

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 9, 2011

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR11-49](#). Kirk Byron Stansell v. State of Arkansas, from Perry Circuit. Affirmed as modified. Gladwin and Martin, JJ., agree.

[CA10-1136](#). CNA Insurance Company and Milam Construction v. Arkansas Children's Hospital, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Martin, JJ., agree.

[CA11-283](#). Angela R. Harris v. Weyerhaeuser Company, Second Injury Fund, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Martin, JJ., agree.

[CA11-727](#). Melissa Landis-Maynard and Tommy Dale Niccum, II v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District. Affirmed; motion to withdraw granted. Gladwin and Martin, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR11-50. Tommy McDowell v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Abramson and Hoofman, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR11-291](#). Akin O. Williams v. State of Arkansas, from Hempstead Circuit. Affirmed. Vaught, C.J., and Martin, J., agree.

[CA11-596](#). William Vickers v. Sudan Farming and AG-Comp Sif, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Martin, J., agree.

JOHN B. ROBBINS, JUDGE:

[CACR11-480](#). Ariel McDaniel v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Wynne and Glover, JJ., agree.

[CA11-591](#). Phil and Crystal Brackelsberg v. Marc and Billie Heflin, from Pulaski Circuit, Thirteenth Division. Reversed and dismissed. Wynne and Glover, JJ., agree.

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ROBIN F. WYNNE, JUDGE:

[CA11-464](#). St. Edward Mercy Medical Center and Sisters of Mercy Health System v. Cassandra Richards Wilson, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Glover, JJ., agree.

[CA11-724](#). David Weaver v. Arkansas Department of Human Services and Minor Children, from Crawford Circuit. Affirmed; motion to withdraw granted. Robbins and Glover, JJ., agree.

RITA W. GRUBER, JUDGE:

[CA10-1016](#). John Louis McClure v. Tracy Kara Schollmier-McClure, from Pulaski Circuit, Sixteenth Division. Affirmed. Hart and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CA11-573](#). White Oak Construction Co. and American Interstate Insurance Co. v. Alberto Olvera (deceased), and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Wynne, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CACR11-19](#). Joe McKinley Jones v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Hoofman, J., agrees. Pittman, J., concurs.

[CA11-333](#). Laura Ruth Casto (now Teague) v. William Mitch Casto, from Pope Circuit. Reversed. Pittman and Hoofman, JJ., agree.

DOUG MARTIN, JUDGE:

CACR11-24. Frank Parmley v. State of Arkansas, from Benton Circuit. Affirmed in part; remanded in part. Vaught, C.J., and Gladwin, J., agree.

[CACR11-245](#). Kendall Maurice Davis v. State of Arkansas, from Craighead Circuit, Western District. Affirmed. Vaught, C.J., and Gladwin, J., agree.

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CLIFF HOOFFMAN, JUDGE:

[CACR11-219](#). Joseph Wayne Trotter v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Pittman and Abramson, JJ., agree.

[CA11-330](#). Elizabeth Suttles Putt v. Lance Edward Suttles, from Craighead Circuit, Western District. Affirmed. Pittman and Abramson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CA11-179](#). Clifford Flowers v. Amerisourcebergen Drug Corp., from Jefferson Circuit. Remanded for supplementation of record; rebriefing ordered. Hart and Gruber, JJ., agree.

[CA11-510](#). UAMS and Public Employee Claims Division v. Lois Johnson, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Gruber, JJ., agree.

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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).

- E11-132. 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.

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PER CURIAM ORDERS

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

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.

CACR11-154. Marcus Amos v. State of Arkansas, from Faulkner Circuit. Motion of Caroline L. Winningham for attorney's fees is granted. Allowed \$1,400.00.

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

CACR11-485. Stephanie Nichol Smalley v. State of Arkansas, from Pulaski Circuit, Second Division. Appellant's motion for additional brief time is granted. Appellant's brief due November 18, 2011. Final extension. Gladwin, J., would deny.

CACR11-599. Garland Green v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's pro se motion requesting copies at public expense is denied. Counsel to provide appellant with copy of brief.

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. Motion to seal exhibits is granted. Motion to reinvest jurisdiction is denied. Appellant's brief due within thirty days.

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

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

CA11-509. David Waldon Paschal v. Tressa Paschal, from Washington Circuit. Appellant's Rule 4-5 motion to proceed is granted.

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

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PER CURIAM ORDERS

CA11-566. Gary Howard et al. v. Lauren Adams et al., from Benton Circuit. Appellees' motion for enlargement of page limitation for appellees' brief is granted. Appellees' page limit enlarged to 38 pages total. Brief due within fifteen days.

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 is denied.

CA11-816. Ann Shull Bell et al. v. Bank of America, N.A., from Lonoke Circuit. Appellants' motion for instructions is denied. The court does not issue advisory opinions.

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 is granted. Brief filed this date.

CA11-946. Arkansas Department of Human Services et al. v. Takemma Shelby et al., from Jefferson Circuit. Appellant's motion to accept conforming brief is granted. Conforming brief filed this date.

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MOTIONS SUBMITTED

CACR09-933. Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion for additional brief time.

CACR10-370. Otis Stribling v. State of Arkansas, from Jefferson Circuit. Motion of C. Daniel Hancock for attorney's fees.

CACR10-704. Elea Lee Murray, III v. State of Arkansas, from Crittenden Circuit. Motion of Shaun Hair for attorney's fees.

CACR10-935. Charles Michael Davis, Jr. v. State of Arkansas, from Mississippi Circuit, Osceola District. Motion of Mike Dabney for attorney's fees.

