

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 15, 2012

LARRY D. VAUGHT, CHIEF JUDGE:

[CA11-929](#). David L. Barber v. Pork Group, Inc., and Tynet Corporation, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Glover, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR11-648](#). Harry Lee Porter v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Robbins and Glover, JJ., agree.

[CA10-1248](#). T.D. v. State of Arkansas, from Faulkner Circuit. Affirmed. Gladwin and Martin, JJ., agree.

[CA11-663](#). Jimmie H. Baker v. Scherrie L. Bolin et al., from Madison Circuit. Affirmed. Robbins and Glover, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CA11-264](#). J & J Excavating v. Doyne Construction Company, Inc., and Liberty Mutual Insurance Company, from Pulaski Circuit, Second Division. Affirmed. Vaught, C.J., and Wynne, Abramson, and Hoofman, JJ., agree. Hart, J., concurring in part; dissenting in part.

[CA11-977](#). Ken Gunter v. Arkansas State Highway & Transportation Dep't, and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Martin, JJ., agree.

JOHN B. ROBBINS, JUDGE:

[CACR11-909](#). Carle A. Freeman v. State of Arkansas, from Pope Circuit. Affirmed. Wynne and Abramson, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CA11-129](#). Lamco Limited Partnership II v. Pasta Concepts, Inc.; Pasta Concepts, LLC; Pasta Concepts of Conway, LLC; Fazoli's Franchising Systems, LLC; George Osborn; Janice Osborn; Mark Osborn; Brenda Osborn; Mark Levinson; Elizabeth Levinson; Roger Hill; and Connie Hill, from Faulkner Circuit. Dismissed. Robbins and Abramson, JJ., agree.

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RITA W. GRUBER, JUDGE:

[CA11-578](#). Susan Collier v. Mel Collier, from Washington Circuit. Affirmed. Vaught, C.J., and Glover, J., agree.

[CA11-846](#). Alvin M. Beck v. Inter City Transportation, Inc., from Pulaski Circuit, Seventeenth Division. Remanded for supplementation of the record; rebriefing ordered. Martin and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CA11-580](#). Edward Irwin Courtney v. Richard Lynn Ward, II, and Tessa Ward, from Washington Circuit. Affirmed. Vaught, C.J., and Gruber, J., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CA11-1066](#). Joseph Lynch v. Arkansas Department of Human Services and V.L. and J.L., Minors, from Garland Circuit. Affirmed. Robbins and Wynne, JJ., agree.

DOUG MARTIN, JUDGE:

[CACR11-717](#). Rebecca Mary Turner v. State of Arkansas, from Garland Circuit. Affirmed. Gruber and Brown, JJ., agree.

[CACR11-829](#). Timothy Allen Wells v. State of Arkansas, from Hot Spring Circuit. Rebriefing ordered. Gruber and Brown, JJ., agree.

[CA11-1039](#). Jennifer Fetters v. Arkansas Department of Human Services, from Prairie Circuit, Northern District. Affirmed; motion to be relieved granted. Pittman and Gladwin, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CA11-831](#). Albert R. Wright v. St. Vincent Doctors Hospital Indemnity Ins. Co. of North America, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Abramson, Martin, and Brown, JJ., agree. Vaught, C.J., and Gruber, J., dissent.

[CA11-1067](#). Michael Lewis and Lisa Gragg v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District. Affirmed in part; motion granted; reversed and remanded in part. Hart and Brown, JJ., agree.

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WAYMOND M. BROWN, JUDGE:

[CA11-1088](#). Tracy George Lowe v. Arkansas Department of Human Services and Minor Child, from St. Francis Circuit. Affirmed. Hart and Hoofman, JJ., agree.

PER CURIAM DECISIONS

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

- E11-223. Jeff D. McDonald v. Director et al.
- E11-224. Lynnette A. Cole v. Director et al.
- E11-225. Willie Plummer v. Director et al.
- E11-226. Lawrence E. Johnson v. Director et al.
- E11-227. Ada M. Clark v. Director et al.
- E11-229. Robert J. Stauffer v. Director et al.
- E11-230. Jeannie A. Lentz v. Director et al.
- E11-231. Cindy J. Russell v. Director et al.
- E11-232. Kay O. Mogensen v. Director et al.
- E11-233. Clyde Miller v. Director et al.
- E11-234. Dale H. Markeikeke v. Director et al.
- E11-235. Michael R. Lowe v. Director et al.
- E11-236. Timothy T. Locklar v. Director et al.
- E11-237. Duc V. Bien v. Director et al.
- E11-238. Velma L. Maxwell v. Director et al.

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- E11-240. Harold W. Britton v. Director et al.
- E11-241. Larry E. Porter v. Director et al.
- E11-242. Robert S. Baysinger v. Director et al.
- E11-243. Barbara Beeson v. Director et al.
- E11-244. Doubletree Club v. Director et al.
- E11-245. Berryl Tucker v. Director et al.
- E11-246. Latonya M. Meadows v. Director et al.
- E11-247. Maria Alvarez v. Director et al.
- E11-248. Lee A. Smith v. Director et al.

