

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 11, 2011

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR10-383](#). Jeffrey Garcia v. State of Arkansas, from Saline Circuit. Affirmed. Gladwin and Hoofman, JJ., agree.

[CA10-1057](#). Mercy Health System of Northwest Arkansas, Inc. v. Ajdahan D. Bicak, M.D., from Benton Circuit. Affirmed. Gladwin and Hoofman, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CA10-368](#). Misty Porter v. Arkansas Department of Human Services, from Little River Circuit. Affirmed. Robbins and Glover, JJ., agree.

[CA10-709](#). Robbie Faye Zimmer v. Thomas Ray Wright, from Scott Circuit. Affirmed. Gladwin, Martin, and Hoofman, JJ., agree. Hart and Brown, JJ., dissent.

[CA10-1078](#). Donald Wayne Eastman v. Canal Insurance Co., from Ouachita Circuit. Appeal dismissed. Abramson and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR09-933](#). Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Remanded with instructions; rebriefing ordered. Gruber and Martin, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR10-532](#). Cory Ray Lynch v. State of Arkansas, from Perry Circuit. Affirmed. Vaught, C.J., and Hoofman, J., agree.

[CA10-1049](#). Forever Green Athletic Fields, Inc. d/b/a Progreen, Keith Day, David Ripka, Progreen Sport Surfaces, LLC, and Raymond Fritz v. Lasiter Construction, Inc., from Pulaski Circuit, Third Division. Affirmed on direct appeal; affirmed on cross-appeal. Vaught, C.J., and Hoofman, J., agree.

JOHN B. ROBBINS, JUDGE:

[CACR10-1308](#). Michael Ray Bryant v. State of Arkansas, from Poinsett Circuit. Affirmed. Pittman and Glover, JJ., agree.

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JOHN B. ROBBINS, JUDGE: (continued)

[CA10-1263](#). Global Economic Resources, Inc. v. Susindran Swaminathan, Venkataraman Melpakkam, Ganesh Kumar, Sabare USA, Inc. d/b/a Sabare SCM Solution, Inc., and Sabare SCM Solution, Inc., from Benton Circuit. Dismissed. Pittman and Glover, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CACR10-973](#). Douglas A. Anderson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Abramson and Brown, JJ., agree.

[CA10-430](#). Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Affirmed. Abramson and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR10-961](#). George David Reed v. State of Arkansas, from Benton Circuit. Affirmed. Hart and Martin, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CA10-895](#). Teresa Bussey and Robert Bussey v. Melvin Bearden and Mural Bearden d/b/a M&M Bearden and Bearden Rentals, Lester Ray Thomas, III, and Misty Michelle Barnes, from Crittenden Circuit. Affirmed. Pittman and Robbins, JJ., agree.

[CA10-1132](#). Dana K. Kemp v. Kevin L. Kemp, from Pulaski Circuit, Ninth Division. Affirmed. Pittman and Robbins, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CACR10-949](#). Anthony Holcombe v. State of Arkansas, from Saline Circuit. Affirmed. Wynne and Brown, JJ., agree.

[CA10-677](#). Pamela Marshall Carroll v. Richard Dale Carroll, from Jefferson Circuit. Reversed and remanded. Hart, Martin, and Hoofman, JJ., agree. Pittman and Robbins, JJ., dissent.

[CA10-1184](#). George Page and Page Enterprises v. Tony Ballard and Meda Ballard, from Polk Circuit. Affirmed. Wynne and Brown, JJ., agree.

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DOUG MARTIN, JUDGE:

[CACR10-974](#). Justin Curtis Caldwell v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Hart and Gruber, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CA10-474](#). Mady J. Maguire v. W. Gene Jines, D.D.S., W. Gene Jines, D.D.S., P.A., and John Does 1-50, from Pulaski Circuit, Fifth Division. Affirmed. Vaught, C.J., and Gladwin, J., agree.

