA09-1160. Progressive Southeast Arkansas Housing Development Corporation v. Barbara Abraham, from Jefferson Circuit.

CA09-1304. Robert Cleary v. Sledge Properties, Inc., from Drew Circuit.

CA09-1317. Helen Cook v. Lane Cook, from Ouachita Circuit.

CA09-1342. Steve Lookadoo v. Gregory L. Switzer, from Arkansas Circuit, Northern District.

CA10-44. Glenda Flynn v. Southwest Catering Company, from Workers' Compensation Commission.

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CA10-87. Hollis Robison et al. v. Paul Lee, et al. from Van Buren Circuit.

CA10-213. Tommy Howell v. Automated Conveyor System, Inc., from Workers' Compensation Commission.

CA10-268. Deutsche Bank National Trust Company v. Mike Austin, from Sebastian Circuit, Fort Smith District.

CA10-688. Kenneth Blanchard v. Arkansas Department of Human Services, from Madison Circuit.

CA10-712. Carlos Johnson v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District.

CA10-714. Megan Garcia v. Arkansas Department of Human Services, from Conway Circuit.

CA10-733. Stacey J. Hart v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

The following cases are appeals from the Arkansas Board of Review.

E10-65. Mike Ward v. Director et al.

E10-66. Willie Hill v. Director et al.

E10-67. Mary A. Brown v. Director et al.

E10-68. Rose L. Nichols v. Director et al.

E10-69. Deborah Sadler v. Director et al.

E10-70. Vickie W. Clemons v. Director et al.

E10-71. Michael D. Pace v. Director et al.

E10-72. Joe Humphrey v. Director et al.

E10-73. Michael Terry v. Director et al.

E10-74. Sharon R. Alderson v. Director et al.

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E10-76. Billee Long v. Director et al.

E10-77. Gwendolyn Brand v. Director et al.