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PER CURIAM ORDERS

CACR10-825. Terry Lee Mace v. State of Arkansas, from Johnson Circuit. Appellant's motion to file nonconforming brief is denied. Appellant's brief due within thirty days.

CACR11-298. Demetris Parnel Jordan v. State of Arkansas, from Miller Circuit. Motion of Jason Horton for attorney's fees is granted. Allowed \$1,400.00.

CACR11-399. Courtney Ross v. State of Arkansas, from Howard Circuit. Motion of Jeffrey Weber for attorney's fees is granted. Allowed \$1,100.00.

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

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

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

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 is granted.

CA11-742. Donald Wayne Eastman v. Canal Insurance Company, from Ouachita Circuit. Appellee's motion to dismiss appeal is granted. Glover, J., not participating.

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

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

CA11-1180. Sandy Thomas v. Arkansas Department of Human Services and Minor Children,

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PER CURIAM ORDERS

from Miller Circuit. Appellant's motion to stay appellees' briefing time while appellant amends certificate of service to include omitted parties is granted.

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

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 is denied.

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 is denied.

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

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

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

CA12-18. Desarae Gregory and Matthew Gregory v. Arkansas Department of Human Services and Minor Children, from Garland Circuit. Appellees' combined motion to dismiss appeal is denied. Appellants' brief due within fifteen days.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA10-945. Barry J. Jewell v. Debra-Duree Jewell, from Pulaski Circuit, Seventeenth Division.

CA11-175. Greg E. Prock v. Bull Shoals Boat Landing, American Home Assurance, and AIG Claims Services, from Workers' Compensation Commission.

CA11-313. Matthew L. Edmisten v. Bull Shoals Landing and AIG Domestic Claims, Inc., from Workers' Compensation Commission.

CA11-739. Arkansas Department of Human Services v. A.M., Sonja Mitchell, and Christopher Matthews, Sr., from Jefferson Circuit.

CA11-775. Janice C. Tucker v. Bank of America Indemnity Insurance Company of North America and Gallagher Bassett Services, Inc., from Workers' Compensation Commission.

CACR11-613. Danny Lee Ashley v. State of Arkansas, from Grant Circuit. Motion of Christopher Cordero for attorney's fees.

CACR11-994. Joe McKinley Jones, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for writ of certiorari to complete the record and for extension of brief time.

CACR11-1133. Claude C. Smith v. State of Arkansas, from Miller Circuit. Appellant's motion to supplement the record on appeal

CACR11-1140. Cynthia Jones v. State of Arkansas, from Pulaski Probate, Seventh Division. Appellee's motion to dismiss appeal.

CACR12-70. Reco Dantae Givan v. State of Arkansas, from Faulkner Circuit. Motion to proceed in forma pauperis.

CACR12-70. Reco Dantae Givan v. State of Arkansas, from Faulkner Circuit. Motion of Teresa Bloodman to be appointed attorney of record.

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MOTIONS SUBMITTED

CA11-690. Peter Sam Cyphers et al. v. Louis Lee Cyphers et al., from Union Circuit. Appellant's motion for reconsideration.

CA11-706. ServiceMaster of Little Rock, Inc. v. Peggy Vickers, from Pulaski Circuit, Seventeenth Division. Appellee's motion for attorney's fee.

CA11-823. Proassurance Indemnity Co., Inc., et al. v. Pamela and Kenny Metheny, from Pulaski Circuit, Sixteenth Division. Appellant's motion to seal the record and briefs.

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SUBMISSIONS

CACR09-345. Daniel Dorsey v. State of Arkansas, from Crittenden Circuit.

CACR11-819. Benjamin Eagle v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR11-890. Michael Arlie Feuget v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR11-919. Phillip Sullivan v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CA11-817. Baptist Memorial Hospital - Forrest City, Inc. v. Paul Neblett, M.D., from St. Francis Circuit.

CA11-842. Greg Spears v. Wendy Spears, from Craighead Circuit, Western District.

CA11-893. Bismarck School District v. Paul Sims, from Hot Spring Circuit.

CA11-980. Charles S. Wilson and Janie B. Wilson v. Mary S. Graf, from Van Buren Circuit.

CA11-984. Edward A. Labry, III v. Metropolitan National Bank, from Washington Circuit.

CA11-1006. Roger Dale Midkiff and Melinda Midkiff v. Crain Ford Jacksonville, LLC, from Arkansas Circuit, Southern District.

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SUBMISSIONS

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

E11-59. Shannon Rouse v. Director et al.

E11-249. Frank Crum v. Director et al.

E11-250. Chelcia R. Neal v. Director et al.

E11-251. Roderick McKenzie v. Director et al.

E11-252. Adrianon L. Clements v. Director et al.

E11-253. Marie Booth v. Director et al.

E11-254. Lee E. Jones v. Director et al.

E11-255. Teresa Fagan v. Director et al.

E11-256. Penny L. Stroud v. Director et al.

E11-257. Cindy Binder v. Director et al.

E11-258. Reecia McGaha v. Director et al.

E11-259. Anthony Payne v. Director et al.

E11-260. Shaundre S. Williams v. Director et al.