

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 26, 2011**

JOHN MAUZY PITTMAN, JUDGE:

[CACR10-935](#). Charles Davis v. State of Arkansas, from Mississippi Circuit, Osceola District. Affirmed; motion to withdraw granted. Abramson and Hoofman, JJ., agree.

[CA10-1228](#). James E. Robinson v. Rose E. Robinson, from Mississippi Circuit, Chickasawba District. Affirmed. Abramson and Hoofman, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR10-704](#). Elea Lee Murray, III v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Gruber and Brown, JJ., agree.

CA11-172. David H. Arrington Oil & Gas, Incorporated v. Tony E. Sutterfield and Jenna Renea Sutterfield, from Van Buren Circuit. Affirmed as modified. Gruber and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR11-332](#). Raymond Johnson v. State of Arkansas, from Union Circuit. Supplementation of the record and rebriefing ordered. Vaught, C.J., and Martin, J., agree.

[CA09-1326](#). Kristin Kuelbs, Donald Hill, and Edwardena Hill v. Kimberly Hill, from Garland Circuit. Affirmed; motion for sanctions denied. Vaught, C.J., and Martin, J., agree.

JOHN B. ROBBINS, JUDGE:

[CACR11-186](#). Adam Everetts v. State of Arkansas, from Crawford Circuit. Reversed and dismissed. Wynne and Glover, JJ., agree.

[CA11-204](#). Ronald E. Mauldin and Pamela D. Mauldin v. Danny Snowden, Sheila Snowden, Darrell K. Flory, Martha K. Flory, Petrohawk Operating, Inc., Chesapeake Exploration, LLC, Midland Resources, Inc., Mid Continent Title & Leasing Consultants, Inc., and JayJon, Inc., from Van Buren Circuit. Affirmed. Wynne and Glover, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CA11-376](#). Joseph Fili v. City of Jacksonville and Arkansas Municipal League, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Glover, JJ., agree.

[CA11-657](#). Jennifer Jones and Erick Jones v. Arkansas Department of Human Services, from Washington Circuit. Affirmed. Robbins and Glover, JJ., agree.

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**RITA W. GRUBER, JUDGE:**

CA11-96. Tim Fox v. Julie Glassing, from Clark Circuit. Affirmed in part; remanded in part. Pittman, Gladwin, Robbins, Abramson, Martin, Hoofman, and Brown, JJ., agree. Wynne, J., dissents.

[CA11-515](#). Rafael Santillan v. Tyson Sales & Distribution and Tynet, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Brown, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CACR10-370](#). Otis Stribling v. State of Arkansas, from Jefferson Circuit. Remanded with instructions. Robbins and Wynne, JJ., agree.

[CA11-288](#). Larry D. Dewitt v. Roberta S. Simpson, from Yell Circuit, Southern District. Dismissed without prejudice. Robbins and Wynne, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CACR10-1130](#). Robert Lee Thomas, Jr. v. State of Arkansas, from Saline Circuit. Affirmed in part; reversed and dismissed in part. Pittman, Gladwin, Robbins, and Martin, JJ., agree. Wynne, Gruber, Hoofman, and Brown, JJ., dissent.

[CACR11-154](#). Marcus Amos v. State of Arkansas, from Faulkner Circuit. Affirmed. Pittman and Hoofman, JJ., agree.

[CA10-378](#). Sidney J. Phillippy and Tina Dickey v. ANB Financial Services, LLC; Insurance Marketplace; and GL Holdings, LLC, from Benton Circuit. Affirmed on direct appeal; reversed and remanded on cross-appeal. Glover and Martin, JJ., agree.

[CA11-297](#). Gore Engineering Associates, Inc. v. Arkansas Contractors Licensing Board, from Benton Circuit. Reversed and remanded. Pittman and Hoofman, JJ., agree.

**CLIFF HOOFFMAN, JUDGE:**

[CACR11-191](#). Ke'Ondra Montrel Chestang v. State of Arkansas, from Lee Circuit. Supplemental addendum ordered. Pittman and Abramson, JJ., agree.

[CA11-653](#). Loretta Threadgill v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Affirmed. Pittman and Abramson, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CACR09-1250](#). Shannon Williams v. State of Arkansas, from Greene Circuit. Motion to withdraw denied; supplementation of addendum ordered. Hart and Gruber, JJ., agree.

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**PER CURIAM ORDERS**

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

CACR11-30. Ryan McElroy v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CA10-1196. Kelsey Villines and Marlena Villines v. North Arkansas Regional Medical Center, from Boone Circuit.

CA11-168. Jerry Beaver v. Graphic Packaging and Liberty Mutual Group, from Workers' Compensation Commission.

CA11-201. Rebecca Christian-Holderfield and James Holderfield v. Arkansas Department of Human Services and Minor Children, from Carroll Circuit, Western District.

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CACR11-270. William Phillips v. State of Arkansas, from Pulaski Circuit, Second Division. Motion of William O. "Bill" James, Jr. for attorney's fees is granted. Allowed \$1,400.00.

