

# ARKANSAS COURT OF APPEALS

Opinions delivered  
April 15, 2009

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LARRY D. VAUGHT, CHIEF JUDGE:

CA08-1406. Yolanda Lyons v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District. Affirmed. Hart and Brown, JJ., agree. UNPUBLISHED

JOHN MAUZY PITTMAN, JUDGE:

CA08-742. Pat Salmon & Sons, Inc. v. Ricky C. Pate, Second Injury Fund and Death & Permanent Disability Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber, J., agrees. Baker, J., concurs. PUBLISHED

CA08-1235. George T. Ransom v. Lyndel L. Ransom, from Hot Spring Circuit. Affirmed on Direct Appeal; Cross-Appeal Moot. Gladwin and Henry, JJ., agree. PUBLISHED

JOSEPHINE LINKER HART, JUDGE:

CACR08-1048. Johnny Razor v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed. Vaught, C.J., and Brown, J., agree. UNPUBLISHED

CA08-566. James McCutcheon v. Kathy McCutcheon (now Kougl), from Benton Circuit. Affirmed. Vaught, C.J., and Brown, J., agree. PUBLISHED

ROBERT J. GLADWIN, JUDGE:

CA08-623. South Flag Lake, Inc. v. Henrietta Gordon et al., from Arkansas Circuit, Southern District. Affirmed. Pittman and Henry, JJ., agree. PUBLISHED

CA08-1077. Robert Fitzpatrick v. Rheem Manufacturing Co. and Old Republic Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Henry, JJ., agree. UNPUBLISHED

CA08-1329. Death & Permanent Total Disability Trust Fund v. Michael C. Knauls, Halliburton Energy Services and Pacific Energy Services, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Pittman and Henry, JJ., agree. UNPUBLISHED

JOHN B. ROBBINS, JUDGE:

CA08-799. Kenny Baty v. Helena Chemical Co. and Hartford Underwriters Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed. Kinard and Baker, JJ., agree. UNPUBLISHED

CA08-955. Jeff Holifield v. Mullenax Financial & Tax Advisory Group, Inc., from Pulaski Circuit, Sixteenth Division. Reversed. Gruber, Baker, and Brown, JJ., agree. Pittman and Marshall, JJ., dissent. PUBLISHED

CA08-1110. Robert Lynn Anderson v. Sherri Lynn Anderson, from Washington Circuit. Affirmed. Kinard and Baker, JJ., agree. UNPUBLISHED

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RITA W. GRUBER, JUDGE:

CACR08-1119. Jerry Champion v. State of Arkansas, from Union Circuit. Affirmed. Glover and Marshall, JJ., agree. UNPUBLISHED

DAVID M. GLOVER, JUDGE:

CA08-403. W.E. Pender & Sons, Inc. v. Burton Lee, from Perry Circuit. Reversed on Direct Appeal; Affirmed on Cross-Appeal. Pittman, Robbins, Gruber and Henry, JJ., agree. Marshall, Baker, and Brown, JJ., would affirm on direct appeal; Marshall and Brown, JJ., would affirm on cross-appeal. Hart and Baker, JJ., would affirm on direct appeal and reverse on cross-appeal. PUBLISHED

CA08-1075. Steve Wolfe v. Michael Stevens and Karen Harris, from Benton Circuit. Reversed and Remanded. Gruber and Marshall, JJ., agree. PUBLISHED

CA08-1244. Martha Finch v. Springhill Surgery Center, LLC and Traveler's Casualty & Surety Co., from the Arkansas Workers' Compensation Commission. Reversed. Gruber and Marshall, JJ., agree. UNPUBLISHED

D.P. MARSHALL JR., JUDGE:

CA08-595. Southern Development Corporation v. Freightliner of New Hampshire, Inc., from Garland Circuit. Reversed and Remanded. Gruber and Glover, JJ., agree. PUBLISHED

CA08-1340. William Bean v. Global Geophysical Services and Liberty Mutual Fire Insurance Co., from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Gruber and Glover, JJ., agree. UNPUBLISHED

COURTNEY HUDSON HENRY, JUDGE:

CACR08-971. Charles Alvin Winberry v. State of Arkansas, from Crawford Circuit. Affirmed. Pittman and Gladwin, JJ., agree. UNPUBLISHED

