

ARKANSAS COURT OF APPEALS

Opinions delivered
February 11, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA09-449. Jackie R. Shaver v. Land O' Frost, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Robbins, JJ., agree.

CA09-501. Christopher Gorman and Arnette Gorman v. Clif Gilliam, d/b/a APCS, Inc., and Arkansas Pest Control Services; Norma Farnham, d/b/a APCS, Inc., and Arkansas Pest Control Services; Western Surety Company; Stephen L. Rice and Mitzi J. Wells, from Pulaski Circuit, Ninth Division. Affirmed as Modified in Part; Reversed in Part; and Remanded. Pittman and Robbins, JJ., agree.

CA09-828. Unimin Corporation and Ace American Insurance Company v. Coney Duncan, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Robbins, JJ., agree.

CA09-835. Second Injury Fund, Death & Permanent Total Disability Trust Fund, Anderson Engineering Consulting, and One Beacon Insurance Company v. Cleveland Osborn, from the Arkansas Workers' Compensation Commission. Reversed and Remanded on Direct Appeal; Affirmed on Cross-Appeal. Pittman and Robbins, JJ., agree.

CA09-902. Mary Hudak-Lee v. Baxter County Regional Hospital and Risk Management Services, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Pittman and Robbins, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-9. Leroy Stevenson v. State of Arkansas, from Craighead Circuit, Western District. Affirmed in Part and Remanded. Vaught, C.J., and Robbins, J., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Affirmed. Kinard and Henry, JJ., agree.

CACR09-341. Jesus Tapia v. State of Arkansas, from Sevier Circuit. Affirmed. Kinard and Henry, JJ., agree.

CA09-740. St. John's Hospital and Risk Management Resources v. Patricia Street, from the Arkansas Workers' Compensation Commission. Remanded. Kinard and Henry, JJ., agree.

CA09-800. Bradley Perkins and Judy Perkins v. Warren O. Henry, from Lonoke Circuit. Reversed and Remanded. Kinard and Henry, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-586. Bailey Buffalo v. State of Arkansas, from Faulkner Circuit. Affirmed. Vaught, C.J., and Pittman, J., agree.

CA09-944. Jennifer Emmert v. Arkansas Department of Human Services, from Fulton Circuit. Affirmed. Vaught, C.J., and Pittman, J., agree.

M. MICHAEL KINARD, JUDGE:

CACR09-717. Roger Eugene Ross v. State of Arkansas, from Garland Circuit. Affirmed. Hart and Henry, JJ., agree.

CACR09-722. Dellemond Cunningham v. State of Arkansas, from Washington Circuit. Affirmed. Hart and Henry, JJ., agree.

CA09-598. Judy Moore v. Mark Moore, from Washington Circuit. Affirmed. Hart and Henry, JJ., agree.

CA09-882. Stephens Production Company v. Rita Young and J.R. Young, from Crawford Circuit. Remanded with Instructions. Henry, J., agrees. Hart, J., concurs.

RITA W. GRUBER, JUDGE:

CACR09-759. Dale Sims v. State of Arkansas, from Faulkner Circuit. Affirmed. Glover and Brown, JJ., agree.

CA09-337. Anita A. Brewer v. Timothy H. Smith, from Crittenden Circuit. Affirmed. Glover and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

CACR09-787. Theodis Jordan Smith v. State of Arkansas, from Jefferson Circuit. Affirmed. Gruber and Brown, JJ., agree.

CACR09-806. Mack Deconile Smith v. State of Arkansas, from Faulkner Circuit. Affirmed. Gruber and Brown, JJ., agree.

CA08-809. Arnold Gilliam v. Jamie Gilliam, from Craighead Circuit, Western District. Affirmed on Direct Appeal; Affirmed on Cross-Appeal. Gruber and Brown, JJ., agree.

CA09-896. Dillard's, Inc. and Fidelity & Guaranty Insurance Co. v. Elizabeth Johnson, Second Injury Fund, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed on Direct Appeal and on Cross-Appeal. Gruber and Brown, JJ., agree.

CA09-959. Global Economic Resources, Inc. v. Sabare SCM Solution, Inc., from Benton Circuit. Dismissed. Gruber and Brown, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CACR09-899. Charles Goodman, Jr. v. State of Arkansas, from Saline Circuit. Affirmed. Gladwin and Baker, JJ., agree.

