

ARKANSAS COURT OF APPEALS

Opinions delivered
December 9, 2009

LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-172. C. Scott Mannis v. State of Arkansas, from Arkansas Circuit, Northern District. Affirmed. Hart and Robbins, JJ., agree.

CA09-108. John Truitt v. Mary Jane Freeman, from Poinsett Circuit. Rebriefing ordered. Hart and Robbins, JJ., agree.

CA09-246. Robert Dotson, Sr. v. Irma L. Dotson and Estate of Elbert Dotson, Deceased, from Carroll Circuit, Eastern District. Affirmed. Hart and Robbins, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CA09-482. Billy Dotson v. Little Rock National Airport, Inc., from the Arkansas Workers' Compensation Commission. Affirmed in Part, Reversed in Part, and Remanded. Hart and Glover, JJ., agree.

CA09-814. Ronald Tadlock v. Arkansas Department of Human Services, from Garland Circuit. Affirmed. Kinard and Baker, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR09-212. Trozzie L. Turner v. State of Arkansas, from Columbia Circuit. Affirmed. Vaught, C.J., and Robbins, J., agree.

CA09-585. Richard E. Williams and Kathy Williams v. Southern Farm Bureau Casualty Insurance Co., from Mississippi Circuit, Chickasawba District. Reversed and Remanded. Vaught, C.J., and Robbins, J., agree.

ROBERT J. GLADWIN, JUDGE:

CACR09-223. Ricky Lee McDaniels v. State of Arkansas, from Poinsett Circuit. Affirmed. Glover, J., agrees. Brown, J., concurs.

CA08-1243. Tiffany Benedetto v. Justin Wooten Construction, LLC, from Faulkner Circuit. Affirmed. Glover and Brown, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-409. Levert Brown v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Vaught, C.J., and Hart, J., agree.

CA09-626. Joe Neil v. Barbara Phillips, from Benton Circuit. Affirmed. Vaught, C.J., and Hart, J., agree.

M. MICHAEL KINARD, JUDGE:

CA08-760. Rhonda Russell, Individually and as Personal Representative of the Estate of Larry Wayne Russell, Sr., Deceased v. Northeast Texas Land & Timber and Perry Steitler, from Little River Circuit. Affirmed. Vaught, C.J., and

Gladwin, Marshall, Henry and Brown, JJ., agree. Robbins, J., concurs in part and dissents in part. Pittman and Hart, JJ., dissent.

CA09-30. Jesse Stickels v. Josh Heckel and Jessica Heckel, from Garland Circuit. Reversed. Vaught, C.J., and Hart, J., agree.

CA09-837. Staffmark Investments, LLC, and AIG Claims Services, Inc. v. James King, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Baker, JJ., agree.

RITA W. GRUBER, JUDGE:

CA09-617. Joyce Welcher v. Davis Nursing Home and Guarantee Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Marshall and Henry, JJ., agree.

CA09-640. Robbi Miller Hatfield v. Joseph C. Miller, from Pulaski Circuit, Seventeenth Division. Affirmed. Marshall and Henry, JJ., agree.

DAVID M. GLOVER, JUDGE:

CACR08-704. Daniel Sanders v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Gladwin and Brown, JJ., agree.

CACR09-817. James Michael McKim v. State of Arkansas, from Saline Circuit. Reversed. Gladwin and Brown, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CACR08-1356. Latore Durand Gossett v. State of Arkansas, from Clark Circuit. Dismissed. Gruber and Henry, JJ., agree.

CA09-87. T&S Machine Shop, Inc. v. KD Sales and Sunland Machinery, Inc., from Jefferson Circuit. Reversed and Remanded for Clarification. Hart, Gladwin, and Glover, JJ., agree. Gruber and Henry, JJ., dissent.

CA09-136. Jessica N. Schmit (now Crisp) v. Robert M. Schmit, from Benton Circuit. Affirmed. Gruber and Henry, JJ., agree.

CA09-489. Terri Ann Eubanks Lee v. Christopher Dale Eubanks, from Faulkner Circuit. Affirmed. Gruber and Henry, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-96. Lorri Jean Rye v. State of Arkansas, from Crawford Circuit. Affirmed. Pittman and Kinard, JJ., agree.

