

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 8, 2012

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR11-914](#). Howard Lynn Crowder v. State of Arkansas, from White Circuit. Affirmed. Abramson and Hoofman, JJ., agree.

[CA11-651](#). Perry Mack v. Union Pacific Railroad Company, from Jefferson Circuit. Affirmed. Abramson and Hoofman, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CA11-265](#). Suzanne P. Dew v. Terry L. Dew, from Johnson Circuit. Affirmed. Robbins and Glover, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[E11-118](#). George A. Occhuzzo v. Director, Department of Workforce Services, and J.B. Hunt Transport, from the Arkansas Board of Review. Affirmed. Gladwin and Wynne, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR11-721](#). Patti Jo James v. State of Arkansas, from Arkansas Circuit, Northern District. Affirmed in part; reversed and remanded in part. Hart and Wynne, JJ., agree.

[CACR11-851](#). Francisco Ortego Montalvo v. State of Arkansas, from Faulkner Circuit. Affirmed. Hart and Wynne, JJ., agree.

[CA11-640](#). Mary Richardson and Michael Richardson v. Jean Madden d/b/a Madden Law Firm, from Lonoke Circuit. Affirmed. Hart and Wynne, JJ., agree.

JOHN B. ROBBINS, JUDGE:

[CACR11-841](#). Gary Edward Knotts v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Pittman and Glover, JJ., agree.

[CA11-12](#). Suzanne P. Dew v. Terry L. Dew, from Johnson Circuit. Affirmed. Pittman and Glover, JJ., agree.

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ROBIN F. WYNNE, JUDGE:

[CA11-77](#). Helen Freeman Lynch v. Harrell Bates and Vivian Bates, from Faulkner Circuit. Reversed and remanded. Vaught, C.J., and Hart, Abramson, and Hoofman, JJ., agree. Gladwin, J., dissents.

[CA11-734](#). Donald Thompson v. Arkansas Department of Human Services and Minor Children, from Carroll Circuit, Eastern District. Affirmed. Hart and Gladwin, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR11-568](#). Felipe Reyes v. State of Arkansas, from Miller Circuit. Remanded to settle the record; rebriefing ordered. Martin and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CACR11-880](#). Eric James Elliott v. State of Arkansas, from Lonoke Circuit. Affirmed. Pittman and Robbins, JJ., agree.

[CA11-665](#). Emily Tonos Bendinelli v. Michael Emil Bendinelli, from Chicot Circuit. Affirmed. Pittman and Robbins, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CACR11-969](#). Scott C. Mitchell v. State of Arkansas, from Garland Circuit. Affirmed. Vaught, C.J., and Hoofman, J., agree.

[CA11-806](#). David Brent Morris v. Paula Dickerson, from Polk Circuit. Reversed. Vaught, C.J., and Hoofman, J., agree.

DOUG MARTIN, JUDGE:

[CACR11-412](#). Patrick Cinque Smith v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Gruber, J., agrees. Brown, J., concurs.

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CLIFF HOOFFMAN, JUDGE:

[CACR11-613](#). Danny Lee Ashley v. State of Arkansas, from Grant Circuit. Affirmed. Vaught, C.J., and Abramson, J., agree.

[CA11-319](#). Metro Empire Land Association, LLC, Garland Trice, and Leoma Lambert v. Arlands, LLC, and Mark Wilcox, Commissioner of State Lands, from Jefferson Circuit. Rebriefing ordered. Vaught, C.J., and Abramson, J., agree.

[CA11-939](#). Ozark Natural Food and Nationwide Mutual Insurance Co. v. Leah Pierson, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Abramson, J., agree.

WAYMOND M. BROWN, JUDGE:

[CA11-459](#). Benefit Bank v. Marilyn Rogers, from Sebastian Circuit, Greenwood District. Reversed and remanded. Gruber and Martin, JJ., agree.

[CA11-906](#). Ouachita County Medical Center and Risk Management Resources v. Stacey Murphy, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Martin, JJ., agree.

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PER CURIAM ORDERS

PETITION FOR REHEARING: Petition for Rehearing was denied today in the following case.

CA11-189. Grayson & Grayson, P.A. v. David A. Couch, from Pulaski Circuit, Third Division.