CA09-918. St. Vincent Health Services, Inc., and Indemnity Insurance Company of North America v. Denise Bishop, Second Injury Fund, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed in Part; Reversed and Remanded in Part. Gladwin and Baker, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CA09-472. Mack-Reynolds Appraisal Company v. Robert Morton, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Kinard, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CA09-57. Susanne L. Anderson and Mark Summaria v. Dianne M. Holada and Estate of Erwin R. Klema, from Faulkner Circuit. Rebriefing Ordered. Gruber and Glover, JJ., agree.

CA09-84. D.A.S. v. State of Arkansas, from Crittenden Circuit. Affirmed. Gruber and Glover, JJ., agree.

CA09-1006. Robert Hays v. Reddy Ice Group, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Glover, JJ., agree.

PER CURIAM OPINIONS:

CA09-641. Hollis Robison and Jean Robison v. Eunice Ray Fountain; Dora Ann Fountain; The Ray and Ann Fountain Family Living Trust, from Pope Circuit. Appeal dismissed.

PER CURIAM ORDERS

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

CA08-1419. Mary Ann Kizer v. Dale Kizer, from Jefferson Circuit.

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

CA09-697. Steven Tucker v. Cooper Standard Automotive, Inc. et al., from Workers' Compensation Commission. Pittman and Gladwin, JJ., would grant.

CACR09-169. Zackson T. Watlington v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,400.00.

CACR09-227. Jimmie Simpson v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,000.00.

CACR09-312. Melvin Cisero v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,000.00.

CACR09-344. Jamie Deachell Fox v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,200.00.

CACR09-461. Corey Nelson v. State of Arkansas, from Garland Circuit. Motion of T. Clay Janske for attorney's fees is granted. Allowed \$1,400.00.

CACR09-515. Sandy Yarbrough Smith v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,000.00.

CACR09-751. Ramondo Edwards v. State of Arkansas, from Union Circuit. Motion of Robert N. Jeffrey for attorney's fees is granted. Allowed \$1,400.00.

CACR09-752. Bobby L. Freeman v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Motion of Charles E. Ellis for attorney's fees is granted. Allowed \$900.00.

CACR09-1213. Anthony Brian Williamson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's amended pro se motion to dismiss attorney is denied.

CACR10-39. Arthur Lee Doolittle v. State of Arkansas, from Faulkner Circuit. Motion of Jack R. Kearney to be relieved as counsel of record is granted.

CACR10-89. Lakedrin Mills v. State of Arkansas, from Crittenden Circuit. Motion of Richard West to be relieved as counsel and for appointment of substitute counsel is granted. Chad M. Green is appointed to represent appellant. Appellant's brief due March 23, 2010.

CA09-811. Samuel R. Massey v. Stephanie L. Rick, from Independence Circuit. Appellant's motion to file nonconforming brief is denied. Conforming brief due within thirty days.

CA09-1034. David Rees v. Danielle McLaughlin et al., from Craighead Circuit, Western District. Appellant's fourth motion for additional brief time is granted. Final extension. Marshall, J., not participating.

CA09-1139. Jason D. Pinkston v. Stanley McPeake, from Faulkner Circuit. Appellee's motion to dismiss appeal is granted.

CA09-1155. Stephen Waymack v. Treadway Electric Company, Inc., from Workers' Compensation Commission. Appellant's motion to file belated brief is granted. Brief due February 20, 2010.

CA09-1205. Palani Karupaiyan et al. v. Gary Brown et al., from Pulaski Circuit, Third Division. Appellant's pro se motions to supplement record are denied. Appellant's brief due within thirty days.

CA10-63. Ricky Pope et al. v. Michael Overton, from Hot Spring Circuit. Appellants' motion for supersedeas is granted.

CA10-106. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellant's motion to expedite motion for supersedeas and for stay of execution pending appeal is denied.

CA10-106. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellant's motions for supersedeas and for stay of execution pending appeal are denied.

MOTIONS SUBMITTED

CACR09-562. Ho Van Nguyen v. State of Arkansas, from Benton Circuit. Motion of Leon Jones, Jr., for attorney's fees.

CACR09-866. Larry Wayne Saxton v. State of Arkansas, from Prairie Circuit, Southern District. Motion of Chad M. Green for attorney's fees.

CACR09-869. Terry Wayne Pack v. State of Arkansas, from Benton Circuit. Motion of Paul J. Teufel for attorney's fees.

CACR09-957. Harvey Tyson Lewis v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to file belated brief.

CACR09-1091. Christopher Cody Anderson v. State of Arkansas, from Boone Circuit. Appellant's motion to file belated corrected brief.

