

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 18, 2012

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR11-972](#). Latoya Nicole Ayers v. State of Arkansas, from Saline Circuit. Dismissed. Gladwin and Wynne, JJ., agree.

[CA11-941](#). Joe Ryburn v. Janet Carol Ryburn, from Saline Circuit. Rebriefing ordered. Gladwin and Wynne, JJ., agree.

[CA11-1002](#). Buckeye Retirement Co., LLC., LTD v. Shannell Walter, from Pulaski Circuit, Sixth Division. Affirmed. Hart and Robbins, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR11-1060](#). Raoul Juan Luevano v. State of Arkansas, from Benton Circuit. Rebriefing ordered. Abramson and Brown, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR11-1145](#). Vincent Byron Fett v. State of Arkansas, from Polk Circuit. Reversed and dismissed. Gruber and Glover, JJ., agree.

[CA11-1126](#). Clarence Jones v. Rheem Manufacturing Company and Old Republic Insurance, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Glover, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR11-677](#). Robert Ryan Sipe v. State of Arkansas, from Garland Circuit. Affirmed. Vaught, C.J., and Wynne, J., agree.

[E11-206](#). Jerry L. Crouch v. Artee Williams, Director, Department of Workforce Services and Caldwell Auto Parts, from the Arkansas Board of Review. Affirmed. Vaught, C.J., and Wynne, J., agree.

JOHN B. ROBBINS, JUDGE:

[CACR11-916](#). Walter Bernard Boykins v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Martin and Hoofman, JJ., agree.

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JOHN B. ROBBINS, JUDGE: (continued)

[CA11-496](#). Arkansas Electric Energy Consumers, Inc., and Arkansas Gas Consumers, Inc. v. Arkansas Public Service Commission; Entergy Arkansas, Inc.; Centerpoint Energy Resources Corp.; and Audubon Arkansas, A Division of the National Audubon Society, Inc., from the Arkansas Public Service Commission. Affirmed. Vaught, C.J., and Pittman, Wynne, and Abramson, JJ., agree. Hart, J., dissents.

[CA11-780](#). Les Marlow, Brooks “Chip” Meadows, Cary Marlow, Chad Marlow, and Leigh Carson v. United Systems of Arkansas, Inc., and Glenn Petkovsek, from Pulaski Circuit, First Division. Rebriefing ordered. Martin and Hoofman, JJ., agree.

[CA11-1082](#). Dan Billingsley v. Planit Dirt Excavation & Concrete, Inc., and Desjoyaux Pools of Arkansas, Inc., from Saline Circuit. Affirmed. Martin and Hoofman, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CACR11-1031](#). Frankie L. Hatton v. State of Arkansas, from Lonoke Circuit. Affirmed. Vaught, C.J., and Gladwin, J., agree.

[CA11-365](#). Pinnacle Point Properties, LLC, et al. v. Metropolitan National Bank et al., from Benton Circuit. Dismissed in part; affirmed in part. Vaught, C.J., and Gladwin, J., agree.

RITA W. GRUBER, JUDGE:

[CACR11-747](#). Marcus W. Fields v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Hart and Glover, JJ., agree.

[CA11-886](#). Clifford Marshall Davis v. Andrea Denise Davis, from Fulton Circuit. Rebriefing ordered. Hart and Glover, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CA11-1042](#). Deltic Timber Corporation and Griffen Land Services, Inc. v. Kathy Sue Newland, Danny Newland, Karen Ann Newland, Randy Newland, and Lisa Kay Dillard, from Conway Circuit. Affirmed. Hart and Gruber, JJ., agree.

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RAYMOND R. ABRAMSON, JUDGE:

[CA11-772](#). Cedric Raulston v. Waste Management, Inc., Gallagher Bassett Services, and Indemnity Insurance Company of North America, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Brown, JJ., agree.

[CA11-1021](#). I.P. v. State of Arkansas, from Faulkner Circuit. Affirmed. Pittman and Brown, JJ., agree.

DOUG MARTIN, JUDGE:

[CACR11-936](#). Dewayne Boykin v. State of Arkansas, from Hot Spring Circuit. Affirmed. Gruber and Abramson, JJ., agree.

[CACR11-1004](#). Alton McLish v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Robbins and Hoofman, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CACR11-769](#). Cordell A. Wells, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed. Pittman and Abramson, JJ., agree.

[CA11-1094](#). Loretta Mercer and Ashley Mercer v. Michael Dean Engle and Jo Ann Engle, husband and wife, from Jackson Circuit. Reversed and remanded. Pittman and Abramson, JJ., agree.

[CA12-27](#). Earvin Davis, Jr. v. Action Mechanical, CNA Insurance Company, and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Remanded to supplement the record. Pittman and Abramson, JJ., agree.

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PER CURIAM ORDERS

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

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

CACR11-949. Alquantis Pitts v. State of Arkansas, from Chicot Circuit. Motion of Joseph P. Mazzanti, III, for attorney's fees is granted. Allowed \$1,400.00.

CA11-168. Jerry Beaver v. Graphic Packaging, from Workers' Compensation Commission. Appellant's motion for an award of attorney's fees is granted.