[CA10-1260](#). Michael Tenny v. Arkansas Department of Human Services, from Washington Circuit. Affirmed; motion to withdraw granted. Vaught, C.J., and Robbins, Gruber, and Brown, JJ., agree. Hart, J., dissents.

WAYMOND M. BROWN, JUDGE:

[CA10-874](#). Daniel Ray Horton v. Virginia Ruth Horton, from Pulaski Circuit, Ninth Division. Affirmed. Wynne and Abransom, JJ., agree.

[CA10-1272](#). Billy Burgess and Rebecca Burgess, et al. v. Thomas B. Lewis, J. E. Scanlan, Margaret J. Scanlan, William O. Dunaway, Jr., et al., from Van Buren Circuit. Affirmed. Wynne and Abramson, JJ., agree.

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PER CURIAM ORDERS

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

CA10-639. Cal L. Jones v. Smith-Blair, Inc., and Pacific Employers Insurance Co., from Workers' Compensation Commission.

CA10-736. Kenneth King v. A.O. French and John Edd Curry, as trustees of the Tyro Cemetery, and Keith Griffin d/b/a Griffin Funeral Service, from Lincoln Circuit.

CA10-992. Kenneth McClure v. City of Mayflower, from Faulkner Circuit. Hart, J., would grant.

CACR10-631. Bobby D. Brown v. State of Arkansas, from Cleburne Circuit. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,100.00.

CACR10-785. Curtis Demond Harlmo v. State of Arkansas, from Desha Circuit. Motion of Joseph P. Mazzanti, III, for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1086. James Cortez Arnold v. State of Arkansas, from Washington Circuit. Appellant's motion for oral argument is denied. Martin, J., not participating.

CACR10-1133. Jason Wayne Goss v. State of Arkansas, from Crawford Circuit. Motion of Lee D. Short for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1333. James Thompson v. State of Arkansas, from Miller Circuit. Appellant's pro se motion to relieve counsel and pro se motion for transcript are denied.

CACR11-161. Sara Marie Lynn v. State of Arkansas, from Madison Circuit. Appellant's motion to file belated brief is granted. Martin, J., not participating.

CA10-1123. Rhino Mini-Storage, LLC, et al. v. First National Bank of Rogers, from Benton Circuit. Appellee's motion to dismiss appeal is granted.

CA10-1124. Gray Construction, Inc., et al. v. First National Bank of Rogers, from Benton Circuit. Appellee's motion to dismiss appeal is granted.

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PER CURIAM ORDERS

CA10-1202. Billy Mike Wilson v. Union Pacific Railroad Company, from Jefferson Circuit. Appellant's motion for oral argument is denied.

CA11-73. William Smith and Mindy Smith v. Lori Smith, from Cleveland Circuit. Appellee's motion to supplement record and stay of briefing schedule is granted. Supplemental record due within ten days. Appellee's brief due within thirty days thereafter.

CA11-165. BDO Seidman, LLP, et al. v. SSW Holding Co., Inc., et al., from Sebastian Circuit, Fort Smith District. Appellants' motion for expansion of page limit is denied. Appellants' brief due within thirty days. Hart, J., would grant.

CA11-257. Kenneth Smith, Jr., et al. v. Rebsamen Medical Center, Inc., et al., from Pulaski Circuit, Sixth Division. Appellants' motion to remand to correct or clarify record is remanded to the trial court to settle the record within fifteen days. Appellants' brief due within thirty days thereafter.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA10-930. Phillip K. Sykes v. King Ready Mix, Inc., et al., from Workers' Compensation Commission.

CACR10-928. Joseph Richard Cargill v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR11-19. Joe McKinley Jones v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion to stay the direct appeal.

CACR11-399. Courtney Ross v. State of Arkansas, from Howard Circuit. Motion of LaJeana Jones to withdraw as counsel for appellant and to stay appellate deadlines pending ruling on motion to withdraw.

CA09-1411. Adam S. Stibich v. Kimberly Rae Stibich, from Garland Circuit. Appellee's motion for attorney's fees.

