

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 2, 2011**

LARRY D. VAUGHT, CHIEF JUDGE:

[CA11-173](#). Kristi M. Grove v. Jeffrey Grove, from Garland Circuit. Affirmed. Gladwin and Martin, JJ., agree.

[CA11-548](#). Darrell Rhine v. Arkansas Department of Human Services and Minor Child, from Washington Circuit. Reversed. Hoofman and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR11-392](#). Richard Jamal Jacobs v. State of Arkansas, from Crittenden Circuit. Reversed and remanded. Abramson and Hoofman, JJ., agree.

[CA11-324](#). Kenyghatta Davis v. City of Blytheville and its Water Department, from Mississippi Circuit, Chickasawba District. Affirmed in part; reversed and remanded in part. Abramson and Hoofman, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR11-325](#). Kirkland Rochelle Foster v. State of Arkansas, from Crittenden Circuit. Affirmed. Gruber and Brown, JJ., agree.

[CA10-218](#). Jonnie Locke v. Continental Casualty Company et al., from Jefferson Circuit. Reversed and remanded. Gruber, J., agrees. Brown, J., concurs.

ROBERT J. GLADWIN, JUDGE:

[CACR11-386](#). Tyrone Allen Ellis v. State of Arkansas, from Columbia Circuit. Affirmed. Vaught, C.J., and Martin, J., agree.

[CA11-260](#). Village Venture Realty, Inc., a/k/a Era Equity Group, a/k/a Village Ventures Realty v. Edward Allen Cross, from Garland Circuit. Affirmed. Vaught, C.J., and Martin, J., agree.

JOHN B. ROBBINS, JUDGE:

[CACR11-227](#). Leon Jackson Rice, Jr. v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Wynne and Glover, JJ., agree.

JOHN B. ROBBINS, JUDGE: (Continued)

[CA11-162](#). Danny Hurst and Mark David Hurst v. Southern Farm Bureau Casualty Insurance Company, from Washington Circuit. Affirmed. Wynne and Glover, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 2, 2011**

**ROBIN F. WYNNE, JUDGE:**

[CACR11-444](#). Cleaborn P. Stewart v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Robbins and Glover, JJ., agree.

[CA11-205](#). Vickey Courier v. Marsha Woodruff, from Washington Circuit. Affirmed; motion for sanctions denied. Robbins and Glover, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CACR11-304](#). Ray Lee Anthony v. State of Arkansas, from Craighead Circuit, Western District. Affirmed. Robbins, J., agrees. Wynne, J., concurs.

[CA10-1159](#). Marsha Criner v. Donna Reddell, from Boone Circuit. Affirmed on direct appeal; affirmed on cross-appeal. Abramson and Martin, JJ., agree.

[CA11-278](#). Dan C. Clow and Suzanne Clow v. Vickers Construction Co., Inc., from Stone Circuit. Reversed. Robbins and Wynne, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CACR11-450](#). Shawnathon Donnell Fitch v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Pittman and Hoofman, JJ., agree.

[CA11-339](#). Luke Szabo v. Lesli Rutland Womack, from Benton Circuit. Reversed and remanded. Pittman and Hoofman, JJ., agree.

**DOUG MARTIN, JUDGE:**

[CA11-391](#). Melanie Kelley v. Cooper Standard Automotive, Inc., and St. Paul Travelers Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Gladwin, J., agree.

[CA11-656](#). Amanda Faas v. Arkansas Department of Human Services, from Clark Circuit. Appeal dismissed. Vaught, C.J., and Gladwin, J., agree.

**CLIFF HOOFFMAN, JUDGE:**

[CACR11-443](#). John Brody v. State of Arkansas, from Lonoke Circuit. Affirmed. Pittman and Abramson, JJ., agree.

[CA11-78](#). Fan Timpani v. Lakeside School District, from Garland Circuit. Affirmed. Pittman and Abramson, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 2, 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).

- E11-119. Stella Larkin v. Director et al.
- E11-120. Steven William Brock II v. Director et al.
- E11-121. Steven L. Wells v. Director et al.
- E11-122. Cathy L. Morgan v. Director et al.
- E11-123. Lamont L. Tayes v. Director et al.
- E11-124. Donald L. Owens v. Director et al.
- E11-126. Loretta Brown v. Director et al.
- E11-127. Vera D. Beavers v. Director et al.
- E11-128. Al-Fredia C. Hampton v. Director et al.
- E11-129. Deborah Stokes v. Director et al.
- E11-130. Latoya Brown v. Director et al.
- E11-131. Razorback Concrete Company v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 2, 2011**

**PER CURIAM ORDERS**

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

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. Hart, J., would grant.