CACR09-1146. Terry Moss v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Amended motion of R. Gunner DeLay to withdraw as counsel for appellant and for substitution of James Clouette as counsel for appellant.

CACR09-1185. Steven Ray Skomp v. State of Arkansas, from Bradley Circuit. Appellee's motion to file substituted brief.

- CACR09-1229. Broderick J. Cooper v. State of Arkansas, from Clark Circuit. Appellant's motion to correct brief.
- CACR09-1345. Tashika Sade Higgins v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to file belated brief.
- CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion to reduce appeal bond.
- CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion to supplement the record and for extension of brief time.
- CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion for appointment of counsel.
- CA09-1098. City of Pine Bluff v. Pine Bluff/Jefferson County Library, from Jefferson Circuit. Appellant's third motion for extension of brief time.
- CA09-1164. Lee A. Davis v. Arkansas Blue Cross and Blue Shield, from Jefferson Circuit. Appellant's motion to modify and supplement the record and for extension of time to file reply brief.
- CA09-1225. X. T. v. M.M. and J.M., from Benton Circuit. Appellees' motion to expand page limit and for brief time.
- CA09-1256. Farm Bureau Mutual Ins. Company of Arkansas v. Danny W. Sells, from Pulaski Circuit, Thirteenth Division. Appellant's motion to supplement the record and to stay brief time.
- CA09-1377. Roy Peters and Nicholas Peters v. Heather Moore et al., from Sebastian Circuit, Greenwood District. Appellants' motion for stay and to remand.
- CA10-51. Homer Mooney v. AT&T et al., from Workers' Compensation Commission. Appellee Second Injury's motion to revise briefing schedule.
- CA10-85. Po-Boy Land Company, Inc. et al. v. Kenneth R. Mullins et al., from Hempstead Circuit. Appellants' motion to correct and supplement the record.

SUBMISSIONS

- CA09-258. Jason Martin v. Brooks Hallum, from Monroe Circuit. Argued orally.
- CA09-491. Tammie L. Shannon v. James McJunkins, from Craighead Circuit, Western District. Argued orally.
- CACR08-458. Michael Lee Anderson v. State of Arkansas, from Ashley Circuit.
- CACR08-1157. Bobby Lee Green v. State of Arkansas, from Drew Circuit.
- CACR09-881. Derric Jackson v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR09-905. Cedrick L. Mhoon v. State of Arkansas, from Pulaski Circuit, First Division.
- CACR09-932. Cornelius Dale Earl v. State of Arkansas, from White Circuit.
- CACR09-948. Avery Darnell Williams v. State of Arkansas, from Pulaski Circuit, Fifth Division.

- CACR09-1005. Erica Rae Grube v. State of Arkansas, from Pulaski Circuit, Seventh Division.
- CA08-1458. Brenda Wonder and Ronnie Wonder v. Nancy McLeese, from Union Circuit.
- CA09-199. Rio Vista, Inc. v. Jim Miles, from Sharp Circuit.
- CA09-452. Don Gray v. Bob Moreland, from Franklin Circuit, Northern District.
- CA09-513. Jenifer Rebekah Wise v. Johnny E. Wise II, from Perry Circuit.
- CA09-534. Baron K. Rhodes v. Commercial Metals Co., from Workers' Compensation Commission.
- CA09-715. Fidencio Mendez v. Carmen Aguilar, from Yell Circuit, Southern District.
- CA09-870. Peter Daniels, Jr. v. Daryl Davis, from Jefferson Circuit.
- CA09-879. Robin Munzner v. Angela Marie Kushner and Lisa Bolda, from Washington Circuit.
- CA09-983. Arkansas State Highway Commission v. James R. Lewis, III, from Poinsett Circuit.
- CA09-1055. Pamela Mills v. Marie Finch, from Lonoke Circuit.
- CA09-1060. James Mason and Robert Garcia v. Chenal Country Club, from Pulaski Circuit, Sixteenth Division.
- CA09-1062. Nabholz Construction Corp. v. Mark Gates, from Workers' Compensation Commission.
- CA09-1065. Aracely Moreno v. Arkansas Department of Human Services, from Craighead Circuit, Western District.
- CA09-1072. Tremayne Scoggins v. Evon M. Medlock, from Pulaski Circuit, Ninth Division.
- CA09-1135. Merilee Henderson v. Arkansas Department of Human Services, from Benton Circuit.