

ARKANSAS COURT OF APPEALS

Opinions delivered
March 3, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA08-1405. Charles V. Grassi, Sr. v. James W. Hyden and Hyden, Miron & Foster, PLLC., from Pulaski Circuit, Fifth Division. Affirmed. Kinard and Gruber, JJ., agree.

CA09-1023. Hughes School District and Risk Management Resources v. Peggy Bain, Second Injury Fund, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed on Direct Appeal; Affirmed on Cross-Appeal. Kinard and Gruber, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CA08-1327. Bill Carlson and Jane Carlson v. Kelso Drafting & Design, Inc., d/b/a The Kelso Firm et al., from Garland Circuit. Affirmed. Gladwin, Kinard, and Glover, JJ., agree. Baker and Brown, JJ., dissent.

JOSEPHINE LINKER HART, JUDGE:

CA09-162. Wade Roetzel v. Troy Coleman, from White Circuit. Affirmed on Direct Appeal; Affirmed on Cross-Appeal. Gladwin and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CA09-452. Don Gray v. Bob Moreland and Moreland Aviation Enterprises, Inc., from Franklin Circuit, Northern District. Affirmed. Brown, J., agrees. Hart, J., concurs.

CA09-964. Bobby Ayers v. Domtar Industries and Liberty Mutual Insurance, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Brown, JJ., agree.

CA09-968. Lloyd Lee and the Estate of Mark Medlock v. Robert M. Bolan, Susan K. Bolan and S.O. Bryant Company, LLC, from Pulaski Circuit, Seventeenth Division. Affirmed. Hart and Brown, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-768. Johnta Q. Barber v. State of Arkansas, from Faulkner Circuit. Affirmed. Glover and Marshall, JJ., agree.

CA09-477. S. Killeen DesLauriers v. The Marilyn Irene DesLauriers Revocable Trust and Richard Gautney et al., from Lonoke Circuit. Affirmed. Glover and Marshall, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR09-370. Antonio Daniels v. State of Arkansas, from Drew Circuit. Affirmed. Vaught, C.J., and Kinard, J., agree.

CA09-984. Esterosto, LLC v. Randy D. Kinsey, et al., Dianna L. Kinsey, Twin City Bank, Daniel Family Trust, John Ostie, Sr., Estate of John Ostie, Sr., Preola Conway Lockhart, Estate of Dolly Moore, and Ella M. Bogard, from Pulaski Circuit, Sixth Division. Dismissed. Vaught, C.J., and Kinard, J., agree.

DAVID M. GLOVER, JUDGE:

CACR09-897. Matthew Turner v. State of Arkansas, from Lonoke Circuit. Reversed and Dismissed. Robbins and Marshall, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CACR09-960. Aaron Matthew Haralson v. State of Arkansas, from Garland Circuit. Affirmed. Robbins and Glover, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR09-972. Ricky Dale Smith v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Pittman and Baker, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-1045. Recho Berry v. State of Arkansas, from Lonoke Circuit. Affirmed. Pittman and Henry, JJ., agree.

CA09-1081. Vicki Roberts v. St. Vincent Health Systems and Alternative Insurance Management Second Injury Fund, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Pittman and Henry, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-1084. Bruce Blount v. State of Arkansas, from Jefferson Circuit. Affirmed. Hart and Gladwin, JJ., agree.

CA09-925. R.W., a Minor v. State of Arkansas, from Craighead Circuit, Western District. Affirmed. Hart and Gladwin, JJ., agree.

PER CURIAM ORDERS

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

CACR08-1285. Connie Watkins v. State of Arkansas, from Greene Circuit.

CA09-271. Tri-Eagle Enterprises, Inc. et al. v. Regions Bank, from Sebastian Circuit, Fort Smith District. See **supplemental opinion** this date.

CACR08-1104. Antonio Deshun Sartin v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion to substitute James P. Clouette and to relieve Danny Ray Williams as attorney for appellant is granted. Marshall, J., not participating.

CACR08-1374. James Clayton Solomon v. State of Arkansas, from Washington Circuit. Appellant's pro se motion to file supplemental pro se brief is denied.

CACR09-175. Mitchell Scott Johnson v. State of Arkansas, from Benton Circuit. Motion of Paul M. Gehring to withdraw his motion to withdraw as counsel and for leave to file amended and substituted brief is granted.

