

ARKANSAS COURT OF APPEALS

Opinions delivered
April 22, 2009

LARRY D. VAUGHT, CHIEF JUDGE:

CACR08-1118. Richard Donnell George v. State of Arkansas, from Miller Circuit. Affirmed. Marshall and Baker, JJ., agree. UNPUBLISHED

CA08-1311. Bobby Stewart v. Arkansas Glass Container, Risk Management Resources, Death & Permanent Total Disability Fund and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Hart and Brown, JJ., agree. PUBLISHED

CA08-1409. Lisa Curran v. Arkansas Department of Human Services, from Pulaski Circuit, Tenth Division. Affirmed. Marshall and Baker, JJ., agree. UNPUBLISHED

JOHN MAUZY PITTMAN, JUDGE:

CACR08-905. Charles T. Bagley v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Rebriefing Ordered. Robbins and Gruber, JJ., agree. UNPUBLISHED

CACR08-1040. Christopher Todd Hamilton v. State of Arkansas, from Ouachita Circuit. Rebriefing Ordered. Gladwin and Henry, JJ., agree. UNPUBLISHED

CA08-1059. Dorothy Putman and Kervin Putman v. Chuck G. Cox and Paula R. Cox, from Polk Circuit. Affirmed. Gladwin and Henry, JJ., agree. UNPUBLISHED

JOSEPHINE LINKER HART, JUDGE:

CACR08-1001. Clarence E. Williams v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Rebriefing Ordered. Gladwin and Kinard, JJ., agree. UNPUBLISHED

CA08-1053. Palani Karupaiyan and Ramya Palani v. Metropolitan Emergency Medical Services, from Pulaski Circuit, Sixteenth Division. Affirmed. Gladwin and Kinard, JJ., agree. UNPUBLISHED

CA08-1088. Mary Irene Murry v. David Furgason and Estate of Raymond A. Murry, Jr., from Saline Circuit. Reversed and Remanded. Vaught, C.J., and Brown, J., agree. UNPUBLISHED

ROBERT J. GLADWIN, JUDGE:

CACR08-1012. Chris Hale v. State of Arkansas, from Marion Circuit. Affirmed. Hart and Kinard, JJ., agree. UNPUBLISHED

CA08-1026. Joseph T. Ellzey, Sr. v. Brookhollow Associates, L.P., from Faulkner Circuit. Affirmed. Hart and Kinard, JJ., agree. UNPUBLISHED

JOHN B. ROBBINS, JUDGE:

CA08-898. Carder Buick-Olds Co. v. Roger Wooten, from White Circuit. Reversed and Remanded with Instructions. Kinard and Baker, JJ., agree. PUBLISHED

CA08-1082. Nestle, USA, Inc. and Ins. Co-State of PA v. Arnold Drone, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Baker, JJ., agree. PUBLISHED

CA08-1123. Jessica Lee Lambert v. Lewis Dale Lambert, from Yell Circuit, Southern District. Affirmed. Pittman and Gruber, JJ., agree. UNPUBLISHED

CA08-1298. Pharmerica v. Marlene Seratt, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Gruber, JJ., agree. UNPUBLISHED

M. MICHAEL KINARD, JUDGE:

CA08-929. D.S., a Juvenile v. State of Arkansas, from Pulaski Circuit, Eighth Division. Affirmed. Robbins and Baker, JJ., agree. UNPUBLISHED

CA08-1069. Dyeann Larry v. Red Carpet Employment Agency and Travelers Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Baker, JJ., agree. UNPUBLISHED

CA08-1267. Aegon Insurance, USA and St. Paul Travelers v. Deann Durham-Gilpatrick and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Gladwin, JJ., agree. UNPUBLISHED

RITA W. GRUBER, JUDGE:

CA08-1201. Damon Wilson v. Wal-Mart Associates, Inc. and Claims Management, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Robbins, JJ., agree. UNPUBLISHED

DAVID M. GLOVER, JUDGE:

CA08-1372. Scott Jones v. Sherwood Pontiac, Buick, GMC, Inc. and Risk Management Resources, from the Arkansas Workers' Compensation Commission. Affirmed. Henry and Brown, JJ., agree. UNPUBLISHED

D.P. MARSHALL JR., JUDGE:

CA08-1183. Henry Charles Hollins v. Chinnie Lee Hollins, from Miller Circuit. Reversed. Gruber and Glover, JJ., agree. UNPUBLISHED

CA08-1377. Darold Bruton v. Van Buren Pipe Corporation and American Guarantee Insurance, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Baker, J., agree. UNPUBLISHED

COURTNEY HUDSON HENRY, JUDGE:

CA08-1410. Sandra P. Erwin v. Riverside Furniture Corporation, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Brown, JJ., agree. UNPUBLISHED

CA08-1429. Carla Childress v. Arkansas Department of Human Services, from Lonoke Circuit. Affirmed. Glover and Brown, JJ., agree. PUBLISHED

WAYMOND M. BROWN, JUDGE:

CA08-746. James Merlin Hawk v. Julie Hawk Osborn, from Faulkner Circuit. Affirmed. Glover and Henry, JJ., agree. UNPUBLISHED

CA08-1016. Jarrew, LLC v. Green Tree Servicing, LLC, from Crawford Circuit. Reversed and Remanded. Vaught, C.J., and Hart, J., 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).