CA08-825. Jerry M. Turley v. Gerald R. Staley, Billie J. Staley, and M. Randy Rice, from Pulaski Circuit, Third Division. Reversed and Remanded. Pittman and Kinard, JJ., agree.

CA09-638. Ronald Tadlock v. Arkansas Department of Human Services, from Garland Circuit. Affirmed. Pittman and Kinard, JJ., agree.

CA09-724. Lisa Denning v. Wal-Mart Associates, Inc. and Claims Management, Inc., from the Arkansas Workers' Compensation Commission. Reversed. Kinard, J., agrees. Pittman, J., concurs.

WAYMOND M. BROWN, JUDGE:

CA09-518. Stephanie Duke v. John Selig, Director of the Arkansas Department of Human Services, from Pulaski Circuit, Third Division. Affirmed. Gladwin and Glover, JJ., concur.

PER CURIAM ORDERS

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

CACR09-505. Routy Abernathy v. State of Arkansas, from Sebastian Circuit, Greenwood District.

CA07-1115. QHG of Springdale, Inc. v. Ernest W. Archer, M.D., from Washington Circuit. Vaught, C.J., and Pittman, Baker and Brown, JJ., would grant.

CA08-1073. Carlos Honeysuckle v. Curtis H. Stout, Inc. et al., from Workers' Compensation Commission.

CA08-1478. Tonya L. Merritt, an Incapacitated Person v. Bob Thornton, from Lonoke Circuit.

CA09-442. United Farms, Inc. and AG-Comp SIF v. Jessie Gist, from Workers' Compensation Commission.

E09-21. SubTeach USA v. Director et al., from Board of Review. Kinard and Marshall, JJ., would grant.

CACR08-666. Leland Allen Radford v. State of Arkansas, from Crawford Circuit. Motion of Jarrod Russell to withdraw as counsel for appellant is granted.

CACR08-666. Leland Allen Radford v. State of Arkansas, from Crawford Circuit. Motion of Jarrod Russell for attorney's fees is granted. Allowed \$2,500.00.

CACR08-1285. Connie Watkins v. State of Arkansas, from Greene Circuit. Appellant's pro se motion to file previously denied record as a supplemental record to this appeal and for review is denied.

CACR08-1313. Ernest Dean Wade v. State of Arkansas, from Washington Circuit. Motion of Constance G. Grayson for attorney's fees is denied.

CACR08-1430. Joe Anthony Simmons v. State of Arkansas, from Washington Circuit. Motion of Jason P. Kearney for attorney's fees is granted. Allowed \$1,400.00.

CACR09-220. Keith F. White v. State of Arkansas, from Union Circuit. Motion of N. Mark Klappenbach for attorney's fees is granted. Allowed \$1,400.00.

CACR09-306. Terrance M. Rhodes v. State of Arkansas, from Saline Circuit. Motion of J. Brent Standridge for attorney's fees is granted. Allowed \$1,400.00.

CACR09-631. Pedro Lopez v. State of Arkansas, from Lonoke Circuit. Motion of Jonathan T. Lane for attorney's fees is granted. Allowed \$1,400.00.

CACR09-722. Dellemond Cunningham v. State of Arkansas, from Washington Circuit. Appellant's pro se motion for transcript at public expense is denied.

CACR09-872. Gregory Forrester v. State of Arkansas, from Benton Circuit. Appellant's motion for oral argument is

granted.

CACR09-881. Derric Jackson v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion to supplement the record with stipulated record and certified copy of letter order of May 5, 2008, is granted. Record deemed supplemented.

CACR09-1250. Shannon D. Williams v. State of Arkansas, from Greene Circuit. Motion of Kristofer E. Richardson to withdraw as counsel for appellant is granted. Mylissia Blankenship is appointed to represent appellant.

CA08-739. Bobbie Bruce et al. v. Floyd Hancock et al., from Poinsett Circuit. Appellants' motion for removal of lead counsel is granted.

CA09-448. Felicia D. Taylor v. Access Credit Management, Inc., from Faulkner Circuit. Appellee's motion to dismiss appeal is granted. Vaught, C.J., not participating.

CA09-480. SSI, Inc. et al. v. George W. Cates, from Workers' Compensation Commission. Appellee's motion for award of attorney's fees is granted.

CA09-568. Johnny Mack Shaffer et al. v. Leo Yang, M.D., from Garland Circuit. Appellants' motion to reconsider denial of oral argument is denied.