CA08-872. J. Sky Tapp v. Lance Landers, from Independence Circuit. Affirmed. Pittman and Gladwin, JJ., agree. UNPUBLISHED

CA08-919. Jimmy Frost v. Vanessa Frost, from Drew Circuit. Affirmed. Hart, J., agrees. Glover, J., concurs. PUBLISHED

KAREN R. BAKER, JUDGE:

CACR08-853. Lawrence Anderson, III v. State of Arkansas, from Craighead Circuit, Western District. Affirmed. Robbins and Kinard, JJ., agree. UNPUBLISHED

CA08-691. Susan E. Curtis v. Big Lots and Sentry Insurance Co., from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Pittman and Gruber, JJ., agree. PUBLISHED

WAYMOND M. BROWN, JUDGE:

CACR08-998. Oscar Wood Stanley v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Hart, J., agree. UNPUBLISHED

CA08-1041. Jerry Riley v. Town of Higginson et al., from White Circuit. Affirmed. Vaught, C.J., and Hart, J., agree. PUBLISHED

**PER CURIAM ORDERS**

CACR08-634. Christopher Boyd Mathis v. State of Arkansas, from Arkansas Circuit, Southern District. Motion of Christopher H. Kinslow for costs and attorney's fees is granted. Allowed \$1,400.00.

CACR08-1061. Diana Michelle Carter v. State of Arkansas, from Ouachita Circuit. Motion of David W. Talley, Jr., for attorney's fees is granted. Allowed \$1,400.00.

CACR08-1215. Carlos Keck v. State of Arkansas, from Saline Circuit. Appellee's motion to dismiss appeal is denied.

CACR08-1215. Carlos Keck v. State of Arkansas, from Saline Circuit. Appellant's motion to file belated brief and for brief time is granted.

CACR08-1221. Ymari Boyce Reid v. State of Arkansas, from Jefferson Circuit. Appellant's motion to file belated brief is granted.

CACR09-311. Deangelo Dewayne Dillard v. State of Arkansas, from Crittenden Circuit. Motion of Richard West to be relieved and for appointment of counsel is granted. David C. Hawkey is appointed to represent appellant. Brief due May 26, 2009.

CA08-253. Lance Henry and Crystal Henry v. Amanda Parker, from Pulaski Circuit, Sixth Division. Appellants' motion for reconsideration of denial of motion for attorney's fees is denied. Hart and Brown, JJ., would grant. Marshall, J., not participating.

CA08-1133. Progreen Sport Surfaces et al. v. Lasiter Construction, Inc., from Pulaski Circuit, Third Division. Appellee/Cross-Appellant's motion to supplement the record and file a substituted supplemental addendum. Motion to supplement is remanded to the trial court to settle the record within thirty days. Motion to file a substituted supplemental addendum is passed until record on remand is filed. Marshall, J., not participating.

CA08-1230. Helen Virginia Coan Estate v. Joseph William Patrick Coan Estate, from Ouachita Circuit. Joint motion for stay is granted.

CA08-1383. PH, LLC v. City of Conway, Arkansas, from Faulkner Circuit. Motion of National Association of Home Builders to file amicus curiae brief is granted. Pittman, Gladwin, Robbins and Glover, JJ., would deny. Vaught, C.J., not participating.

CA08-1418. Reginald Dent v. John Westin Concrete et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted. Hart, Gruber, Marshall, and Baker, JJ., would deny.

CA08-1418. Reginald Dent v. John Westin Concrete et al., from Workers' Compensation Commission. Appellant's pro se motion for stay and to file a belated brief is moot.

CA09-149. Kaedon Steinert d/b/a Hurricane Express, Inc., et al. v. Workers' Compensation Commission, from Workers' Compensation Commission. Appellants' motion to expand page limitation is denied. Brief due within thirty days.

## **MOTIONS SUBMITTED**

### **PETITIONS FOR REHEARING:**

CACR08-816. Bobby R. Weatherford v. State of Arkansas, from Faulkner Circuit.

CA07-1210. L. F. Brands Marketing, Inc. v. Dillards, Inc., from Pulaski Circuit, Twelfth Division.