E08-220. Rosemary Hamlin v. Director et al.

E08-221. Ruth Clifton v. Director et al.

E08-223. Danny Bailey v. Director et al.

E08-224. Evelyn Akins v. Director et al.

E08-225. Ineice Brooks v. Director et al.

E08-226. James Monta Brown v. Director et al.

E08-227. Vence L. Johnson v. Director et al.

E08-228. Duane T. Nesdaahl v. Director et al.

E08-229. Vanessa D. Vaughn v. Director et al.

E09-01. Dorothy M. Scott v. Director et al.

E09-02. Steven L. Carpenter v. Director et al.

E09-04. Dolores L. Thomas v. Director et al.

PER CURIAM ORDERS

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

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

CA07-1210. L. F. Brands Marketing, Inc. v. Dillard's, 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.

CACR08-724. Theodis Anderson v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of David C.

Hawkey for attorney's fees and costs is granted. Allowed \$1,400.00.

CACR08-1104. Antonio Deshun Sartin v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's pro se motion to file supplemental brief is granted. Brief deemed supplemented. Appellee's brief due within thirty days.

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

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

CA08-1073. Carlos Honeysuckle v. Curtis H. Stout, Inc., from Workers' Compensation Commission. Appellant's motion for oral argument is granted. Glover, J., not participating.

CA08-1243. Tiffany Benedetto v. Justin Wooten Construction, LLC, from Faulkner Circuit. Appellant's motion to amend brief is granted. Brief deemed amended by motion.

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

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

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

CA09-239. Debra Ondrisek and Richard Ondrisek v. Arkansas Department of Human Services, from Miller Circuit. Appellants' motion for extension of brief time is granted for forty-five days. See **per curiam** this date. UNPUBLISHED

CA09-244. Greg Seago v. Arkansas Department of Human Services, from Miller Circuit. Appellant's motion for extension of brief time is granted for forty-five days. See per curiam this date in CA09-239, Ondrisek v. Ark. Dep't of Human Servs.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA07-1123. Ora Lee Williams v. R. S. McCullough, from St. Francis Circuit.

CA08-1229. Kimberly D. Harris v. Columbia Sewing Company, Inc., from Workers' Compensation Commission.

CACR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Appellant's pro se motion for appointment of counsel.

CACR08-915. Lonnie Dean Vickers v. State of Arkansas, from Garland Circuit. Motion of Tim Beckham for attorney's

fees.

CACR08-1119. Jerry Champion v. State of Arkansas, from Union Circuit. Motion of Robert N. Jeffrey for attorney's fees.

CACR09-158. Jimmy D. Burdette v. State of Arkansas, from Crawford Circuit. Appellant's pro se motion to substitute/correct brief.

CACR09-217. Antonio Madison v. State of Arkansas, from Jefferson Circuit. Appellant's motion to seal record as confidential.

CACR09-341. Jesus Tapia v. State of Arkansas, from Sevier Circuit. Motion of Norman G. Cox to withdraw as counsel and for substitution of Jason Kearney as counsel for appellant.

CA08-876. St. Edward's Mercy Medical Center et al. v. Cassandra Richards Wilson, from Workers' Compensation Commission. Appellee's motion for attorney's fees.

CA08-908. Leilani C. Grisham (Fieber) v. Brian E. Grisham, from Pulaski Circuit, Fourteenth Division. Appellee's motion for attorney's fees and costs.

CA08-1170. Jason Shively v. Michelle Shively (Plautz), from Cleburne Circuit. Appellee's motion to file supplemental abstract.

CA08-1361. Sylvia Bell et al. v. Thomas Simms and Leann Simms, from Sebastian Circuit, Fort Smith District. Appellants' motion to file non-conforming reply brief.

CA09-49. Clayron Raspberry v. Anessa Raspberry, from Jefferson Circuit. Appellant's motion to seal the record.

CA09-79. Kennedy Funding, Inc. v. Virgil W. Shelton et al., from Pulaski Circuit, Sixth Division. Appellant's motion to remand to the trial court to correct the record.

CA09-79. Kennedy Funding, Inc. v. Virgil W. Shelton et al., from Pulaski Circuit, Sixth Division. Appellant's motion to stay briefing schedule.