CACR11-712. Darin D. Graham v. State of Arkansas, from Chicot Circuit. Appellant's motion to supplement the record is granted. Record deemed supplemented.

CACR11-794. Courtney L. Smith v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's pro se petition for writ of error coram nobis is denied.

CA11-239. Wayne Welsher, M.D. v. Mercy Health System of Northwest Arkansas, Inc., from Benton Circuit. Appellant's motions for additional brief time are granted. Brief filed this date. Vaught, C.J., not participating.

CA11-344. Partne A. Daugherty v. Jacksonville Police Department et al., from Pulaski Circuit, Fifth Division. Appellant's pro se motion to file belated brief is granted. Brief filed this date.

CA11-344. Partne A. Daugherty v. Jacksonville Police Department et al., from Pulaski Circuit, Fifth Division. Appellant's pro se motion for oral argument is denied.

CA11-622. Kenyata Cook v. Blytheville Housing Authority, from Mississippi Circuit, Chickasawba District. Appellant's motion to correct the record is moot. Appeal voluntarily dismissed.

CA11-741. Charolette Ashley v. Estate of J.D. Ashley, Sr., Deceased et al., from Pulaski Circuit, Sixteenth Division. Appellant's motion to stay appeal in CA11-741 pending outcome of case CA11-845 is denied. Gruber and Hoofman, JJ., not participating.

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**MOTIONS SUBMITTED**

CA11-780. Les Marlow et al. v. United Systems of Arkansas, Inc., et al., from Pulaski Circuit, First Division. Appellants' and Appellees' motions to supplement record and addendum are granted. Writ issued; returnable within thirty days. Appellants' supplemental addendum due within thirty days thereafter.

CA11-845. Charolette Ashley v. Richard H. Ashley et al., from Pulaski Circuit, Sixteenth Division. Appellant's motion to expedite appeal is denied. Gruber and Hoofman, JJ., not participating.

CA11-950. C.R. v. N.K. and C.K., from Mississippi Circuit, Osceola District. Appellees' motion to protect identity is granted. Records and papers on appeal are sealed. References to adopting parents and child shall be by their first and last initials.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CACR10-1043. Jessie Lee Miller, Jr. v. State of Arkansas, from Mississippi Circuit, Osceola District.

CA10-592. Manufacturers & Traders Trust Company and Fairbanks Capital Corporation v. Tracy M. Nickleson and Carolyn J. Nickelson, from Faulkner Circuit.

CA10-1158. Robert E. Bamburg v. Lisa J. Bamburg, from Pulaski Circuit, Fourteenth Division.

CA10-1207. Michael A. Hayes v. Sandra L. Otto, from Pulaski Circuit, Fourteenth Division.

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CACR09-345. Daniel Dorsey v. State of Arkansas, from Crittenden Circuit. Motion for rule on clerk requesting rescheduling of brief due date and belated filing of appellant's brief.

CACR10-413. Kirk Johnson v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for attorney's fees.

CACR10-1128. Nigel Poland v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones, III, for attorney's fees.

CACR10-1333. James Thompson v. State of Arkansas, from Miller Circuit. Motion of Bobby R. Digby, II, for attorney's fees and costs.

CACR10-1336. Curvin Vontal McCoy v. State of Arkansas, from Bradley Circuit. Motion of Joseph P. Mazzanti, III, for attorney's fees.

CACR11-126. Shari Phillips v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

CACR11-127. Amber J. Westbrook v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

CACR11-198. Karla L. Brown v. State of Arkansas, from Garland Circuit. Motion of Nick Churchill for attorney's fees.

CACR11-245. Kendall Maurice Davis v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion to file supplemental addendum.

CACR11-415. Edward Anthony Liggins v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion to supplement the abstract and argument.

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#### MOTIONS SUBMITTED

CACR11-617. Daniel Weaver v. State of Arkansas, from Crawford Circuit. Appellant's pro se motion for trial transcript.

CACR11-769. Cordell A. Wells, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Resubmission of motion of John H. Bradley to be relieved as counsel for appellant and motion of W. Ray Nickle for substitution as counsel for appellant.

CA11-214. Frederic W. French, III v. Barbara French, from Pulaski Circuit, Fifteenth Division. Appellee's motion for attorney's fees and costs.

CA11-264. J & J Excavating v. Doyne Construction Company, Inc., et al., from Pulaski Circuit, Second Division. Appellant's motion for oral argument.

CA11-311. Qualserv Corporation and Twin City Fire Insurance Company v. Clifford Rich, from Workers' Compensation Commission. Appellee's motion for an award of attorney's fee.

CA11-343 and CA11-344. Partne A. Daugherty v. Jacksonville Police Department, from Pulaski Circuit, Fifth Division. Appellant's pro se motion to consolidate CA11-343 and CA11-344.

CA11-458. Lake Village Healthcare Center, LLC, et al. v. Arneacia Hatchett, Administrator of the Estate of Richard Hatchett, from Chicot Circuit. Appellee's motion to substitute parties.

