

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 22, 2012

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR11-254](#). Ronald Deron Green v. State of Arkansas, from Desha Circuit. Affirmed. Gruber and Glover, JJ., agree.

[CA11-1015](#). Smith Land Company, LLC, Springhill Land & Timber Co., LLC, and A. Lamar Smith v. John Hancock Mutual Life Insurance Co., from Columbia Circuit. Dismissed. Gruber and Glover, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CA11-787](#). Larry Payton v. Troy Coleman, from Craighead Circuit, Western District. Affirmed. Gladwin and Martin, JJ., agree.

[E11-100](#). Western Land Services, Inc. v. Director, Arkansas Department of Workforce Services, from the Director of the Arkansas Department of Workforce Services. Affirmed. Gladwin and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR09-933](#). Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Affirmed. Hoofman and Brown, JJ., agree.

[CACR11-892](#). Johnnie Andrew Brown, Jr. v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Hoofman and Brown, JJ., agree.

[CA11-722](#). Dina Hartsell v. Lelion Mark Weatherford, from Garland Circuit. Reversed and remanded. Vaught, C.J., and Gladwin, Wynne, Abramson, and Hoofman, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR11-1048](#). Bobby Simmons v. State of Arkansas, from Jefferson Circuit. Affirmed. Pittman and Martin, JJ., agree.

[CA11-783](#). Jim Peterson and Jan Peterson v. William “Bill” Davis, Sheri Davis, Sherman Fine, and Ruth Fine, from Baxter Circuit. Affirmed. Pittman and Martin, JJ., agree.

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JOHN B. ROBBINS, JUDGE:

[CACR11-991](#). Abner Dale Johnson v. State of Arkansas, from Carroll Circuit, Eastern District. Affirmed. Wynne and Abramson, JJ., agree.

[CA11-928](#). Danny Victory, Sandra Victory, and Joshua Victory v. Jonnie Smith, Joan Leonard, Allie Jean Victory, Patsy Dyer, and Ellisa Bell Sutton, from Searcy Circuit. Reversed and remanded with directions. Wynne and Abramson, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CA11-801](#). Larry Lunday v. Entergy Arkansas, Inc.; Second Injury Fund; and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Abramson, JJ., agree.

RITA W. GRUBER, JUDGE:

[CA11-844](#). John G. Bryant v. Hicks Well Service, Farmers & Merchants Insurance Co., and Permanent & Total Disability Bank Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Glover, J., agree.

[CA11-847](#). Jeremy Dewayne Summers v. Charlie Elmer Byrd, individually and in his official capacity; Robert Leon Lewis, individually and in his official capacity; Fred L. Roberts, Jr., Chief of Police of Gosnell, in his official capacity; City of Gosnell; and Dick Reams, Mayor of the City of Gosnell, in his official capacity, from Mississippi Circuit, Chickasawba District. Affirmed. Vaught, C.J., and Glover, J., agree.

DAVID M. GLOVER, JUDGE:

[CA11-1078](#). James David Carruth v. Mary Ann Carruth, from Union Circuit. Dismissed without prejudice. Vaught, C.J., and Gruber, J., agree.

[E11-183](#). Reginald W. Mitchell v. Director, Department of Workforce Services, and Arkansas Department of Correction, from the Arkansas Board of Review. Reversed and remanded for award of benefits. Vaught, C.J., and Gruber, J., agree.

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DOUG MARTIN, JUDGE:

[CA11-987](#). James E. A. Maxwell and Julia Inez Maxwell Hill v. Estate of James Arthur Maxwell, from Pulaski Circuit, Fourteenth Division. Reversed and remanded. Pittman and Gladwin, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CA11-796](#). Sheila Milton v. K-Tops Plastic Mfg. Co., Companion Property & Casualty, Second Injury Fund, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal and cross-appeal. Hart and Brown, JJ., agree.

[CA11-1125](#). Randy Wells v. Arkansas Department of Human Services, from Baxter Circuit. Affirmed. Hart and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CA11-810](#). Robert O. Shafer, Jr. v. Estate of Robert O. Shafer, Sr., from White Circuit. Affirmed. Hart and Hoofman, JJ., agree.

[CA11-859](#). Tommy R. Kimble v. Hino Motors Mfg. USA, Inc., Tokio Marine Mgmt., and Death & Permanent Total Disability Fund, from the Arkansas Workers' Compensation Commission. Rebriefing ordered. Hart and Hoofman, JJ., agree.

