

ARKANSAS COURT OF APPEALS

Opinions delivered
May 12, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA09-1170. Carlton Finney v. Rick Meyer, Danny Steele, Allan Dabbs, Ed Collins, Larry Smart, Ken Green, Carol “Ann” Sanders, J. R. Levart, in their official capacities as Aldermen of the Bryant City Council, and Paul Halley, in his official capacity as Mayor of the City of Bryant, from Saline Circuit. Dismissed. Gruber and Glover, JJ., agree.

CA09-1214. P. G. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Reversed and remanded. Gruber and Glover, JJ., agree.

CA10-69. Ninita Treuber v. Arkansas Department of Human Services and Minor Children, from Conway Circuit. Affirmed; motion to withdraw granted. Gruber and Glover, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-966. Kenneth Lee Slade v. State of Arkansas, from Saline Circuit. Affirmed. Hart and Baker, JJ., agree.

CA08-624. James Herrington; Sharon Whorton, Administratrix of the Estate of Bridgette Millsap, Deceased; Bonnie Fox; Tracy Dillard, Guardian and Next Friend of Casey Wright, a Minor; Elizabeth Baker, Individually and as Next Friend of Katlyn Baker, a Minor; Tammy French, Guardian and Next Friend of Kyla Sexson, a Minor; First Security Bancorp, Administrator of the Estate of Anne Cripps, Deceased; Tamhra Shawver, Guardian and Next Friend of Fallon Jade Shawver; Mike Walker, Individually and as Guardian of Ryan Walker v. Ford Motor Company, Inc., from Washington Circuit. Affirmed. Hart and Baker, JJ., agree.

CA08-639. Gregory Scott Goldman v. Sandra L. Goldman, from Jefferson Circuit. Affirmed. Hart and Baker, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CA09-757. Patricia Milner, Randall Brown, and Donna Donaldson v. Rex Luttrell, M.D., from Dallas Circuit. Rebriefing ordered. Pittman and Baker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR09-848. Tracy Ingle v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Henry and Brown, JJ., agree.

CA08-1230. The Estate of Helen Virginia Coan et al. v. The Estate of Joseph Coan, Jr., Georgetown University, and Metropolitan Opera Association, Inc., from Ouachita Circuit. Reversed and remanded. Henry and Brown, JJ., agree.

CA09-931. Kristin Kuelbs, Donald Hill, and Edwardena Hill v. Kimberly Hill, from Garland Circuit. Rebriefing and supplemental record ordered. Henry and Brown, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CA09-529. Anthony Jennings v. Architectural Products, Inc., from Pulaski Circuit, Sixth Division. Affirmed. Kinard and Marshall, JJ., agree.

CA09-1394. Sandra Hixon v. Baptist Health and Death & Permanent Total Disability Fund, from the Arkansas Workers' Compensation Commission. Affirmed in part; reversed and remanded in part. Kinard and Marshall, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CA09-979. Bobby Bonds and Image Homes, Inc. v. Fred Hunt, Trustee of the Fred Hunt Revocable Trust, from Saline Circuit. Affirmed as modified in part; reversed in part. Robbins and Marshall, JJ., agree.

CA10-12. Michelle Reed v. Arkansas Department of Human Services and Minor Child, from Washington Circuit. Affirmed. Robbins and Marshall, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR09-1184. Andra Leman Bates v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Vaught, C.J., and Glover, J., agree.

CA09-895. Sammy Scales, Charlotte Scales, and Billy Scales v. Patricia Scales Vaden and James M. Moncrief, from Desha Circuit, Arkansas City District. Affirmed. Vaught, C.J., and Glover, J., agree.

CA10-71. Gypsy Timmons v. Arkansas Department of Human Services and Minor Child, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Glover, J., agree.

DAVID M. GLOVER, JUDGE:

CACR10-10. Andrew Robinson v. State of Arkansas, from Clark Circuit. Affirmed. Vaught, C.J., and Gruber, J., agree.

CA09-1123. Kevin Patton v. Jim Smith Collision & Wrecker, Ace Property & Casualty Insurance, and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Gruber, J., agree.

CA09-1263. L & L Energy Company, Lindell and Letha Sharp, Individually v. Chesapeake Exploration, LLC, from White Circuit. Affirmed. Vaught, C.J., and Gruber, J., agree.