CA11-458. Lake Village Healthcare Center, LLC, et al. v. Arneacia Hatchett, Administrator of the Estate of Richard Hatchett, from Chicot Circuit. Appellee's combined motion to remand to correct the record or alternative petition for certiorari to complete the record, motion for compliance, and motion to extend time or stay the briefing schedule.

CA11-466. Sierra Club v. Arkansas Pollution Control & Ecology Commission and Southwestern Electric Power Company, from Hempstead Circuit. Unopposed motion of Appellee Southwestern Electric Power Company for extension of time and expansion of page limit.

CA11-466. Sierra Club v. Arkansas Pollution Control & Ecology Commission and Southwestern Electric Power Company, from Hempstead Circuit. Motion of Appellee Arkansas Pollution Control and Ecology Commission for enlargement of the page limit for the argument portion of appellee's brief.

CA11-496. Arkansas Electric Energy Consumers, Inc., and Arkansas Consumers, Inc., v. Arkansas Public Service Commission et al., from Public Service Commission. Motion of Appellee Audubon Arkansas to file a belated brief.

CA11-601. Summer Harrison v. Lee Phillips et al., from Faulkner Circuit. Appellant's motion for remand to supplement the record, motion to stay briefing schedule, and for additional brief time.

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**MOTIONS SUBMITTED**

CA11-767. Donna Watkins v. Arkansas Elder Outreach of Little Rock, Inc., et al., from Crittenden Circuit. Appellant's motion to supplement the record.

CA11-773. Danny Green v. Hammons Funeral Home, from Workers' Compensation Commission. Appellant's pro se motion to file belated brief.

CA11-947. Arkansas Department of Human Services v. J.C., from Jefferson Circuit. Appellant's motion to consolidate appeals and stay the briefing schedule.

CA11-984. Edward A. Labry, III v. Metropolitan National Bank, from Washington Circuit. Appellant's motion to file certain documents under seal.

E11-156. Altes Sanitation Service, LLC v. Director et al., from Board of Review. Appellant's motion to accept documents.

E11-239. Heather M. Grant-Laughter v. Director et al., from Board of Review. Appellant's motion for belated appeal.

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CA10-1170. The Lamar Company, LLC, and Lamar Advertising of Greenville v. Arkansas State Highway & Transportation Department, from Pulaski Circuit, Thirteenth Division. Argued orally.

CACR11-19. Joe McKinley Jones v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR11-49. Kirk Byron Stansell v. State of Arkansas, from Perry Circuit.

CACR11-50. Tommy Laron McDowell v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR11-219. Joseph Wayne Trotter v. State of Arkansas, from Pulaski Circuit, First Division.

CACR11-245. Kendall Maurice Davis v. State of Arkansas, from Craighead Circuit, Western District.

CACR11-291. Akin O. Williams v. State of Arkansas, from Hempstead Circuit.

CACR11-480. Ariel McDaniel v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CA10-1016. John Louis McClure v. Tracy Kara Schollmier-McClure, from Pulaski Circuit, Sixteenth Division.

CA11-305. Artis Davis v. Ladell Brown, from Faulkner Circuit.

CA11-308. Whitney Davis v. Michael Wayne Davis, from Union Circuit.

CA11-330. Elizabeth Suttles Putt v. Lance Edward Suttles, from Craighead Circuit, Western District.

CA11-333. Laura Teague Casto v. William Mitch Casto, from Pope Circuit.

CA11-464. St. Edwards Mercy Medical Center et al. v. Cassandra Richards Wilson, from Workers' Compensation Commission.

CA11-510. UAMS et al. v. Lois Johnson, from Workers' Compensation Commission.

CA11-543. Diana J. Lancaster v. Steve Regier, from Benton Circuit.

CA11-573. White Oak Construction et al. v. Alberto Olvera, Deceased, from Workers' Compensation Commission.



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CA11-591. Phil Brackelsberg and Crystal Brackelsberg v. Marc Heflin and Billie Heflin, from Pulaski Circuit, Thirteenth Division.

CA11-596. William Vickers v. Sudan Farming, from Workers' Compensation Commission.

CA11-724. David M. Weaver v. Arkansas Department of Human Services and Minor Child, from Crawford Circuit.

CA11-727. Melissa Landis-Maynard and Tommy Dale Niccum, II v. Arkansas Department of Human Services and Minor Child, from Sebastian Circuit, Fort Smith District.

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

E11-132. James Humphrey v. Director et al.

E11-134. Ava L. Vales v. Director et al.

E11-135. Symone D. Sanders v. Director et al.

E11-136. William L. Witten v. Director et al.

E11-137. Diana Cooper v. Director et al.

E11-138. Jamal Brown v. Director et al.

E11-139. Neiakishia Watson v. Director et al.

E11-140. Enterprise Liquor, Inc. v. Director et al.

E11-141. Shanel N. Lewis v. Director et al.

E11-142. Spencer Welding Service v. Director et al.

E11-143. Reatha P. Nichols v. Director et al.

E11-144. Angela D. Royster v. Director et al.