CA11-610. Acker Construction, LLC v. Hanh Billy Tran, from Scott Circuit. Appellee's motion for attorney's fees is denied.

CA11-859. Tommy R. Kimble v. Hino Motors Mfg. USA, Inc., et al., from Workers' Compensation Commission. Appellees' motion to file belated brief is granted.

CA11-1106. Kenneth O. Nicholson et al. v. Seeco, Inc., et al., from White Circuit. Motion of Arkansas Independent Producers and Royalty Owners Association, Inc., for permission to file Amicus brief in support of appellees is granted. Robbins, J., not participating.

E12-100. Anthony Daniels v. Director et al., from Board of Review. Appellant's motion to file a supplemental petition is denied.

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PER CURIAM ORDERS

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).

- E11-288. Dena R. Ford v. Director et al.
- E11-289. James H. Lavender v. Director et al.
- E11-290. Sandra A. Nolen v. Director et al.
- E11-291. Pauline D. Johnson v. Director et al.
- E11-293. Steve P. Smith v. Director et al.
- E11-294. Amanda Offtermatt v. Director et al.
- E11-295. Jeremiah T. Dupree v. Director et al.
- E11-296. Lemetric Johnson v. Director et al.
- E11-297. Linda Snearly v. Director et al.
- E11-298. James Hawley v. Director et al.
- E11-299. Keith Thompson v. Director et al.

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MOTIONS SUBMITTED

CACR10-1320. Cameka Sullivan v. State of Arkansas, from Saline Circuit. Motion of J. Brent Standridge for attorney's fees.

CACR11-643. Robert Preston Clayton v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Tim Cullen for attorney's fees.

CACR11-745. L.C. Kennedy, Jr. v. State of Arkansas, from Craighead Circuit, Western District. Motion and amended motion of Terry Goodwin Jones for attorney's fees.

CACR11-1153. Jonale Henry v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees.

CA11-958. Fred's Stores of Tennessee, Inc., et al. v. Melvin Ely, from Workers' Compensation Commission. Appellee's motion for attorney's fees.

CA11-1189. Joy Ann Richardson v. Jim Brown, from Faulkner Circuit. Appellee's motion to dismiss portion of appellant's appeal for failure to file notice of appeal.

CA12-151. Wilford E. Lamkins v. Wal-Mart Stores, Inc., from Workers' Compensation Commission. Appellant's pro se motion to file nonconforming brief.

CA12-275. Cynthia Butler Farrell v. Hanford Francis Farrell, from Sebastian Circuit, Fort Smith District. Appellant's motion to seal the record.

The following cases are called for dismissal for failure to file brief in accordance with Supreme Court Rule 4-5.

CA11-238. Professional Credit Management-Mountain Home, Inc. v. Jared Cantrell, from Marion Circuit.

CA11-360. Howard Smith, Sr. v. Helena-West Helena School District, from Phillips Circuit.

CA11-453. Ronnie McBride v. Janette McBride, Chris McLaughlin, and Tanya McLaughlin, from Sebastian Circuit, Greenwood District.

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SUBMISSIONS

CA11-559. J. Robert Fulton v. Beacon National Insurance Company and State Auto Financial Corporation d/b/a State Auto Insurance Companies, from Crittenden Circuit. Argued orally.

CACR10-680. Jewel Goldsberry, Jr. v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR11-18. Anthony Dewayne Price v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR11-240. Larry Eugene Walden v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR11-630. Jana French Carruth v. State of Arkansas, from Conway Circuit.

CA11-767. Donna Watkins et al. v. Arkansas Elder Outreach of Little Rock, Inc., from Crittenden Circuit.

CA11-942. Terri Lee Metz v. Thomas Edward Steele, from Johnson Circuit.

CA11-950. C.R. v. N.K., from Mississippi Circuit, Osceola District.

CA11-1045. Peter James Hudson v. Deanna Lynn Hudson, from Baxter Circuit.

CA11-1049. Denise Carla McCormick v. Albert James McCormick, from Fulton Circuit.

CA11-1072. Raju Patil, M.D. v. Gary Kevin Hoover, from Faulkner Circuit.

CA11-1120. Joshua Chase v. Arkansas Department of Human Services, from Jefferson Circuit.

CA11-1135. Stephanie Feagin v. Shawn Jackson, from White Circuit.

CA11-1143. David Henson v. National Transit Staffing, Inc., from Workers' Compensation Commission.

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SUBMISSIONS

CA11-1180. Sandy Thomas v. Arkansas Department of Human Services, from Miller Circuit.

CA11-1201. Tammie Marcellus and Mason G. Marcellus v. Dayna Manning Mays, from Scott Circuit.

CA11-1264. Albaro Vijil v. Schlumberger Technology Corp., from Workers' Compensation Commission.

CA12-4. John Crow v. Arkansas Department of Human Services, from Perry Circuit.

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

E12-2. Judy Brizendine v. Director et al.

E12-3. Virginia Vandergriff v. Director et al.

E12-4. SMA Medicine & Nephrology v. Director et al.

E12-5. Johnny Koonce v. Director et al.

E12-6. Sonya McAlister v. Director et al.

E12-7. James Turner v. Director et al.