CA10-1113. St. Edward Mercy Medical Center and Sisters of Mercy Health System v. Amber Wilkerson, from Workers' Compensation Commission. Appellee's motion for attorney's fees.

CA11-125. T.B. v. State of Arkansas, from Howard Circuit. Appellee's motion for compliance with Administrative Order 19 and the rules governing contents of briefs and for additional brief time.

CA11-214. Frederic W. French, III v. Barbara French, from Pulaski Circuit, Fifteenth Division. Appellee's motion to supplement the record on appeal.

CA11-294. Jonesboro Healthcare Center, LLC v. Eaton-Moery Environmental Services, Inc. d/b/a Delta Environmental, from Craighead Circuit, Western District. Appellee's motion to stay briefing schedule and dismiss appeal.

CA11-343. Partne A. Daugherty v. Jacksonville Police Department, from Pulaski Circuit, Fifth Division. Appellant's motion to supplement the record, or in the alternative, petition for writ of certiorari

CA11-343. Partne A. Daugherty v. Jacksonville Police Department, from Pulaski Circuit, Fifth Division. Appellant's pro se motion to expedite; motion to rule on the face of the records; and/or motion to remand for further proceedings.

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SUBMISSIONS

CA10-1249. Po-Boy Land Company, Inc., et al. v. Kenneth R. Mullins, from Hempstead Circuit. Argued orally.

CACR10-370. Otis Stribling v. State of Arkansas, from Jefferson Circuit.

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

CACR10-722. Chasmun F. Miller v. State of Arkansas, from Union Circuit.

CACR10-838. Denisse Serrano v. State of Arkansas, from Saline Circuit.

CACR10-897. Charles Isaac Wilson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-1012. David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division.

CACR10-1042. Terry Lynn Price v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR10-1173. Richard D. Percefull v. State of Arkansas, from Hot Spring Circuit.

CACR10-1281. Detra Robinson v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR10-1331. William Losh Dover v. State of Arkansas, from Lonoke Circuit.

CACR11-38. Kyle Dishman v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR11-79. Autry Basham v. State of Arkansas, from Sebastian Circuit, Greenwood District.

CA10-689. Sheila Myers and Trevor Myers v. Cooper Clinic, P.A., from Sebastian Circuit, Fort Smith District.

CA10-876. Connie Watkins v. Kimberly Dale, from Greene Circuit.

CA10-906. Darrell F. Brown, Sr. v. Velma Ann Bell Wilson, from Sevier Circuit.

CA10-1119. Brian Tanner v. Kristina Kadusheva, from Pulaski Circuit, Fourteenth Division.

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SUBMISSIONS

CA10-1152. Carol Calaway Wilson v. Pulaski Bank & Trust Company, from Pulaski Circuit, Sixth Division.

CA10-1210. Tammy McCall Myers v. Steven McCall, from Sebastian Circuit, Greenwood District.

CA11-1. Jacky F. Dunn, D.O. et al. v. Sid Womack, from Pope Circuit.

CA11-21. Fahtima Sohala Aydani Wagner v. George Jonathon Wagner, from Columbia Circuit.

CA11-62. Lori Bryant v. Arkansas Department of Human Services, from Columbia Circuit.

CA11-110. Crystal Dubois v. Arkansas Department of Human Services, from Washington Circuit.

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

E10-23. Guy D. Czajka v. Director et al.

E11-10. Henry Holmes v. Director et al.

E11-12. Daniel Jones v. Director et al.

E11-13. A Team Temporaries v. Director et al.

E11-14. Margie Everett v. Director et al.

E11-17. Suzanne Foster v. Director et al.

E11-18. Brock Weast v. Director et al.

E11-19. Donnell Cunningham v. Director et al.

E11-20. Earnestine Rose v. Director et al.

E11-21. Crystal Stallings v. Director et al.

E11-22. Corky's BBQ v. Director et al.

E11-23. Brandi Gibson v. Director et al.

E11-24. William Roy v. Director et al.