CA09-117. Phil Stratton, Estate of Carolyn Glover Stratton v. Cathy Sullivan, from Faulkner Circuit. Appellee's motion to supplement the record and for modification of briefing schedule.

CA09-188. J.S., a Minor v. State of Arkansas, from Benton Circuit. Motion of Joel O. Huggins to be relieved as counsel for appellant, for substitution of Jeff Rosenzweig and to stay brief time.

CA09-188. J.S., a Minor v. State of Arkansas, from Benton Circuit. Motion of Jeff Rosenzweig to be substituted as counsel for appellant.

CA09-257. Vickie Hall v. Timothy Bias and Rennea Bias, from Crawford Circuit. Appellees' notice of bankruptcy.

CA09-264. Robert Maulding v. Prices Utility Contractors, Inc. et al., from Workers' Compensation Commission. Appellant's motion to withdraw appeal.

CA09-264. Robert Maulding v. Prices Utility Contractors, Inc. et al., from Workers' Compensation Commission. Appellee Second Injury Fund's motion for costs.

CA09-354. J. D. Ashley, Sr., by and through Charolette Ashley v. The J.D. Ashley, Sr. Family Limited Partnership et al., from Pulaski Circuit, Ninth Division. Appellees' motion to dismiss appeal.

SUBMISSIONS

- CA07-741. Ketan Bulsara, Administrator v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Argued orally.
- CA08-1245. Robert C. Gloris and Christina Jarboe v. Bobby J. Whitfield, from Pulaski Circuit, Sixteenth Division. Argued orally.
- CACR08-297. Wayne Alan Dierks v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR08-821. Jeremiah James Harris v. State of Arkansas, from Crittenden Circuit.
- CACR08-1030. Derek Mullins v. State of Arkansas, from Grant Circuit.
- CACR08-1062. Levonia Gray v. State of Arkansas, from Pulaski Circuit, Fifth Division.
- CACR08-1063. Steven Brown v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR08-1100. Clifton Gholson v. State of Arkansas, from Crittenden Circuit.
- CACR08-1105. Daniel G. Price v. State of Arkansas, from Pulaski Circuit, Seventh Division.
- CACR08-1117. Albert Brown v. State of Arkansas, from Randolph Circuit.
- CACR08-1120. Thomas Justin Tipps v. State of Arkansas, from Ashley Circuit.
- CACR08-1126. Thomas Earl Alexander v. State of Arkansas, from Pulaski Circuit, Fifth Division.
- CACR08-1314. Timothy Duane Giffin v. State of Arkansas, from Miller Circuit.
- CACR08-1384. Demetrius Flowers v. State of Arkansas, from Craighead Circuit, Western District.
- CA08-52. Christopher Wayne Roberts v. Robin YanYan Roberts Yang, from Pulaski Circuit, Seventeenth Division.
- CA08-320. Sunbelt Business Brokers of Arkansas v. Nancy W. James, from Pulaski Circuit, Fifth Division.
- CA08-884. John Moore v. Keith Smith Company, Inc., from Garland Circuit.
- CA08-952. Dustin Norwood and Dylan Norwood v. Cathy Sellers, Administratrix, Norwood Estate, from Craighead Circuit, Western District.
- CA08-1022. Angie Fletcher v. Kevin Scorza, from Pulaski Circuit, Seventeenth Division.
- CA08-1159. Ed Herman Morris v. LandNPulaski, LLC, from Pulaski Circuit, Seventeenth Division.
- CA08-1163. Lee Campbell v. Michael Hankins, from Jefferson Circuit.
- CA08-1196. Anthony Sloan, M.D. v. City of Corning, from Clay Circuit, Western District.
- CA08-1217. Cynthia Wingfield v. Jeffrey Wingfield, from Pulaski Circuit, Sixth Division.
- CA08-1448. Henry Nichols and Regions Bank, Trustees for Alpha Trust v. Culotches Bay Navigation Rights Committee, L.L.C., from Prairie Circuit, Northern District.

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

E09-3. Chris Parker v. Director et al.

E09-5. Thomas S. Lowery v. Director et al.

E09-6. Louise Branscomb v. Director et al.

E09-7. Rick C. Ridenoure, Sr. v. Director et al.

E09-8. Carla S. Ridenoure v. Director et al.

E09-9. Lee Blackwell v. Director et al.

E09-10. Dessie M. Norman v. Director et al.

E09-11. Amos Beasley v. Director et al.

E09-13. Margaret A. Smith v. Director et al.

E09-14. Bobby Marshall v. Director et al.

E09-15. Kenneth R. Cooper v. Director et al.

E09-17. Jennifer M. Martin v. Director et al.