

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF DECEMBER 15, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-1371. Jennifer Mae Ramsey v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Gladwin and Henry, JJ., agree.

CA10-769. Carl E. Feltus v. Maverick Tube, LLC, and Constitution State Services, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Glover, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CA10-1. Sandy Ware v. Office of Child Support Enforcement and Richard Schlosser, from Mississippi Circuit, Chickasawba District. Reversed and remanded. Gruber and Glover, JJ., agree.

CA10-87. Hollis Robison and Jean Robison v. Thomas Lee and SEECO, Inc., from Van Buren Circuit. Affirmed. Gladwin and Kinard, JJ., agree.

CA10-124. American States Insurance Co. v. Chad T. Williams, from Sebastian Circuit, Fort Smith District. Remanded for clarification. Gladwin and Kinard, JJ., agree.

CA10-222. National Bank of Arkansas v. River Crossing Partners, LLC, and Robert Aguiar, Individually and as Trustee of the Robert J. Aguiar Revocable Trust, from Pulaski Circuit, Sixth Division. Reversed and remanded on direct appeal; affirmed on cross-appeal. Gladwin and Abramson, JJ., agree.

CA10-745. Tyson Poultry, Inc. v. Francisco Narvaiz, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Gruber, Glover, and Brown, JJ., agree. Hart and Baker, JJ., concur.

JOSEPHINE LINKER HART, JUDGE:

CACR10-519. Steven Ray Baker v. State of Arkansas, Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Glover, J., agree.

CA10-27. Alan Sargent v. Dr. William Springer, from Garland Circuit. Affirmed. Baker, J., agrees. Brown, J., concurs.

CA10-230. Donald L. Treat and Melba Treat v. Kelly D. Hurst and Tamra Hurst, his wife, Kelly H. Hurst, Katisha Linck Rains, and Opal Marchant, from Marion Circuit. Appeal dismissed. Vaught, C.J., and Glover, J., agree.

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ROBERT J. GLADWIN, JUDGE:

CACR10-534. LaShawn Heath v. State of Arkansas, from Crittenden Circuit. Affirmed. Pittman and Abramson, JJ., agree.

CA10-167. Rickey Henry v. QHG of Springdale, Inc., Northwest Medical Center of Benton County, and WellCare Health Insurance of Arizona, Inc., from Benton Circuit. Substituted opinion upon the grant of a petition for rehearing. Affirmed. Robbins, Glover, and Henry, JJ., agree. Hart and Baker, JJ., dissent.

CA10-455. Barney Travis, as parent and natural guardian of Dylan Travis, and Safeco Insurance Company v. Southern Farm Bureau Casualty Insurance Company, from Craighead Circuit, Western District. Reversed and remanded. Abramson, J., agrees. Pittman, J., concurs.

JOHN B. ROBBINS, JUDGE:

CA10-355. Johnny Pruitt and Toni Pruitt v. Dickerson Excavation, Inc., from Franklin Circuit, Northern District. Affirmed in part; reversed and remanded in part. Vaught, C.J., and Gruber, and Glover, JJ., agree. Hart and Baker, JJ., agree in part, and dissent in part.

CA10-418. Robert Avron Maley v. Ann Elizabeth Cauley (Maley), from Pulaski Circuit, Thirteenth Division. Affirmed. Gruber and Brown, JJ., agree.

CA10-817. Carolyn Coleman v. Arkansas Department of Human Services, from Greene Circuit. Affirmed. Gruber and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR10-740. Melissa Diane Meador v. State of Arkansas, from Polk Circuit. Affirmed. Robbins and Brown, JJ., agree.

CA09-1342. Steve Lookadoo v. Gregory L. Switzer, Katherine Switzer Miller, Douglas K. Switzer, and Kay McCollum Switzer Revocable Trust, from Arkansas Circuit, Northern District. Affirmed. Vaught, C.J., and Robbins and Glover, JJ., agree. Hart and Baker, JJ., dissent.

CA10-361. William Berry and Brenda Berry v. Larry G. Wilson, from Columbia Circuit. Dismissed. Robbins and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

CA09-1380. Mary Gurlen, Justin Reeves, and Bonnie Bush-Boudieb v. Henry Management,

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Inc., d/b/a Henry Corporation, Inc., from Pulaski Circuit, Sixth Division. Reversed and remanded. Vaught, C.J., and Hart, J., agree.

CA10-826. Harley Hoffman v. Arkansas Department of Human Services and Minor Child, from Washington Circuit. Affirmed. Vaught, C.J., and Hart, J., agree.

RAYMOND R. ABRAMSON, JUDGE:

CACR10-674. Talvis Martel Gilbert v. State of Arkansas, from Saline Circuit. Affirmed. Pittman, Kinard, and Gruber, JJ., agree. Gladwin and Robbins, JJ., dissent.

CA10-272. Elizabeth Toombs v. Todd Toombs, from Benton Circuit. Affirmed. Pittman and Gladwin, JJ., agree.

CA10-650. Mike Adams v. Bemis Company, Inc., and Sedgwick Claims Management, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Gladwin, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR10-710. Matthew Clayton Jacobs v. State of Arkansas, from Garland Circuit. Affirmed. Robbins and Gruber, JJ., agree.