CA08-710. Gregory Worley and Debbie Worley v. Calvin Spradlin and Melba Spradlin, from Lonoke Circuit.

CA08-847. Robert Sally v. Service Master et al., from Workers' Compensation Commission.

CA08-906. Betty Gerrald Barnett v. Douglas Tobacco, from Workers' Compensation Commission.

CA08-1152. James W. Goyne v. Crabtree Contracting Co., Inc., from Workers' Compensation Commission.

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CACR08-724. Theodis Anderson v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of David C. Hawkey for attorney's fees and costs.

CACR08-1104. Antonio Deshun Sartin v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's pro se motion to file supplemental brief.

CA08-838. Paula Ard v. St. Vincent Health Services, from Workers' Compensation Commission. Appellant's motion for attorney's fees.

CA08-888. Enterprise Products Company, Inc. et al. v. Billy J. Leach, from Workers' Compensation Commission. Appellee's motion for attorney's fees.

CA08-1073. Carlos Honeysuckle v. Curtis H. Stout, Inc., from Workers' Compensation Commission. Appellant's motion for oral argument.

CA08-1243. Tiffany Benedetto v. Justin Wooten Construction, LLC, from Faulkner Circuit. Appellant's motion to amend brief.

CA08-1302. Terry Witt v. Allen & Son, Inc. et al., from Workers' Compensation Commission. Appellees' motion to file belated brief.

CA09-27. Alecia Clark v. San Antonio Shoes, Inc., from Workers' Compensation Commission. Appellant's pro se motion for time to correct brief.

CA09-100. John C. Rima v. M & S Framers, Inc. et al., from Workers' Compensation Commission. Appellees' motion to strike brief of appellant.

## SUBMISSIONS

CA07-1115. QHG of Springdale, Inc. v. Ernest W. Archer, M.D., from Washington Circuit. Argued orally.

CACR07-1025. Woodruff Thomas Sparacio v. State of Arkansas, from Crawford Circuit.

CACR08-1000. Robert E. Dugan v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR08-1019. Robert Lavern Burton v. State of Arkansas, from Garland Circuit.

- CACR08-1049. Monica Ann Cluck v. State of Arkansas, from Greene Circuit.
- CACR08-1218. Johnny Warner v. State of Arkansas, from Miller Circuit.
- CACR08-1270. Terry Don Matthews v. State of Arkansas, from Miller Circuit.
- CA07-1119. Kenneth Dewayne Eubanks v. Holly Jean Clem Eubanks, from Craighead Circuit, Western District.
- CA08-902. Bette Gassman v. Shawn McAnulty, from Pulaski Circuit, Second Division.
- CA08-913. W. K. v. State of Arkansas, from Grant Circuit.
- CA08-1013. RWR Properties, Inc. v. M. Pauline Young, from Jefferson Circuit.
- CA08-1151. John J. Bronakowski v. John R. Lindhurst, from Marion Circuit.
- CA08-1171. Sherry Meeks v. Calvin Horn, from Montgomery Circuit.
- CA08-1242. Kirby Butler, Jr. v. Betty Dike, from Arkansas Circuit, Southern District.
- CA08-1275. Terry A. Hatch v. William Paul Hatch, from Jackson Circuit.
- CA08-1304. Melvin Sams v. Crabtree RV Center, Inc., from Workers' Compensation Commission.
- CA08-1345. Gary Seal v. Ryder Integrated Services, Inc., from Workers' Compensation Commission.
- CA08-1354. Paul Hensley v. Bridgestone/Firestone, Inc., from Workers' Compensation Commission.
- CA08-1359. B. M. S. v. State of Arkansas, from Lonoke Circuit.
- CA08-1390. Rafael Ballesteros v. Tyson Poultry, Inc., from Workers' Compensation Commission.
- CA08-1428. Stephen Colebank v. T J Maxx, from Workers' Compensation Commission.
- CA08-1450. James Carpenter v. Arkansas Department of Human Services, from Craighead Circuit, Western District.
- CA08-1467. Willa Dean Smith v. Wal-Mart Associates, Inc., from Workers' Compensation Commission.
- CA08-1471. Sharon Jones v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.
- CA09-34. Ashley Fortenberry v. Arkansas Department of Human Services, from Faulkner Circuit.