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 is moot. *See* per curiam October 12, 2011.

CACR10-413. Kirk Johnson v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1128. Nigel Poland v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones, III, for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1333. James Thompson v. State of Arkansas, from Miller Circuit. Motion of Bobby R. Digby, II, for attorney's fees and costs is granted. Allowed \$1,400.00.

CACR10-1336. Curvin Vontal McCoy v. State of Arkansas, from Bradley Circuit. Motion of Joseph P. Mazzanti, III, for attorney's fees is granted. Allowed \$1,400.00.

CACR11-126. Shari Phillips v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$1,400.00.

CACR11-127. Amber J. Westbrook v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$1,400.00.

CACR11-198. Karla L. Brown v. State of Arkansas, from Garland Circuit. Motion of Nick Churchill for attorney's fees is granted. Allowed \$1,400.00.

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

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 2, 2011**

**PER CURIAM ORDERS**

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

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

CACR11-769. Cordell A. Wells, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Motion of John H. Bradley to be relieved as counsel for appellant and motion of W. Ray Nickle for substitution as counsel for appellant are granted. W. Ray Nickle substituted as counsel for appellant. Appellant's brief due December 12, 2011.

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

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

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 fees is granted.

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 is denied.

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 is granted.

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. Motion for compliance is denied. Remanded to the trial court to settle the record for letter briefs within thirty days. Appellee's brief due within thirty days thereafter.

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 is granted. Argument section of appellees' brief expanded to forty pages total.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 2, 2011**

**PER CURIAM ORDERS**

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 is granted. Argument section of appellees' brief expanded to forty pages total.

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 is granted. Brief filed this date.

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 is granted. Supplemental record due within thirty days. Appellant's brief due within thirty days thereafter.

CA11-759. *Kathleen Wilson v. Arkansas Department of Human Services et al.*, from Lonoke Circuit. Appellees' joint motion to dismiss appeal and stay briefing schedule is granted. Appeal dismissed.

CA11-759. *Kathleen Wilson v. Arkansas Department of Human Services et al.*, from Lonoke Circuit. Appellees' motion to dismiss appeal and stay briefing schedule is moot.

CA11-767. *Donna Watkins v. Arkansas Elder Outreach of Little Rock, Inc., et al.*, from Crittenden Circuit. Appellant's motion to supplement the record is moot. Certified copy of revised index due within five days.

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

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

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

E11-156. *Altes Sanitation Service, LLC v. Director et al.*, from Board of Review. Appellant's motion to accept documents is passed until the case is submitted.

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

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF NOVEMBER 2, 2011**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CACR10-959. Patrick Lavell Davis v. State of Arkansas, from Hot Spring Circuit.

CACR11-29. Sheva Howard v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CA10-1266. IC Corporation and International Truck & Engine Corporation v. Hoover Treated Wood Products, Inc., Osmose Holding, Inc., and Osmose, Inc., from Faulkner Circuit.

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CACR11-154. Marcus Amos v. State of Arkansas, from Faulkner Circuit. Motion of Caroline L. Winningham for attorney's fees.

CACR11-154. Marcus Amos v. State of Arkansas, from Faulkner Circuit. Motion of Caroline L. Winningham to withdraw as counsel for appellant.

CACR11-485. Stephanie Nichol Smalley v. State of Arkansas, from Pulaski Circuit, Second Division. Appellant's motion for additional brief time.

CACR11-599. Garland Green v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's pro se motion requesting copies at public expense.

CACR11-641. Jeremy J. Reynolds v. State of Arkansas, from Conway Circuit. Appellant's motion to seal exhibits 2-4 to appellant's motion to stay briefing schedule and reinvest jurisdiction in circuit court.

CACR11-641. Jeremy J. Reynolds v. State of Arkansas, from Conway Circuit. Appellant's motion to stay briefing schedule and reinvest jurisdiction in circuit court.

CA10-841. Jackie Robbins v. Debbie Robbins, from Garland Circuit. Appellee's motion for attorney's fees.