CA10-660. Office of Child Support Enforcement v. Franklin Perry, from Lincoln Circuit. Dismissed. Robbins and Gruber, JJ., agree.

CA10-675. Michael Burks v. RIC, Inc., and Bridgefield Casualty Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Gladwin and Henry, JJ., agree. Hart and Baker, JJ., dissent.

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PER CURIAM ORDERS

REHEARING GRANTED: Petition for Rehearing was granted today in the following case.

CA10-167. Rickey Henry v. QHG of Springdale, Inc., Northwest Medical Center of Benton County, and Wellcare Health Insurance of Arizona, Inc., from Benton Circuit. *See* substituted opinion this date.

CA09-1298. N.J. v. State of Arkansas, from Faulkner Circuit. Motion of Justin Eisele for attorney's fees is granted. Allowed \$1,400.00.

CA10-190. David Dunahoo v. Pile's Concrete and CNA Insurance, from Workers' Compensation Commission. Joint motion for stay of appellate proceedings to participate in Arkansas Voluntary Appellate Mediation Pilot Program is granted.

CA10-592. Manufacturers & Traders Trust Company et al. v. Tracy M. Nickleson and Carolyn Nickleson, from Faulkner Circuit. Appellees' motion to remand to settle and supplement the record and for stay of brief time. Remanded to the trial court to settle the record within fifteen days. Appellees' brief due within thirty days thereafter.

CA10-750. Arkansas Research Medical Testing et al. v. William Jennings B. Osborne and Marie E. Osborne, from Pulaski Circuit, First Division. Appellees/Cross Appellants' motion to dismiss cross appeal is granted.

CA10-801. Billy Fewell v. Arkansas Department of Human Services, from Pulaski Circuit, Third Division. Appellee's motion to dismiss appellant's appeal is granted.

CA10-924. William Stacey Gillison v. Mary Carol Talbot Gillison, from Chicot Circuit. Appellant's motion to stay further enforcement of judgment pending appeal is denied.

CA10-1078. Donald Eastman v. Canal Insurance Company, from Ouachita Circuit. Appellant's motion to proceed without transcript of July 12, 2010, hearing or, in the alternative, for order to compel the court reporter to transcribe necessary portions of the hearing is denied without prejudice. Hart, J., would grant.

E10-23. Guy D. Czajka v. Director et al., from Board of Review. Appellant's pro se motion to compel the court for the motion to supplement the record with application of documents for the extended benefit and for extension of time to file brief is denied.

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The following case is summarily affirmed for failure to file brief in accordance with the Court's opinion dated March 31, 2010, in which rebriefing was ordered.

CA09-469. Linda Jo Robinson v. Walter Whit Barton and Ball, Barton & Hoffman Firm, from Drew Circuit.

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MOTIONS SUBMITTED

CACR10-484. Earmon Lamar Brown v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees.

CACR10-738. Jeremy Gipson v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for attorney's fees.

CACR10-1146. Rodney Tyrone Webb v. State of Arkansas, from Drew Circuit. Motion of Christopher W. Hays to withdraw as counsel for appellant and for appointment of counsel.

CA10-875. Central Arkansas Construction & Development, LLC v. Cole Excavating, LLC, from Saline Circuit. Appellee's motion for stay of the briefing schedule or in the alternative an extension of time to file brief.

CA10-952. Roma Trakru v. David Mathews, from Stone Circuit. Appellant's motion to supplement the record.

CA10-1029. Jeremiah Calahan and Julie Calahan v. Arkansas Department of Human Services and Minor Child, from Monroe Circuit. Appellees' joint motion to dismiss appellants' appeal and stay briefing schedule.

CA10-1075. Katherine Keckler v. Arkansas Department of Human Services, Minor Child and Eduardo Kriete, from Cleveland Circuit. Appellees' combined motion to dismiss appeal and stay briefing schedule.

E10-136. Donald Stewart v. Director et al., from Board of Review. Appellant's motion to file belated appeal.

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CACR09-1088. Bobby Ray Hatton v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR09-1250. Shannon D. Williams v. State of Arkansas, from Greene Circuit.

CACR09-1358. Moises Diaz v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-1361. Willie Wells III v. State of Arkansas, from Crittenden Circuit.

CACR09-1391. Walter Shawn Henson v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-89. Lakedrin Mills v. State of Arkansas, from Crittenden Circuit.

CACR10-208. Adam Daniel Hurd v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR10-336. Terry Montez Moss v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-413. Kirk Johnson v. State of Arkansas, from Jefferson Circuit.

CACR10-471. Delvin Montae Morris v. State of Arkansas, from Drew Circuit.

CACR10-497. Antonio M. Owens v. State of Arkansas, from Drew Circuit.

CACR10-551. Sean E. Beagles v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-573. Donald Jones v. State of Arkansas, from Clark Circuit.

CACR10-583. Shannon Cruise v. State of Arkansas, from Franklin Circuit, Northern District.

CACR10-631. Bobby D. Brown v. State of Arkansas, from Cleburne Circuit.

CA10-746. Kristen Parker v. Arkansas Department of Human Services, from Saline Circuit.

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CA10-881. Joshua Shawn Hayes v. Arkansas Department of Human Services, from Benton Circuit.

CA10-890. Ladrill White v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.