CA09-664. R.C. Landscaping et al. v. William B. Jones et al., from Workers' Compensation Commission. Appellants' motion to file belated brief is granted.

CA09-757. Patricia Milner et al. v. Rex Edward Luttrell, M.D., from Dallas Circuit. Motion of Stephanie Linam to withdraw as counsel for appellants is denied without prejudice. See Ark. R. Civ. P. 64(b).

CA09-912. Marc Heflin and Billie Heflin v. Phil Brackelsburg and Crystal Brackelsburg, from Pulaski Circuit, Thirteenth Division. Appellees' motion to supplement appellants' abstract and addendum and for taxation of costs and attorney's fees is passed until case is submitted.

CA09-955. George Hill v. LDA Leasing, Inc., from Workers' Compensation Commission. Motion and amended motion of Stephanie Ann Linam to withdraw as counsel are denied without prejudice. See Ark. R. Civ. P. 64(b).

CA09-971. William G. Born, Sr. et al. v. Hosto & Buchan, PLLC, from Pulaski Circuit, Sixth Division. Appellee's motion for oral argument is granted.

CA09-1198. Ricky Gaskins v. Jeff Minner Trucking et al., from Workers' Compensation Commission. Appellant's motion for writ of certiorari to complete the record and to stay brief time is remanded to the trial court to settle the record within thirty days. Brief due within thirty days thereafter.

CA09-1225. X. T. v. M.M. and J.M., from Benton Circuit. Appellees' motion to protect identity is granted.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA09-149. Kaedon Steinert d/b/a Hurricane Express, Inc., et al. v. Arkansas Workers' Compensation Commission, from Workers' Compensation Commission.

CA09-419. Curt Bean Transport, Inc. et al. v. Lawrence Hill, from Workers' Compensation Commission.

CACR08-1252. Amy Ladonna Elkins v. State of Arkansas, from Crawford Circuit. Motion of Charles D. Hancock for attorney's fees.

CACR09-9. Leroy Stevenson v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion to file nonconforming brief.

CACR09-62. Naeem Hassan Rasul v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion of Lott Rolfe, IV for attorney's fees and costs.

CACR09-291. Jose Marin-Mendez et al. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees for appellant Mendez.

CACR09-291. Mirna Luz Marin et al. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees for appellant Marin.

CACR09-395. Sherman Watson v. State of Arkansas, from Hot Spring Circuit. Motion of Bob Frazier for attorney's fees.

CACR09-570. Phillip Anderson and Mark A. Stephens v. State of Arkansas, from Hot Spring Circuit. Motion of Phyllis J. Lemons for attorney's fees for appellant Phillip Anderson.

CACR09-868. Kenneth Joe Barrow v. State of Arkansas, from Faulkner Circuit. Resubmission after remand of motion of David Hogue to withdraw as counsel for appellant and motion of Teresa Bloodman to be substituted as counsel for appellant.

CACR09-1156. Willie Patton, Jr. v. State of Arkansas, from Bradley Circuit. Appellant's pro se motion for appointment of counsel and for rule on clerk.

CACR09-1286. Wendell Lee Strickland v. State of Arkansas, from Benton Circuit. Motion of William R. Mayo to withdraw as counsel for appellant.

CACR09-1316. Ronda Renee Jeffries v. State of Arkansas, from Crittenden Circuit. Motion of Richard West to be relieved and for appointment of substitute counsel.

CA09-231. Kristin N. Kuelbs et al. v. Kimberly Hill, from Garland Circuit. Appellants' motion for Tyler C.M. Tapp, III, to recuse.

CA09-811. Samuel R. Massey v. Stephanie L. Rick, from Independence Circuit. Appellant's pro se motion to supplement the record and for brief time.

CA09-821. Ann Bowman v. Boar's Head Provisions Co., Inc. et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal.

CA09-849. M. T., a Minor v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CA09-850. W. T., a Minor et al. v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CA09-931. Kristin N. Kuelbs et al. v. Kimberly Hill, from Garland Circuit. Appellants' motion for Tyler C.M. Tapp,

III, to recuse.

CA09-931. Kristin N. Kuelbs et al. v. Kimberly Hill, from Garland Circuit. Appellants' motion for appointment of guardian ad litem or "next friend" for Kristin N. Kuelbs.