CACR09-270. Benjamin Scott v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,400.00. Marshall, J., not participating.

CACR09-341. Jesus Tapia v. State of Arkansas, from Sevier Circuit. Motion of Jason P. Kearney for attorney's fees is granted. Allowed \$1,400.00.

CACR09-616. Anthony Owens v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for appointment of new counsel is denied.

CACR09-717. Roger Eugene Ross v. State of Arkansas, from Garland Circuit. Motion of Timothy Beckham for attorney's fees is granted. Allowed \$1,400.00.

CACR09-722. Dellemond Cunningham v. State of Arkansas, from Washington Circuit. Motion of Jessica L. Carnes for attorney's fees is granted. Allowed \$1,400.00.

CACR09-880. Ramon Chavez v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Christopher M. Nolen for attorney's fees is granted. Allowed \$1,400.00.

CACR09-903. Linda Kay Graham v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$1,200.00.

CACR10-110. Roger Dale Rudd v. State of Arkansas, from Jackson Circuit. Appellant's motion to substitute retained counsel Debra J. Reece to replace C. Scott Nance, Public Defender is remanded to the trial court for a hearing and findings of fact within thirty days. See Brewer v. State, 66 Ark. App. 324, 992 S.W.2d 140 (1999).

CA09-858. Natasha Blakes v. Arkansas Department of Human Services, from Crittenden Circuit. Appellant's motion to file belated brief is granted. Gruber, J., not participating.

CA09-1202. Bio Tech Pharmacal, Inc. v. Edmond Blouin, from Workers' Compensation Commission. Appellant's motion to file belated brief is granted.

CA09-1303. Mary E. Young v. Ronnie Young, from Lonoke Circuit. Appellant's motion to remand to settle the record and for brief time is granted. Record on remand due within thirty days. Brief due within fourteen days thereafter.

CA09-1303. Mary E. Young v. Ronnie Young, from Lonoke Circuit. Appellee's motion to dismiss appeal is denied.

CA09-1393. Janette Hopkins v. Jonathan Hopkins, from Baxter Circuit. Appellee's motion to supplement the record and to stay brief time. Remanded to the trial court to settle the record within thirty days. Brief due within thirty days thereafter.

CA09-1411. Adam S. Stibich v. Kimberly Rae Stibich, from Garland Circuit. Appellant's motion and amended motion to remand and to stay briefing or, in the alternative, motion for extension of brief time. Remanded to the trial court to settle the record within thirty days. Brief due within thirty days thereafter. Pittman, J., not participating.

CA10-15. Marketplace Development Corporation et al. v. Keith Hood et al., from Garland Circuit. Motion of Ralph C. Ohm to withdraw as counsel for appellants is granted. Vaught, C.J., not participating.

CA10-57. Ben Williams et al. v. Liberty Bank of Arkansas, from Clay Circuit, Western District. Appellants' motion to supplement the record and for brief time. Remanded to the trial court to settle the record within thirty days. Brief due within thirty days thereafter. Marshall, J., not participating.

CA10-60. John K. Kelly v. Christian Snowden Kelly, from Pulaski Circuit, Fifteenth Division. Appellant's motion to supplement the record. Remanded to the trial court to settle the record within thirty days. Brief due within thirty days thereafter.

CA10-63. Ricky Pope and Christine Pope v. Michael Overton et al., from Hot Spring Circuit. Appellant's petition for writ of certiorari to complete the record and to stay briefing schedule. Remanded to the trial court to settle the record within thirty days. Brief due within thirty days thereafter.

CA10-126. Sandra Forde, as Sole Trustee v. Diamante Golf Club, LLC et al., from Saline Circuit. Appellees' motion to consolidate appeal matters is granted. Marshall, J., not participating.

CA10-136. Sabrina Donato v. Clint Walker, from Sevier Circuit. Appellant's motion to seal the record is granted. Marshall, J., not participating.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA09-451. Chrissey Nunnenman v. Estate of Donald T. Grubbs, from Garland Circuit.

CA09-712. Raymond Vaughn v. Patricia Bates et al., from Pike Circuit.

CA09-940. Derrick L. Flowers v. Arkansas State Police, from Workers' Compensation Commission.

E09-121. Peter E. Hying v. Director et al., from Board of Review.

