

ARKANSAS COURT OF APPEALS

Opinions delivered
February 11, 2009

LARRY D. VAUGHT, CHIEF JUDGE:

CA08-750. State Farm Automobile Insurance Company v. Eda Stamps and Gary Stamps, from Sebastian Circuit, Fort Smith District. Affirmed. Robbins and Gruber, JJ., agree. PUBLISHED

JOHN MAUZY PITTMAN, JUDGE:

CA07-1325. Randy Wayne Cummings v. Sandra Lynn Cummings, from Garland Circuit. Affirmed as Modified on Direct Appeal; Affirmed on Cross-Appeal. Hart and Brown, JJ., agree. PUBLISHED

CA08-843. Bonnie Mitchell, Administrator of the Estate of Gerald Wagner v. Tyson Poultry, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Brown, JJ., agree. PUBLISHED

CA08-849. Donald A. Castleberry v. Charles H. Fohn, M.D., et al., from Ouachita Circuit. Affirmed. Hart and Brown, JJ., agree. UNPUBLISHED

JOSEPHINE LINKER HART, JUDGE:

CACR07-1282. James E. Horvath v. State of Arkansas, from Pope Circuit. Affirmed. Pittman and Brown, JJ., agree. UNPUBLISHED

ROBERT J. GLADWIN, JUDGE:

CA08-493. Michael W. Eason v. Arkansas Local Police Retirement System a/k/a LOPFI, from Ouachita Circuit. Affirmed. Henry and Baker, JJ., agree. UNPUBLISHED

JOHN B. ROBBINS, JUDGE:

CACR08-720. Jennifer Lynn Cheater v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Gruber, J., agree. UNPUBLISHED

RITA W. GRUBER, JUDGE:

CA08-571. L&W Janitorial, Inc., and Cincinnati Insurance Company v. Pearline Williams, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Robbins, J., agree. UNPUBLISHED

CA08-651. A.G. "Bud" Martin, Jr. v. Guy Bobo and Nellie Bobo, from Hempstead Circuit. Affirmed. Vaught, C.J., and Robbins, J., agree. PUBLISHED

DAVID M. GLOVER, JUDGE:

CACR08-759. Dwayne Clarence Durell v. State of Arkansas, from Washington Circuit. Affirmed. Kinard and Marshall, JJ., agree. UNPUBLISHED

CACR08-858. Caesar Clay v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Kinard and Marshall,

JJ., agree. UNPUBLISHED

CA08-625. Dale Shouse v. Carolyn Hegwood, from Benton Circuit. Affirmed. Kinard and Marshall, JJ., agree. UNPUBLISHED

CA08-732. Joseph S. Cook and Amanda R. Cook v. John Ratliff, from St. Francis Circuit. Reversed. Kinard and Marshall, JJ., agree. PUBLISHED

CA08-948. Antoinette Zamora v. Arkansas Department of Health & Human Services and Minor Children, from Baxter Circuit. Affirmed. Kinard and Marshall, JJ., agree. UNPUBLISHED

D.P. MARSHALL JR., JUDGE:

CACR08-874. Rhanda Rachael Ramey v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Kinard and Glover, JJ., agree. UNPUBLISHED

CA08-174. Gail Parkerson v. Richard McMurtrey, Sandra McMurtrey, Ernie's Wrecker & Body Shop, Inc. and Warren Farr, from Garland Circuit. Affirmed. Kinard and Glover, JJ., agree. UNPUBLISHED

CA08-766. Superior Industries and Crockett Adjustment v. Kenny Shaddock, from the Arkansas Workers' Compensation Commission. Affirmed. Kinard and Glover, JJ., agree. UNPUBLISHED

COURTNEY HUDSON HENRY, JUDGE:

CA08-501. Jamie Hicks and C.H. v. Cheryl Bates and D.B., Nucor Steel of Arkansas, Liberty Mutual Fire Insurance Company, Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Baker, JJ., agree. PUBLISHED

CA08-743. Elizabeth Roden Vinson v. Dollar General Stores, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Baker, JJ., agree. UNPUBLISHED

KAREN R. BAKER, JUDGE:

CACR08-399. Judy Cozart v. State of Arkansas, from Craighead Circuit, Western District. Affirmed. Hart and Robbins, JJ., agree. UNPUBLISHED

CA08-1060. Christina and Robert Ratliff v. Arkansas Department of Human Services, from Searcy Circuit. Affirmed. Gladwin and Henry, JJ., agree. PUBLISHED

CA08-1175. Lisa Wortham-Huggins and Stephen Huggins v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Affirmed; Motion to Withdraw Granted. Gladwin and Henry, JJ., agree. UNPUBLISHED

WAYMOND M. BROWN, JUDGE:

CA08-186. Dorothy Jean Rice, Winston Lee Rice, Jr., Dianne Anderson and Gay Roberts v. Duncan Ragsdale and Gerald Coleman, from St. Francis Circuit. Affirmed. Pittman and Hart, JJ., agree. PUBLISHED

CA08-796. Benji Davis v. Wal-Mart Associates, Inc. and Claims Management, Inc., from the Arkansas Workers' Compensation Commission. Affirmed on Direct and Cross-Appeal. Pittman and Hart, JJ., agree. UNPUBLISHED

CA08-842. Death & Permanent Total Disability Trust Fund, Buster Roberts Logging, American Interstate Insurance Company v. Francisca Guevara Rodriguez, Lavona Kay Haury, Estate of Modesto Sustaita Herrera, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Hart, JJ., agree. PUBLISHED

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(b).

