

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR10-1331](#). William Dover v. State of Arkansas, from Lonoke Circuit. Affirmed. Pittman and Wynne, JJ., agree.

[E10-23](#). Guy D. Czajka v. Director, Department of Workforce Services, from Arkansas Board of Review. Affirmed. Pittman and Wynne, JJ., agree.

JOHN MAUZY PITTMAN:

[CA10-1075](#). Katherine Keckler v. Arkansas Department of Human Services and Eduardo Kriete, from Cleveland Circuit. Affirmed. Abramson and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR10-1012](#). David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Gladwin and Abramson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR10-202](#). Johnny Alfred Mingo, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed; motion to withdraw granted. Hart and Abramson, JJ., agree.

[CACR10-1173](#). Richard Percefull v. State of Arkansas, from Hot Spring Circuit. Affirmed. Hart and Abramson, JJ., agree.

[CA10-1119](#). Brian Tanner v. Kristina Kadusheva, from Pulaski Circuit, Fourteenth Division. Affirmed. Abramson, J., agrees. Hart, J., concurs.

JOHN B. ROBBINS, JUDGE:

[CACR10-1281](#). Detra Robinson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Martin and Brown, JJ., agree.

[CA10-1249](#). Po-Boy Land Company, Inc., et al. v. Kenneth Mullins, James Stinson, and Sam Tyson, from Hempstead Circuit. Reversed and remanded. Martin and Brown, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

ROBIN F. WYNNE, JUDGE:

[CACR10-897](#). Charles Isaac Wilson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed; motion denied. Vaught, C.J., and Pittman, J., agree.

[CA10-1152](#). Carol Calaway Wilson as Personal Representative of the Estate of Richard Boggs Calaway and Trustee for Malissa Calaway, Beneficiary of Hartford Insurance Policy No. XXXX v. Pulaski Bank & Trust and Margarita Eloina Zavalza Calaway, from Pulaski Circuit, Sixth Division. Affirmed. Vaught, C.J., and Pittman, J., agree.

RITA W. GRUBER, JUDGE:

[CACR11-79](#). Autry Basham v. State of Arkansas, from Sebastian Circuit, Greenwood District. Affirmed. Glover and Hoofman, JJ., agree.

[CA10-876](#). Connie Watkins v. Kimberly Dale, from Greene Circuit. Reversed and remanded. Glover and Hoofman, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CACR10-370](#). Otis Stribling v. State of Arkansas, from Jefferson Circuit. Rebriefing ordered; motion to withdraw as counsel denied. Gruber and Hoofman, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CACR10-583](#). Shannon Cruise v. State of Arkansas, from Franklin Circuit, Northern District. Affirmed; motion to withdraw granted. Hart and Gladwin, JJ., agree.

[CA10-1031](#). Southern Farm Bureau Casualty Insurance Company and Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Cleo Watkins, Jr., and Brenda Watkins, from Pulaski Circuit, Sixth Division. Affirmed on direct appeal; Reversed on cross-appeal. Hart and Gladwin, JJ., agree.

DOUG MARTIN, JUDGE:

[CA10-1127](#). Leonard Hester v. Arkansas Professional Bail Bondsman Licensing Board, from Pulaski Circuit, Sixth Division. Affirmed. Hart and Gruber, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

DOUG MARTIN, JUDGE: (Continued)

[CA11-62](#). Lori Bryant v. Arkansas Department of Human Services, from Columbia Circuit. Affirmed. Robbins and Brown, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CACR10-838](#). Denisse Serrano v. State of Arkansas, from Saline Circuit. Affirmed. Gruber and Glover, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CACR10-722](#). Chasmun F. Miller v. State of Arkansas, from Union Circuit. Affirmed. Robbins and Martin, JJ., agree.

[CA11-1](#). Jacky F. Dunn, D.O., and Biomed Personal Metabolic and Nutritional Testing, Inc. v. Sid Womack, from Pope Circuit. Affirmed. Robbins and Martin, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

PER CURIAM DECISIONS

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

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.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

PER CURIAM ORDERS

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

CACR10-1091. Chariell Ali Glaze v. State of Arkansas, from Faulkner Circuit.

CA09-757. Patricia Milner, Randall Brown, and Donna Donaldson v. Rex Edward Luttrell, M.D., from Dallas Circuit.