CA09-1034. David Rees v. Danielle McLaughlin and Donald Latourette, from Craighead Circuit, Western District. Motion of Richard Watts and Charles Crocker, Individually, and Watts, Donovan & Tilley, P.A., to withdraw as counsel for appellee Latourette.

CA09-1121. Marina Velazquez v. Britton Riddle, from Sebastian Circuit, Fort Smith District. Appellant's motion to supplement the record and stay briefing schedule.

CA09-1124. Marc A. Rogers, M.D. v. Alan Sargent, from Garland Circuit. Appellant's motion to amend the record and to stay brief time.

CA09-1159. Loretta Diane Cruse v. 451 Press, LLC, from Baxter Circuit. Appellant's motion to amend and supplement the record.

CA09-1163. Rex Thurlkill v. Thelon Wood and Nancy Webb Wood, from Union Circuit. Joint motion for the Court to receive and consider enlargements.

CA09-1202. Bio Tech Pharmacal Industries v. Edmond Blouin, from Workers' Compensation Commission. Appellant's petition for writ of certiorari, to remand and to stay briefing schedule.

SUBMISSIONS

CA09-63. Elder Construction Company v. Ivey Lane, LLC, from Washington Circuit. Argued orally.

CA09-271. Tri-Eagle Enterprises, Inc. et al. v. Regions Bank, from Sebastian Circuit, Fort Smith District. Argued orally.

CACR08-1484. Terry Antonio Lee v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR09-346. William Rockward v. State of Arkansas, from Saline Circuit.

CACR09-426. Antwan Lavan Fowler v. State of Arkansas, from Faulkner Circuit.

CACR09-543. Dwayne Gibson v. State of Arkansas, from Arkansas Circuit, Northern District.

CACR09-562. Ho Van Nguyen v. State of Arkansas, from Benton Circuit.

CACR09-669. Courtney Craig v. State of Arkansas, from Phillips Circuit.

CACR09-683. Nathaniel Moseby v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR09-721. Ellis Trice v. State of Arkansas, from Crawford Circuit.

CACR09-752. Bobby L. Freeman v. State of Arkansas, from Mississippi Circuit, Chickasawba District.

CACR09-863. Melvyn D. Stewart v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CA09-2. Ricky Allen Williams et al. v. Homer Davis, Executor et al., from Grant Circuit.

CA09-86. K. L., a Minor v. State of Arkansas, from Desha Circuit, Arkansas City District.

CA09-214. Donna Wilson Hanna v. Burton Dugan Hanna, from Washington Circuit.

CA09-399. Charles D. Washington and Shirley Washington v. Andrew Washington et al., from Izard Circuit.

CA09-435. All Creatures Animal Hospital, Inc. v. Finova Capital Corporation, from Garland Circuit.

CA09-656. Kevin Crumpacker and Deborah Crumpacker v. Gary Reed Construction, Inc. et al., from Franklin Circuit, Northern District.

CA09-708. Sea Ark Marine, Inc. v. Jerry Pippinger, from Workers' Compensation Commission.

CA09-770. Frances Morris Finley v. Karen Hunter and The Estate of Mary Elizabeth Reimer, from Pulaski Circuit, Seventeenth Division.

CA09-790. Ray Melvin Dozier v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.

CA09-843. Maria Johnson v. Arkansas Department of Human Services, from Cleveland Circuit.

CA09-851. Carl Johnson v. U. S. Food Services, Inc. et al., from Workers' Compensation Commission.

CA09-859. Linda Lamontagne v. Arkansas Department of Human Services et al., from Washington Circuit.

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

E09-117. Melanie G. Breeding v. Director et al.

E09-118. Billy D. VanPelt v. Director et al.

E09-119. Clark Freight Lines v. Director et al.

E09-121. Peter E. Hying v. Director et al.

E09-122. Gennieve Sparkman v. Director et al.

E09-123. Tu N. Hoang v. Director et al.

E09-124. Daniel Juarez v. Director et al.

E09-125. Pamela S. Beyer v. Director et al.

E09-126. David Hamm v. Director et al.

E09-127. Brad A. Bussard v. Director et al.

E09-128. Santino M. Harris v. Director et al.

E09-129. Janey L. Uselton v. Director et al.