E08-167. Pamela B. Harris v. Director et al.

E08-168. Mark A. Gerike v. Director et al.

E08-169. Randi Lyn Zakrzewski v. Director et al.

E08-170. Marcus Heard v. Director et al.

E08-171. Lakoiya S. Diggs v. Director et al.

E08-172. Vicki M. Mays v. Director et al.

E08-173. Linda S. Brewer v. Director et al.

E08-174. Calvin J. Whitaker v. Director et al.

E08-175. Merritt A. Nye v. Director et al.

E08-177. Cheryl M. Cavness v. Director et al.

E08-178. Michael J. Webster v. Director et al.

E08-179. Etta J. Walker v. Director et al.

PER CURIAM ORDERS

REHEARING DENIED: Petition for Rehearing was denied today in the following case.

CA08-175. Louis C. Schmoll and Elizabeth A. Schmoll v. Hartford Casualty Insurance Company, d/b/a "The Hartford"; Ronney Kisner, d/b/a Circle K, and William E. Cole, from Conway Circuit. Hart and Baker, JJ., would grant.

CACR07-1124. Felishia McMurray v. State of Arkansas, from Jefferson Circuit. Motion of Robert L. Depper, Jr., for attorney's fees is granted. Allowed \$1,400.00.

CACR08-173. Casey Lee Dirickson v. State of Arkansas, from Grant Circuit. Motion of Sharon Kiel for attorney's fees is granted. Allowed \$1,400.00.

CACR08-418. Antonio Herman v. State of Arkansas, from Drew Circuit. Motion of Gary W. Potts for attorney's fees is granted. Allowed \$750.00.

CACR08-528. Crystal Barnett v. State of Arkansas, from Drew Circuit. Motion of Gary W. Potts for attorney's fees is granted. Allowed \$750.00.

CACR09-32. Bondie Hood v. State of Arkansas, from Greene Circuit. Motion of Kristofer E. Richardson to withdraw as appellate counsel is granted. Robby Golden is appointed to represent appellant.

CA06-521. Benjamin F. Lackey, Jr. v. Mark A. Mays, from Faulkner Circuit. Appellant's motion for reconsideration of amended order is granted. Last line of amended order stricken.

CA07-1286. Thomas G. Carmody and Norman C. Savers, Jr., Co-Administrators of the Estate of Helen Virginia Coan, Deceased et al. v. George Philip Betts, Administrator of the Estate of Linnie Betts, Deceased et al., from Ouachita Circuit. Appellees' motion to impose costs necessitated by appellants' insufficient addendum and abstract is denied. Glover and Marshall, JJ., not participating.

CA08-460. Uris Magana-Galdamez v. State of Arkansas, from Benton Circuit. Motion of Kent Walker for attorney's fees is granted. Allowed \$1,400.00.

CA08-534. LaRonda Slaughter et al. v. Capitol Supply Co., Inc. et al., from Calhoun Circuit. Appellees' motion to file enlarged brief and for extension of brief time. Motion to file enlarged brief is denied. Motion for extension of brief time is granted. Kinard, J., not participating.

CA08-585. B. C. v. State of Arkansas, from Sharp Circuit. Motion of R. T. Starcken for attorney's fees is granted. Allowed \$800.00.

CA08-1076. Melissa Carol Thetford v. Electric Cowboy, Inc. et al., from Workers' Compensation Commission. Appellant's motion to file belated brief is granted.

CA08-1133. Progreen Sport Surfaces LLC et al. v. Lasiter Construction, Inc., from Pulaski Circuit, Third Division. Appellee/Cross-Appellant, Lasiter Construction, Inc.'s motion to file single response brief and for extension of brief page limit is granted. Brief due within thirty days. Marshall, J., not participating.

CA08-1393. McIlroy Investments, Ltd. et al. v. McIlroy Bank and Trust (now Arvest), from Washington Circuit. Appellants' motion to remand for a new trial is remanded to the trial court to settle the record within thirty days. Brief due thirty days thereafter. Gladwin, VaughtC.J., , and Henry, JJ., not participating.

CA09-13. Flow Doc Inc. et al. v. Thomas M. Horton, from Pulaski Circuit, Twelfth Division. Appellants' motion to supplement the record is granted.

CA09-47. Mike Killough and Betty Killough v. Audrey Farmer and John Rogers, from Johnson Circuit. Appellants' motion to strike supersedeas bond filed with the Circuit Clerk. Motion moot. Bond void for lack of jurisdiction. Ark. R. App. P. – Civ. 8(b). Hart and Robbins, JJ., would deny.