CA10-514. Tammy McLain et al. v. City of Little Rock Planning Commission and Entergy Arkansas, Inc., from Pulaski Circuit, Sixteenth Division.

CA10-831. Charleen Ruth Morgan, Special Administrator of the Estate of Charles R. Morgan, deceased v. Steven C. Little, from Izard Circuit.

CACR10-532. Cory Ray Lynch v. State of Arkansas, from Perry Circuit. Motion of Gary J. Barrett for attorney's fees is granted. Allowed \$500.00.

CACR10-547. Corey Lambert v. State of Arkansas, from Jefferson Circuit. Motion of Matthew J. McWilliams for attorney's fees is granted. Allowed \$1,100.00.

CACR11-113. Devin A. Pendleton v. State of Arkansas, from Crawford Circuit. Motion of Joseph C. Self for attorney's fees is granted. Allowed \$500.00.

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 is granted. Jeffrey Weber is appointed to represent appellant.

CA09-776. Diana J. Lancaster v. Steve Regier, Jason Riddle, Red Robin International, Inc., Matthew Natividad, and Kayla Neitzel, from Benton Circuit. Appellees' motion to tax costs is granted in the amount of \$336.71.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

PER CURIAM ORDERS

CA10-965. Stacy Gentry v. Arkansas Oil Field Services, Inc., and AIG Claims Services, Inc., from Workers' Compensation Commission. Appellant's motion for attorney's fees is granted.

CA11-26. Theresa Renuart Paulino and Eddie Paulino v. QHG of Springdale, Inc. d/b/a Northwest Medical Center and Northwest Arkansas Hospitals, LLC d/b/a Northwest Medical Center, from Washington Circuit. Motion of the American Association for Justice for leave to file amicus curiae brief in support of the appellants is granted. Martin, J., not participating.

CA11-26. Theresa Renuart Paulino and Eddie Paulino v. QHG of Springdale, Inc. d/b/a Northwest Medical Center and Northwest Arkansas Hospitals, LLC d/b/a Northwest Medical Center, from Washington Circuit. Motion of Robert B. Leflar and Barry R. Furrow for leave to file amicus curiae brief in support of the appellants is granted. Martin, J., not participating.

CA11-26. Theresa Renuart Paulino and Eddie Paulino v. QHG of Springdale, Inc. d/b/a Northwest Medical Center and Northwest Arkansas Hospitals, LLC d/b/a Northwest Medical Center, from Washington Circuit. Appellants' motion for waiver of addendum requirement is denied. Martin, J., not participating.

[CA11-167](#). Hermann Felix Jonak v. Brian T. Moynihan et al., from Garland Circuit. Appeal dismissed. *See per curiam* this date.

CA11-189. Grayson & Grayson, P.A. v. David A. Couch, P.L.L.C., from Pulaski Circuit, Third Division. Appellee's motion for compliance or alternatively for extension of time is granted. Appellant's substituted addendum due within fifteen days. Appellee's brief due within thirty days after substituted addendum is filed.

CA11-365. Pinnacle Point Properties, LLC, et al. v. Metropolitan National Bank, from Benton Circuit. Appellee's motion to dismiss appeal of order confirming foreclosure sale as moot is passed until the case is submitted.

E11-125. Sharon D. Matthews v. Director et al., from Board of Review. Appellant's pro se motion to file belated appeal is denied.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA10-850. Marla Reeves Gardner et al. v. Sherry Britton, from Lee Circuit.

CACR10-310. Jamie Lynn Fowler v. State of Arkansas, from Yell Circuit, Southern District. Motion of Matthew Lunde for attorney's fees.

CACR10-949. Anthony Holcombe v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones III for attorney's fees.

CACR10-973. Douglas A. Anderson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

CACR10-974. Justin Curtis Caldwell v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

CACR10-1067. Kevin Smith v. State of Arkansas, from Drew Circuit. Motion of Timothy R. Leonard for attorney's fees.

CACR10-1125. Rodney Christopher Cline v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CACR10-1162. Jacob Howard Populis v. State of Arkansas, from Grant Circuit. Motion of Bob Fraizer for attorney's fees.

CACR10-1256. Dale Nelson v. State of Arkansas, from Phillips County. Petition and request of Don Etherly for attorney's fees.