CA10-67. Tammy Kinard v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District. Affirmed. Robbins and Marshall, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR09-1338. Marcus Levern Allen v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Gladwin and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-1385. Kevin Delat Wright v. State of Arkansas, from Washington Circuit. Affirmed. Gladwin and Henry, JJ., agree.

CA09-57. Susanne L. Anderson and Mark Summaria v. Dianne M. Holada and Estate of Erwin R. Klema, Deceased, from Faulkner Circuit. Reversed and remanded. Gladwin and Henry, JJ., agree.

CA09-231. Kristin Kuelbs, Donald Hill, and Edwardena Hill v. Kimberly Hill, from Garland Circuit. Affirmed; motion to dismiss granted in part. Gladwin and Henry, JJ., agree.

CA09-1376. Greg Rogers v. Linda Jennings (Rogers), from Hot Spring Circuit. Affirmed. Gladwin and Henry, JJ., agree.

PER CURIAM ORDERS

REHEARING GRANTED: Petition for Rehearing was granted today in the following case.

CA09-984. Esterosto, LLC v. Randy D. Kinsey, et al., from Pulaski Circuit, Sixth Division. See **substituted opinion** this date.

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

CA09-210. Grady Martin, Jr. v. Jensen Construction Company et al., from Workers' Compensation Commission.

CA09-672. Cheryl Lynn Prickett, as Executrix of the Estate of Shirley Harmor et al. v. Hot Spring County Medical Center et al., from Hot Spring Circuit.

CA09-955. George Hill v. LDA Leasing, Inc. et al., from Workers' Compensation Commission.

CA09-1129. Anthony Rose v. Louis A. Etoch et al., from Phillips Circuit.

CA09-1196. Fayetteville Public Schools v. Benjamin Dial, from Washington Circuit.

CACR09-669. Courtney Craig v. State of Arkansas, from Phillips Circuit. Motion of Don Etherly for attorney's fees is granted. Allowed \$1,400.00.

CACR09-805. Michael Wayne Watson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1231. Michael B. Arnett v. State of Arkansas, from Clark Circuit. Appellant's motion to withdraw appeal with transcript of plea hearing is denied.

CACR09-1231. Michael B. Arnett v. State of Arkansas, from Clark Circuit. Appellant's motion to stay brief time is granted for thirty days. Appellant's brief due June 11, 2010. Final extension.

CACR10-381. Michael Lee Cowan v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Barry D. Neal to withdraw as counsel for appellant is granted. William O. "Bill" James, Jr., is appointed to represent the appellant. Appellant's brief due June 21, 2010.

CA09-578. Jennifer L. Chanslor v. Sonic Drive-In et al., from Workers' Compensation Commission. Motion of Cynthia Rogers to withdraw as counsel for appellee Sonic Drive-In is granted.

CA09-665. Rosemarie Clampitt v. James P. Geurin et ux., from Garland Circuit. Appellant's motion for oral argument is denied. Marshall, J., would grant.

CA09-955. George Hill v. LDA Leasing, Inc. et al., from Workers' Compensation Commission. Appellees' motion to

dismiss petition for rehearing, and alternative motion to file belated response to petition for rehearing is moot.

CA09-1124. Marc A. Rogers, M.D. v. Alan Sargent, from Garland Circuit. Appellant's motion to supplement the addendum is granted. Glover, J., not participating.

CA09-1205. Palani Karupaiyan et al. v. Gary Brown et al., from Pulaski Circuit, Third Division. Appellees' motion to dismiss appeal is granted.

CA09-1205. Palani Karupaiyan et al. v. Gary Brown et al., from Pulaski Circuit, Third Division. Appellants' pro se motion to proceed in forma pauperis to supplement the record and to stay appellee's motion to dismiss appeal is moot.

CA09-1205. Palani Karupaiyan et al. v. Gary Brown et al., from Pulaski Circuit, Third Division. Appellants' pro se motion to file enlarged response to motion to dismiss appeal is moot.

CA10-42. Pamela Brand v. Gregory Mourot, from Perry Circuit. Appellee's motion to complete the record is denied. Pittman, J., not participating.

CA10-386. Rosie Lattimore v. Wal-Mart Associates, Inc. et al., from Workers' Compensation Commission. Appellant's pro se motion to file belated appeal is denied.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA09-664. R.C. Landscaping and FirstComp Insurance Co. v. William B. Jones et al., from Workers' Compensation Commission.