CA10-944. Cynthia Marie Beyers v. George L. Beyers, III, and Donna G. Beyers, from Saline Circuit. Appellees' motion to dismiss appeal .

CA11-525. William E. Flynn v. J.B. Hunt Transportation, from Workers' Compensation Commission. Appellant's motion to supplement the record.

CA11-566. Gary Howard et al. v. Lauren Adams et al., from Benton Circuit. Appellees' motion for enlargement of page limitation for appellees' brief.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 2, 2011**

**MOTIONS SUBMITTED**

CA11-650 and CA11-651. Donnell Richard v. Union Pacific Railroad Company, from Jefferson Circuit. Appellee's motion to consolidate appeals CA11-650 and CA11-651.

CA11-816. Ann Shull Bell et al. v. Bank of America, N.A., from Lonoke Circuit. Appellants' motion for instructions.

CA11-870. City of Clinton v. Southern Paramedic Services, Inc., from Van Buren Circuit. Motion of Arkansas Ambulance Association for permission to file Amicus Curiae brief in support of appellant.



**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF NOVEMBER 2, 2011**

**SUBMISSIONS**

- CA11-419. Petrohawk Properties, LP v. Isaac Heigle et al., from Cleburne Circuit. Argued orally.
- CACR11-279. Hunter Blake Lewis v. State of Arkansas, from Miller Circuit.
- CACR11-350. Willie Author McDaniels v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR11-379. Larry Clayton v. State of Arkansas, from Hot Spring Circuit.
- CACR11-384. Sherrell J. Whisenant v. State of Arkansas, from Arkansas Circuit, Northern District.
- CACR11-445. Ronald Wayne Magness v. State of Arkansas, from Drew Circuit.
- CACR11-479. Michael L. Scales v. State of Arkansas, from Pulaski Circuit, Second Division.
- CACR11-494. Joe Edward Butler v. State of Arkansas, from Pulaski Circuit, Second Division.
- CACR11-505. Carlton X. Russell v. State of Arkansas, from White Circuit.
- CACR11-558. Mable Newsom v. State of Arkansas, from Pulaski Circuit, Fifth Division.
- CACR11-599. Garland Green v. State of Arkansas, from Pulaski Circuit, Fifth Division.
- CA10-302. Steve's Outdoor Investments, LLC, et al. v. Reynolds Forestry Consulting-RFC, Inc., from Columbia Circuit.
- CA11-54. Cicely White-Phillips v. Arkansas Children's Hospital, from Pulaski Circuit, Sixth Division.
- CA11-180. Delta Regional Airport Authority v. Grover Gunn, III, from St. Francis Circuit.
- CA11-285. Brett A. Davis et al. v. Jeremy Gillam, from White Circuit.
- CA11-340. Brenda A. Browning v. David Browning, from Faulkner Circuit.
- CA11-378. City of Bryant et al. v. Edward Collins, from Saline Circuit.
- CA11-382. Herman Trotter v. State of Arkansas, from Hempstead Circuit.
- CA11-424. Eagle Creek Properties, LLC, et al. v. Gray Turney, from Carroll Circuit, Western District.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF NOVEMBER 2, 2011**

**SUBMISSIONS**

CA11-461. Charles E. Welsh v. Mid-South Bulk Services, Inc., from Izard Circuit.

CA11-473. Robert David Lewis v. AT&T Mobility, from Pulaski Circuit, Third Division.

CA11-475. Robbie L. Gurien v. Access Credit Management, Inc., from Mississippi Circuit, Chickasawba District.

CA11-533. James Kelley v. Courtyard Marriott, from Workers' Compensation Commission.

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

E11-64. Helping Hand Children's Center v. Director et al.

E11-145. William D. Reams v. Director et al.

E11-146. Susan E. Rogan v. Director et al.

E11-147. Jimmy Bensley v. Director et al.

E11-148. Steve P. Stickney v. Director et al.

E11-149. Patricia Livingston v. Director et al.

E11-150. Leo O. Allred v. Director et al.

E11-151. Mary E. Garrett v. Director et al.

E11-152. Marjorie A. Greene v. Director et al.

E11-153. Roger K. Evans v. Director et al.

E11-154. Roger K. Evans v. Director et al.

E11-155. Roger K. Evans v. Director et al.

E11-156. Altes Sanitation Service v. Director et al.