CACR10-1295. Anthony Darnell Thompson v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,400.00.

CACR11-323. Jerome Scott McPherson v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,000.00.

CACR11-567. Dennis Lemond Armstrong v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,100.00.

CACR11-860. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion for rule on clerk is treated as a motion to file belated brief and granted.

CACR11-997. Kevin Webb v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellee's motion to dismiss appeal and to stay brief time pending determination of appellee's motion to dismiss. Motion to dismiss is passed until the case is submitted. Appellee's brief due February 18, 2012.

CACR11-1242. Ronald L. Davis v. State of Arkansas, from Jefferson Circuit. Appellant's motion to supplement record and for stay of briefing schedule is granted.

CACR11-1275. Terry Duane Nutt v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to supplement the record is granted.

CACR12-42. Tracy Shannon Todd v. State of Arkansas, from Crawford Circuit. Motion and amended motion of William Z. White to withdraw as counsel for appellant and for substitution of William O. "Bill" James, Jr. and Lee D. Short as appellate counsel is granted.

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CA08-1351. Gary Bodiford, M.D. v. Joyce Street, LLC, et al., from Washington Circuit. Appellees' bankruptcy status report due within ninety days.

CA11-197. Billy R. Hallum v. Estate of Mel Hallum, from Craighead Circuit, Western District. Appellee's motion to dismiss appeal is granted. Appellant's motion for reconsideration is moot.

CA11-874. Gary Brumley et al. v. Terry L. Keech et al., from Crawford Circuit. Appellants' motion for oral argument is granted.

CA11-956. J.B. Hunt Transport, Inc. v. David McKenney, from Benton Circuit. Appellant's motion to dismiss appeal is granted.

CA11-1017. Peter Daniels, Jr. v. Daryl Davis, from Jefferson Circuit. Appellee's motion for attorney's fees is denied.

CA11-1095. Delane Wright et al. v. Nancy E. Viele et al., from Van Buren Circuit. Appellees' motion for expansion of page limit is denied. Appellees' brief due March 9, 2012.

CA11-1229. Rodney D. Kankey v. State of Arkansas, from Fulton Circuit. Appellant's motion to file belated brief is granted.

CA11-1272. Cinnamon Valley Resort, Inc., and Connie S. Walsh v. Cornerstone Bank, from Carroll Circuit, Western District. Appellee's motion to dismiss appeal and motion for sanctions. Motion to dismiss appeal is granted. Motion for sanctions is denied.

CA11-1272. Cinnamon Valley Resort, Inc., and Connie S. Walsh v. Cornerstone Bank, from Carroll Circuit, Western District. Motion of separate appellant Connie Walsh to dismiss appeal is granted.

CA11-1299. HPD, LLC v. Tetra Technologies, Inc., from Union Circuit. Appellant/cross-appellee's motion to seal confidential exhibits is granted.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CACR11-322. Kevin Kyle Crouse v. State of Arkansas, from Crittenden Circuit.

CACR10-825. Terry Lee Mace v. State of Arkansas, from Johnson Circuit. Appellant's motion to file non conforming brief and to stay brief time.

CACR11-298. Demetris Parnel Jordan v. State of Arkansas, from Miller Circuit. Motion of Jason Horton for attorney's fees.

CACR11-399. Courtney Ross v. State of Arkansas, from Howard Circuit. Motion of Jeffrey Weber for attorney's fees.

CACR11-585. Antonio Marcus Wright v. State of Arkansas, from Columbia Circuit. Appellant's motion to file corrected substituted brief for missing page.

CACR11-659. Billy Joe Clark v. State of Arkansas, from Woodruff Circuit. Appellant's motion to enlarge the record and to stay adjudication .

CACR11-1054. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal.

CACR11-1054. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion for additional time to file belated brief.

CA11-742. Donald Wayne Eastman v. Canal Insurance Company, from Ouachita Circuit. Appellee's motion to dismiss appeal.

CA11-982. Erin M. Fischer v. Damon L. Smith, from Sebastian Circuit, Fort Smith District. Appellant's motion for oral argument.

CA11-1065. Pearl Jenkins et al. v. APS Insurance, LLC, from Pulaski Circuit, Sixth Division. Appellee's motion to dismiss appeal.