CA09-1116. Donna Greenfield v. Conagra Foods, Inc. et al., from Workers' Compensation Commission.

CACR09-819. Derryl Seay v. State of Arkansas, from Crittenden Circuit. Motion of Rosalyn A. Watts for attorney's fees.

CACR09-893. David Eugene Lewis v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion to file points for reversal and reply brief.

CACR09-893. David Eugene Lewis v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion to file belated pro se points on appeal.

CACR09-893. David Eugene Lewis v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion for copies of points on appeal at public expense.

CACR09-1171. Charles Skomp v. State of Arkansas, from Bradley Circuit. Motion of Joseph P. Mazzanti, III for attorney's fees and expenses.

CACR09-1185. Steven Ray Skomp v. State of Arkansas, from Bradley Circuit. Motion of Timothy R. Leonard for attorney's fees and expenses.

CA09-1033. Terry Otter v. Sex Offender Assessment Committee, from Jefferson Circuit. Appellant's pro se motion to file belated petition for rehearing.

CA09-1221. Wesner's Grill et al. v. Kenneth Carpenter, from Workers' Compensation Commission. Appellee's motion for costs.

CA09-1395. M. W. v. State of Arkansas, from Pulaski Circuit, Tenth Division. Appellant's motion to seal the record.

CA10-19. Bank of the Ozarks v. Jim Wood Company, Inc. et al., from Pulaski Circuit, First Division. Appellant's motion for oral argument.

CA10-26. Mary E. Green et al. v. George's Farms, Inc. et al., from Washington Circuit. Appellants' motion for extension of brief time.

CA10-32. Alvis Eugene Dowty, Sr., Karen Dowty et al. v. Evelyn Riggs, from Craighead Circuit, Western District. Motion of ATLA to file amicus curiae brief in support of appellants.

CA10-60. John K. Kelly v. Christian Snowden Kelly, from Pulaski Circuit, Fifteenth Division. Appellant's petition for writ of mandamus.

CA10-165. Pinnacle Point Properties, LLC et al. V. Metropolitan National Bank, from Benton Circuit. Notice of bankruptcy filing.

CA10-316. LaTrice Gilmore v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Appellant's motions to file belated brief.

CA10-322. Tonya Casarreal v. Arkansas Department of Human Services et al., from Sebastian Circuit, Fort Smith District. Appellant's motion to supplement the record.

CA10-339/340. Lee Cater and Donna M. McCormick v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Appellants' motion to consolidate appeals.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for mandamus for transcript; appointment of counsel and for extension of brief time.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for mandamus for lower court documents.

CA10-450. Crystal Aday v. Arkansas Department of Human Services et al., from Saline Circuit. Appellant's motion to consolidate CA10-450 and CA10-333 and to stay brief time.

SUBMISSIONS

CA09-1095. Agracat, Inc. et al. v. AFS-NWA, LLC, d/b/a Montana Tractors, Inc. from Washington Circuit. Argued orally.

CACR09-144. Justin C. Teague v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-163. David Carter v. State of Arkansas, from Crittenden Circuit.

CACR09-778. Frederick Childs v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR09-1106. Jesse Mack v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR09-1143. Timothy Harris v. State of Arkansas, from Pulaski Circuit, First Division.

CACR09-1156. Willie Patton v. State of Arkansas, from Bradley Circuit.

CACR09-1291. Michelle Burkhart v. State of Arkansas, from Crawford Circuit.

CA09-108. John Truitt v. Mary Jane Freeman, from Poinsett Circuit.

CA09-167. West Memphis Adolescent Residential, LLC. v. J.T. Compton, from Crittenden Circuit.

CA09-606. Tonya Rodgers v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

CA09-776. Diana J. Lancaster v. Steve Regier, from Benton Circuit.

CA09-985. Amber Kimble Shields v. Mitchell Kimble, from Randolph Circuit.

CA09-1300. T. Y. R. v. State of Arkansas, from Faulkner Circuit.

CA10-23. Century Industries, Inc. v. Reach Associates, LLC, from Pulaski Circuit, Third Division.

CA10-93. Lavonda Williams v. Arkansas Department of Human Services, from Ashley Circuit.