E09-12. Mary L. Long v. Director et al., from Board of Review. Appellant's pro se motion for belated appeal is denied.

The following case is dismissed for failure to file briefs in accordance with Rule 4-5:

CA08-51. Christopher Wayne Roberts v. Robin YanYan Roberts Yang, from Pulaski Circuit, Seventeenth Division.

MOTIONS SUBMITTED

PETITION FOR REHEARING:

CACR08-815. Chamika Shanta Rogers v. State of Arkansas, from Pulaski Circuit, First Division.

CACR07-941. Jayson Wayne Carroll v. State of Arkansas, from Columbia Circuit. Motion of William H. Craig for attorney's fees.

CACR08-782. Detriawn R. Wade v. State of Arkansas, from Crittenden Circuit. Appellant's pro se motion to supplement the record.

CACR08-835. Terrance Wright v. State of Arkansas, from Clark Circuit. Appellee's motion to dismiss appeal.

CACR08-1106. Vernis Joe v. State of Arkansas, from Clark Circuit. Appellant's motion for extension of brief time.

CACR08-1156. Raymond Graves v. State of Arkansas, from Crittenden Circuit. Appellant's motion for extension of brief time.

CACR08-1430. Joe Anthony Simmons v. State of Arkansas, from Washington Circuit. Motion of Robert Scott Parks for additional time for trial court to hold hearing and make findings of fact, for expedited consideration and for continued stay of briefing schedule.

CA08-460. Uris Magana-Galdamez v. State of Arkansas, from Benton Circuit. Motion of Kent Walker to withdraw as counsel for appellant.

CA08-910. Edward William Doss, Jr. v. Larry Norris, Director, from Hot Spring Circuit. Appellant's motion for extension of brief time.

CA08-1183. Henry Charles Hollins v. Chinnie Lee Hollins, from Miller Circuit. Appellant's motion for entry of judgment.

E09-22. Bobby R. Johnson v. Director et al., from Board of Review. Appellant's pro se motion to file belated appeal.

SUBMISSIONS

CA08-600. Kathy Travis Gilbow v. Patrick Travis, from Benton Circuit. Argued orally.

CACR06-506. Paul Barron, Sr. v. State of Arkansas, from Carroll Circuit, Eastern District.

CACR08-278. Julian Rueda v. State of Arkansas, from Benton Circuit.

CACR08-445. Kyron Deandre Watkins v. State of Arkansas, from Hot Spring Circuit.

CACR08-621. Eddie Lewis Williams v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR08-730. Henry Mike Watkins, Jr. v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR08-761. Lasonja Mosely v. State of Arkansas, from Pulaski Circuit, Fourth Division.

- CACR08-794. Brandon Williams v. State of Arkansas, from Crittenden Circuit.
- CACR08-802. Fred Jones v. State of Arkansas, from Poinsett Circuit.
- CACR08-855. Jeffery Hayes v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR08-880. Victor Cunningkin v. State of Arkansas, from Saline Circuit.
- CACR08-937. Richard Allan Beebe v. State of Arkansas, from Sharp Circuit.
- CACR08-939. Ricky Montgomery v. State of Arkansas, from Union Circuit.
- CA08-517. Taylor Chaney v. Gina Kern, from Washington Circuit.
- CA08-591. Patricia White v. Dollar General Stores, from Workers' Compensation Commission.
- CA08-702. Care Manor of Baxter County v. Debra K. Wheeler, from Workers' Compensation Commission.
- CA08-717. Darrell W. Diggs v. Cattlemen's Livestock Market, Inc., from Workers' Compensation Commission.
- CA08-814. Ivory Gage Backus et al. v. Richard Howard et al., from Cleburne Circuit.
- CA08-833. Shannon Rooke v. Robert Spickelmier, from Yell Circuit, Northern District.
- CA08-839. James Dale Ellenberg v. Burnett Gibbs Motors, Inc. et al., from Workers' Compensation Commission.
- CA08-873. Rita Lowry et al. v. Glidewell Distributing Company, Inc., from Johnson Circuit.
- CA08-960. Flash Market, Inc. v. Deborah K. Norman, from Workers' Compensation Commission.
- CA08-1180. LaDonna Newton v. Arkansas Department of Human Services, from Carroll Circuit, Eastern District.
- CA08-1261. Jeri Moore v. Arkansas Department of Human Services, from Baxter Circuit.

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

- E08-180. Michael A. Ruzinsky v. Director et al.
- E08-181. Anita Y. Holub v. Director et al.
- E08-182. Exie Wheaton v. Director et al.
- E08-183. Johnita J. McCoy v. Director et al.
- E08-184. Heather M. Zajac v. Director et al.
- E08-185. David G. Bray v. Director et al.
- E08-186. Velma Parks v. Director et al.
- E08-187. Tayla R. Philpott v. Director et al.
- E08-188. Dave D'Agostino v. Director et al.
- E08-189. Edwin E. Yarbrough v. Director et al.

E08-191. Lynda L. Hogue v. Director et al.

E08-192. Franklin Daws v. Director et al.