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MOTIONS SUBMITTED

CA11-1120. Joshua Chase v. Arkansas Department of Human Services et al., from Jefferson Circuit. Appellant's motion to stay briefing time for appellees while appellant amends the certificate of service to include the intervenors.

CA11-1192. Courtney Baylark v. Exigence, LLC, from Phillips Circuit. Appellant's motion to dismiss cross appeal.

CA11-1208. Catherine Yokley v. Bruce Yokley, from White Circuit. Appellee's motion to dismiss appeal.

CA11-1222. RiceTec, Inc. v. Scott Meridith, from Greene Circuit. Appellee's motion to dismiss appeal and motion for additional brief time.

CA11-1230. CA11-1231. Sarah Jean Madden v. Aaron Madden, from Sebastian Circuit, Fort Smith District. Appellant's and appellee's joint motion to consolidate cases CA11-1230 and CA11-1231.

CA11-1231. Sarah Jean Madden v. David Cole, from Sebastian Circuit, Fort Smith District. Appellant's and appellee's joint motion to consolidate cases CA11-1230 and CA11-1231.

CA11-1238. Guy Neal Wilkinson v. Pamela H. Smith, from Garland Circuit. Appellee's motion to dismiss appeal.

CA11-1238. Guy Neal Wilkinson v. Pamela H. Smith, from Garland Circuit. Appellant's motion to file belated brief.

CA12-2. Sam Edward Thurmond, Sr. v. Kohl's Department Store, Inc., from Faulkner Circuit. Appellant's pro se motion for hearing transcripts.

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SUBMISSIONS

E11-100. Western Land Services, Inc. v. Director et al. Argued orally.

CACR11-254. Ronald Deron Green v. State of Arkansas, from Desha Circuit.

CACR11-643. Robert Preston Clayton v. State of Arkansas, from Arkansas Circuit, Northern District.

CACR11-892. Johnny Andrew Brown, Jr. v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR11-991. Abner Dale Johnson v. State of Arkansas, from Carroll Circuit, Eastern District.

CACR11-1048. Bobby Simmons v. State of Arkansas, from Jackson Circuit.

CA11-562. Thomas B. Queen v. Nortel Networks, Inc., and Travelers Property and Casualty Co., from Workers' Compensation Commission.

CA11-783. Jim Peterson and Jan Peterson v. William "Bill" Davis et al., from Baxter Circuit.

CA11-787. Larry Payton v. Teresa Best, Administratrix of the Estate of Troy Coleman, from Craighead Circuit, Western District.

CA11-796. Sheila Milton v. K-Tops Plastic Mfg. Co., from Workers' Compensation Commission.

CA11-801. Larry Lunday v. Entergy Arkansas, Inc., from Workers' Compensation Commission.

CA11-810. Robert O. Shafer, Jr. v. Karl E. Shafer, from White Probate.

CA11-844. John G. Bryant v. Hicks Well Service, from Workers' Compensation Commission.

CA11-847. Jeremy Dewayne Summers v. Charlie Elmer Byrd, from Mississippi Circuit, Chickasawba District.

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CA11-859. Tommy R. Kimble v. Hino Motors Mfg. USA, Inc., from Workers' Compensation Commission.

CA11-902. Kenny Staggs et al. v. Union Pacific Railroad Company, from Independence Circuit.

CA11-928. Danny Victory et al. v. Jonnie Smith et al., from Searcy Circuit.

CA11-966. Jackie T. Price, Sr. v. Barbara A. Griffin Price, from Jackson Circuit.

CA11-987. James E. A. Maxwell et al. v. Estate of James Arthur Maxwell, from Pulaski Circuit, Fourteenth Division.

CA11-1015. Smith Land Company, LLC, et al. v. John Hancock Mutual Life Ins. Co., from Columbia Circuit.

CA11-1034. Larry Pfeifer v. Benjamin Glenn Deal, from Yell Circuit, Northern District.

CA11-1078. James David Carruth v. Mary Ann Carruth, from Union Circuit.

CA11-1125. Randy Wells v. Arkansas Department of Human Services and Minor Child, from Baxter Circuit.

E11-183. Reginald W. Mitchell v. Director et al., from Arkansas Board of Review.