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PER CURIAM ORDERS

PETITIONS FOR REHEARING: Petitions for Rehearing were denied today in the following cases.

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. Vaught, C.J., and Abramson and Hoofman, JJ., would grant.

CA11-313. Matthew L. Edmisten v. Bull Shoals Landing and AIG Domestic Claims, Inc., from Workers' Compensation Commission. Vaught, C.J., and Abramson and Hoofman, JJ., would grant.

CA11-471. Clayton Coker v. Samantha Hess Coker, from Garland Circuit. Glover, J., concurs. Hart, J., dissents.

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

CACR10-680. Jewel Goldsberry v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's motion to file belated supplemental addendum is granted. Supplemental addendum filed this date.

CACR11-613. Danny Lee Ashley v. State of Arkansas, from Grant Circuit. Motion of Christopher Cordero for attorney's fees is granted. Allowed \$1,400.00.

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 is denied.

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PER CURIAM ORDERS

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

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

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

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

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

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

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

CA11-876. Derry Berrigan & Company et al. v. KBS Leasing, Inc., from Benton Circuit. Appellant's motion for extension of brief time is granted. Vaught, C.J., not participating.

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

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA11-303. Mary Evelyn Gibbs, Executrix of the Estate of Bethel Acuff (Deceased) v. Donald V. Bumgarner, Mildred R. Bumgarner, and Donald W. "Donnie" Bumgarner, from Madison Circuit.

CACR10-1110. Lee James Owens v. State of Arkansas, from Miller Circuit. Motion of Jason Horton for attorney's fees.

CACR11-447. Miguel Angel Osuna v. State of Arkansas, from Washington Circuit. Motion of Mylissia M. Blankenship for attorney's fees.

CACR11-858. Mikal Rasul v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's petition for writ of certiorari to complete the record and for extension of time to file appellant's brief.

CACR11-1258. Robert Lee Henderson v. State of Arkansas, from Miller Circuit. Appellee's motion for compliance with Administrative Order 19 and the rules governing the contents of briefs.

CA11-77. Helen Freeman Lynch v. Harrell Bates et al., from Faulkner Circuit. Appellees' motion for allowance of attorney's fees and expenses.

CA11-1033. Pamela Stuckey v. Systems, Inc. Mortgage Electronic Registration, from Pulaski Circuit, Third Division. Appellee's motion to dismiss appeal.

CA11-1033. Pamela Stuckey v. Systems, Inc. Mortgage Electronic Registration, from Pulaski Circuit, Third Division. Motion of separate appellee, Worsham Law Firm, P.A.'s motion to dismiss appeal.

CA11-1246. McVesting, LLC v. Heirs of Macie McGoon and Cecil R. Curren, Sr., from Van Buren Circuit. Appellees' motion to dismiss appeal.

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MOTIONS SUBMITTED

CA12-104. Kelly Dianne Hammock v. Brandie Slonaker, from Mississippi Circuit, Chickasawba District. Appellee's motion to dismiss appeal and for Rule 11 sanctions.

E11-206. Jerry L. Crouch v. Director et al., from Board of Review. Appellees' motion to file belated brief.

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SUBMISSIONS

CA11-720. Royce Pace v. Dean Davis, from Lawrence Circuit. Argued orally.

CA11-869. Jack Barnes et al. v. Alcoholic Beverage Control Board, from Columbia Circuit. Argued orally.

CACR11-964. Charles Lee Hancock v. State of Arkansas, from Grant Circuit.

CACR11-1043. Milan Orlando Mewborn v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CA11-223. Larry Eugene Madison et al. v. Ashley Dawn Turley Osburn, from Washington Circuit.

CA11-766. The Entertainer, Inc., et al. v. Cory Duffy, from Mississippi Circuit, Chickasawba District.

CA11-792. Sparkman Learning Center, Inc. v. Arkansas Department of Human Services, from Pulaski Circuit, Sixth Division.

CA11-957. Walgreen Co. et al. v. Grant W. Goode, from Workers' Compensation Commission.

CA11-1007. Carmelita Flores v. Walmart Distribution, from Workers' Compensation Commission.

CA11-1040. Angela Caramenz v. Arkansas Department of Human Services, from Sevier Circuit.

CA11-1052. Roberto Jaramillo v. Systems Contracting, from Workers' Compensation Commission.

CA11-1123. Michael Luster v. Ben E. Keith Foods, from Workers' Compensation Commission.