CACR11-341. Daniel Lewis v. State of Arkansas, from Pulaski Circuit, Fourth Division. Second amended motion of Jack R. Kearney to proceed in forma pauperis and motion to be relieved as counsel of record.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

MOTIONS SUBMITTED

CACR11-350. Willie Author McDaniels v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Denese R. Fletcher to withdraw as counsel.

CACR11-350. Willie Author McDaniels v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Mark Allen Jesse to substitute counsel and request for extension of briefing schedule.

CA09-1374. Darla Jackson v. Tanya Smith, from Carroll Circuit, Western District. Appellant's renewed motion for taxation of costs.

CA10-944. Cynthia Marie Beyers v. George L. Beyers, III, and Donna G. Beyers, from Saline Circuit. Motion of Lorraine Hatcher to withdraw as counsel for appellant.

CA10-1207. Michael A. Hayes v. Sandra L. Hayes Otto, from Pulaski Circuit, Fourteenth Division. Appellant's pro se motion for Rule 11 sanctions.

CA11-54. Cicely White-Phillips v. Arkansas Children's Hospital, Ali Raja, M.D., and Richard Fiser, M.D., from Pulaski Circuit, Sixth Division. Appellant's pro se motion for belated brief.

CA11-54. Cicely White-Phillips v. Arkansas Children's Hospital, Ali Raja, M.D., and Richard Fiser, M.D., from Pulaski Circuit, Sixth Division. Appellant's pro se motion for default judgment.

CA11-226. Crafton, Tull, Sparks & Associates v. Ruskin Heights, LLC, et al., from Washington Circuit. Appellant's motion to file belated supplemental record.

CA11-358. Debra Davis v. Schneider National, Inc., et al., from Jefferson Circuit. Appellant's motion to dismiss appeal and motion of Brian G. Brooks to withdraw as counsel.

CA11-370. Yanmar Co., LTD, et al. v. Wanda H. Slater, from Jefferson Circuit. Appellee's motion to file brief in excess of page limits.

CA11-390. Brad Waggoner v. Carrie Lynn Waggoner, from Lonoke Circuit. Motion of Ralph J. Blagg to withdraw as counsel for appellant and for additional brief time.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

MOTIONS SUBMITTED

CA11-402. Jerry Brasfield v. Glayton Johnson, from Jefferson Circuit. Motion of Jeffery H. Kearney to be relieved as counsel for appellant.

CA11-466. Sierra Club et al. v. Arkansas Pollution Control and Ecology Commission and Southwest Electric Power Company, from Hempstead Circuit. Unopposed motion to hold portion of the record under seal.

E11-67. Marissa J. Leal v. Director et al., from Board of Review. Pro se motion to file belated motion for reconsideration of denial of motion for belated appeal.

E11-133. Oronde I. Jennings v. Director et al., from Board of Review. Pro se motion for belated appeal.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 25, 2011

SUBMISSIONS

CA09-1363. Marx Real Estate Investments, LLC, et al. v. Dr. Victor Coloso, from Sebastian Circuit, Fort Smith District. Argued orally.

CA10-878. Entergy Arkansas, Inc. v. Arkansas Public Service Commission, from Public Service Commission. Argued orally.

CACR10-644. Jonathan E. Olivarez v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-704. Elea Lee Murray, III v. State of Arkansas, from Crittenden Circuit.

CACR10-845. David Ted Green v. State of Arkansas, from Faulkner Circuit.

CACR10-935. Charles Michael Davis, Jr. v. State of Arkansas, from Mississippi Circuit, Osceola District.

CACR10-1231. Malcolm Morton v. State of Arkansas, from Union Circuit.

CACR10-1299. Jennifer Irene Bates v. State of Arkansas, from Drew Circuit.

CACR11-25. Jack Wagner Bass v. State of Arkansas, from Faulkner Circuit.

CA10-900. Derek Lee Pippenger and Andrea Pippenger v. Doris Benson and Bertie May Blasingame, from Poinsett Circuit.

CA10-921. Emerson Electric Company et al. v. Roger Crawford et al., from Workers' Compensation Commission.

CA10-1275. Freddie Wayne Sammons, Sr., et al. v. Seeco, Inc., from Yell Circuit, Southern District.

CA10-1282. Lemuel David Walker v. Arkansas Department of Human Services, from Lafayette Circuit.

CA11-47. Janelle Pierce Boudreau v. W. Ty Pierce, from Washington Circuit.

CA11-90. Dawna Bellamy v. Robert Bellamy, from Lonoke Circuit.