CACR09-503. Michael Anthony Green v. State of Arkansas, from Drew Circuit. Motion of Daren J. Nelson for attorney's fees.

CACR09-744. Ralph Lee St. Clair v. State of Arkansas, from Benton Circuit. Motion of Erin Vinett for attorney's fees.

CACR09-1357. Melvyn Stewart v. State of Arkansas, from Hot Spring Circuit. Appellant's pro se motion to file belated brief.

CACR10-36. Andrew Wayne Lovett v. State of Arkansas, from Union Circuit. Appellant's petition for writ of certiorari to complete the record and for extension of brief time.

CACR10-131. Anthony Thomas v. State of Arkansas, from Faulkner Circuit. Appellant's pro se motion for appointment of counsel.

CACR10-187. Tracy Parks v. State of Arkansas, from Greene Circuit. Motion of Kristofer E. Richardson to withdraw as counsel for appellant.

CA09-39. Jack Barnes et al. v. Lamar's Bistro et al., from Columbia Circuit. Appellee Lamar's Bistro's motion to reschedule oral argument.

CA09-665. Rosemarie Clampitt v. James P. Geurin et ux., from Garland Circuit. Appellant's motion to correct addendum.

CA09-697. Steven Tucker v. Cooper Standard Automotive, Inc. et al., from Workers' Compensation Commission.

Appellant's motion for award of attorney's fees.

CA09-875. Glenda Dearman v. Deltic Timber Corporation, from Workers' Compensation Commission. Appellant's motion for attorney's fees.

CA09-1049. Carol Diane Conway et al. v. Hi-Tech Engineering, Inc. et al., from Garland Circuit. Appellants' motion to file enlarged brief and for brief time.

CA09-1256. Farm Bureau Mutual Insurance Company of Arkansas v. Danny W. Sells, from Pulaski Circuit, Thirteenth Division. Appellant's second motion to supplement the record.

CA09-1268. Barbara Miller v. White Hall School District et al., from Workers' Compensation Commission. Appellee-Second Injury Fund's motion to strike appellant's brief and exhibits.

CA09-1268. Barbara Miller v. White Hall School District et al., from Workers' Compensation Commission. Appellee-Second Injury Fund's motion to set separate briefing schedule.

CA09-1268. Barbara Miller v. White Hall School District et al., from Workers' Compensation Commission. Motion of Second Injury Fund to estop Appellee White Hall School District from briefing the issue of Second Injury Fund Liability.

CA09-1272. Exigence, LLC et al. v. Courtney Baylark, from Phillips Circuit. Appellee's motion to dismiss.

CA09-1272. Exigence, LLC et al. v. Courtney Baylark, from Phillips Circuit. Appellee's second motion to dismiss.

CA09-1320. Greg E. Prock v. Bull Shoals Boat Landing et al., from Workers' Compensation Commission. Appellant's motion to file enlarged brief.

CA10-15. Marketplace Development Corporation et al. v. Keith Hood et al., from Garland Circuit. Appellees' motion to dismiss appeal.

CA10-15. Marketplace Development Corporation et al. v. Keith Hood et al., from Garland Circuit. Appellants' motion for extension of time to submit supplemental response.

CA10-56. David Collins v. Billy Grady Collins, from Independence Circuit. Appellant's motion to issue writ of supersedeas.

SUBMISSIONS

CACR09-872. Gregory Forrester v. State of Arkansas, from Benton Circuit. Argued orally.

CA09-544. Deanna Wilson Mainerich v. Mark Wilson, from Union Circuit. Argued orally.

CA08-1518. Donald M. Valentine v. Christy Valentine, from Poinsett Circuit.

CA09-156. Jeffrey Scott Wright v. Amy Lynn Wright, from Benton Circuit.

CA09-377. Larry Coatney v. Natalie Karen Coatney, from Carroll Circuit, Eastern District.

CA09-557. Henry Morgan v. Todd Turner, from Clark Circuit.

CA09-682. Georgia N. Mason v. Alice Buckman, from Van Buren Circuit.

CA09-769. Jonathan Young v. Kristalynn Young, from Garland Circuit.

CA09-792. John T. Payne II v. Keith Donaldson, from Chicot Circuit.

CA09-810. Deltic Timber Corporation v. Kathy Sue Newland, from Conway Circuit.

CA09-1234. Yolanda Owens v. Arkansas Department of Human Services, from Union Circuit.