CACR10-1032. Daniel E. Rhoades v. State of Arkansas, from White Circuit. Motion of Craig Lambert for attorney's fees.

CACR11-812. Dominic Anthony McPeak v. State of Arkansas, from Clark Circuit. Motion of Terrence Cain to appear as attorney of record and request to stay brief time pending ruling on the motion.

CACR11-1054. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Mosemarie Dora Boyd to withdraw as attorney of record on appeal.

CA10-468. Ronald Worley et al. v. City of Jonesboro, Arkansas et al., from Craighead Circuit, Western District. Motion of appellee/cross-appellants Crye-Leike and Joyce Isbell for costs.

CA10-468. Ronald Worley et al. v. City of Jonesboro, Arkansas et al., from Craighead Circuit, Western District. Motion of appellee Mary Jo Drum for costs.

CA11-197. Billy R. Hallum v. Estate of Mel Hallum, from Craighead Circuit, Western District. Appellant's pro se motion for a ruling and an extension of time to file brief.

CA11-236. Cecil Ellis et al. v. Universal Crop Protection Alliance et al., from Clay Circuit, Eastern District. Appellants/cross appellees' motion for expansion of page limit of cross appellees' argument.

CA11-390. Brad Waggoner v. Carrie Lynn Waggoner, from Lonoke Circuit. Appellant's combined motion to file belated brief and motion for rule on clerk.

CA11-607. Sylvia Bell et al. v. Leann Simms et al., from Sebastian Circuit, Fort Smith District. Appellants' pro se motion to file belated brief.

CA11-607. Sylvia Bell et al. v. Leann Simms et al., from Sebastian Circuit, Fort Smith District. Appellants' pro se motion to file nonconforming brief.

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MOTIONS SUBMITTED

CA11-628. John L. Hansen v. Wells Fargo Bank, N.A., et al., from Pulaski Circuit, Fifth Division. Appellant's pro se motion for belated brief to include a copy of appeal notice.

CA11-767. Donna Watkins, Administrator of the Estate of Frances Watkins v. Arkansas Elder Outreach of Little Rock, Inc., et al., from Crittenden Circuit. Appellant's motion to consolidate CA11-767 with CA11-840.

The following case is called for dismissal for failure to file brief in accordance with Supreme Court Rule 4-5.

CA11-773. Danny Green v. Hammons Funeral Home, from Workers' Compensation Commission.

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SUBMISSIONS

CACR10-608. Michael Gregory v. State of Arkansas, from Crittenden Circuit.

CACR10-646. Oscar Perez v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR11-261. Christian Adan Villagran v. State of Arkansas, from Pulaski Circuit, First Division.

CACR11-327. Brian K. Johnson v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR11-341. Daniel Lewis v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR11-404. Gary Benton v. State of Arkansas, from Arkansas Circuit, Northern District.

CACR11-537. Michael Tyrone Dotson v. State of Arkansas, from Crawford Circuit.

CACR11-585. Antonio Marcus Wright v. State of Arkansas, from Columbia Circuit.

CA11-76. Teresa Bloodman v. Jefferson Hospital Association, Inc., from Jefferson Circuit.

CA11-196. City of Forrest City et al. v. Michael L. Long, from Workers' Compensation Commission.

CA11-257. Kenneth Smith, Jr., et al. v. Rebsamen Medical Center, Inc., et al., from Pulaski Circuit, Sixth Division.

CA11-282. Janine Murphree et al. v. Giraffe Tree Service, Inc., from Pulaski Circuit, Ninth Division.

CA11-355. Sandra Foster v. Glister Mary Lee Corporation, from Workers' Compensation Commission.

CA11-381. Gerald Durham v. White Hall Public Schools, from Workers' Compensation Commission.

CA11-388. Hazel Sutton et al. v. Charlie Gardner, from Van Buren Circuit.

CA11-394. Ben Stephens, et al. v. Western Cherokee Nation of Arkansas and Missouri, from Polk Circuit.

CA11-425. Hotfoot Logistics, LLC, et al. v. Shipping Point Marketing, Inc., et al., from Pulaski Circuit, Sixth Division.

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SUBMISSIONS

CA11-451. Robert Carr and Marjorie Carr v. James Gillam, from Van Buren Circuit.

CA11-465. Jessie Pauline Evans v. Deltic Timber Corporation, from White Circuit.

CA11-467. Alpha Trust Co-Trustees et al. v. Culotches Bay Navigation Rights Committee, LLC, from Prairie Circuit, Northern District.

CA11-477. Brian Lowrance and Anna Lowrance v. Janet Smith, from Saline Circuit.

CA11-516. Tina Havard and Michael J. Havard v. Jim Bob Clark, from Lonoke Circuit.

CA11-608. Delores Shaw v. Rheem Manufacturing Company and Old Republic Insurance, from Arkansas Workers' Compensation Commission.

CA11-749. Amber Nespov v. Arkansas Department of Human Services and Minor Child, from Baxter Circuit.

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

E11-157. John L. Holmes v. Director et al.

E11-158. Quick Lay Pipe v. Director et al.

E11-159. John W. Claggett v. Director et al.

E11-160. Lynn A. Yount v. Director et al.

E11-161. Sara K. Bristow v. Director et al.

E11-162. Billy M. Graves v. Director et al.

E11-163. Mickey E. Moore v. Director et al.

E11-164. Galen Ahmar-Rezai v. Director et al.

E11-165. Kenneth A. Truman v. Director et al.

E11-166. Benjamin J. Lee v. Director et al.

E11-167. Joseph L. Harshaw v. Director et al.

E11-168. Phillip S. Patterson v. Director et al.