

# ARKANSAS COURT OF APPEALS

Opinions delivered  
November 4, 2009

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LARRY D. VAUGHT, CHIEF JUDGE:

CA09-149. Kaedon Steinert, d/b/a Hurricane Express, Inc. et al. v. Arkansas Workers' Compensation Commission, from the Arkansas Workers' Compensation Commission. Affirmed in Part; Reversed in Part. Gladwin and Marshall, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR08-657. Damont L. Ewells v. State of Arkansas, from Garland Circuit. Reversed and Remanded. Hart and Glover, JJ., agree.

CACR09-342. James Richards, Jr. v. State of Arkansas, from Faulkner Circuit. Affirmed. Hart and Glover, JJ., agree.

CA09-369. Gary W. Peters v. Toby Doyle, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Hart and Glover, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CA09-174. Romorious Westbrook v. State of Arkansas, from Crittenden Circuit. Reversed and Dismissed. Pittman and Glover, JJ., agree.

E08-176. Deborah D. Bergman v. Director, Department of Workforce Services and Randolph County Nursing Home, from the Board of Review. Remanded. Pittman and Glover, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CA09-537. David Hickey v. Gardisser Construction, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Marshall, J., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-256. Erskin M. Whitney v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Kinard and Henry, JJ., agree.

CA08-1419. Mary Ann Kizer v. Dale Kizer and Simmons First National Bank, from Jefferson Circuit. Rebriefing Ordered. Kinard and Henry, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR09-94. Quiten L. Young v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Robbins and Henry, JJ., agree.

CACR09-102. Michelle Lee Ingram v. State of Arkansas, from Benton Circuit. Affirmed. Robbins and Henry, JJ., agree.

CA08-1443. Steven W. Lamb v. Norac Company, Inc., and Twin City Fire Insurance Company, from the Arkansas

Workers' Compensation Commission. Affirmed. Robbins and Henry, JJ., agree.

CA09-130. Chris Peck v. Wendy Peck (Egerdahl), from Grant Circuit. Reversed. Pittman and Henry, JJ., agree.

RITA W. GRUBER, JUDGE:

CA09-146. Kevin Konecny, Keith Konecny, and Kelly Konecny v. Dwight E. Anderson Living Trust, Dwight E. Anderson, Trustee and William Anderson, from Prairie Circuit, Southern District. Affirmed. Baker and Brown, JJ., agree.

CA09-424. Douglas W. King v. City of Little Rock, from the Arkansas Workers' Compensation Commission. Affirmed. Baker and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

CA09-338. Amanda Culhane, as Special Administrator of the Estate of Erik D. Culhane, Deceased v. Oxford Ridge, LLC., Landquest Communities of Arkansas, LLC., Daniel H. Lamp, and Professional Painting Services, Inc., from Benton Circuit. Affirmed. Robbins and Henry, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CA08-1478. Tonya L. Merritt, an Incapacitated Person by and through her Guardian, Brenda Higgins v. Bob Thornton, from Lonoke Circuit. Affirmed. Robbins and Kinard, JJ., agree.

CA09-472. Mack-Reynolds Appraisal Company v. Robert Morton, from the Arkansas Workers' Compensation Commission. Rebriefing Ordered. Robbins and Kinard, JJ., agree.

KAREN R. BAKER, JUDGE:

CA09-200. Cecil Martin and Anita Martin v. Kat's Bar & Grill, LLC, from Garland Circuit. Dismissed Without Prejudice. Gruber and Brown, JJ., agree.

CA09-481. Steve Crawford v. Superior Industries and Crockett Adjustment, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Brown, JJ., agree.

E09-21. SubTeachUSA, Inc. v. Director, Department of Workforce Services, and Lujuanda Coleman, from the Arkansas Board of Review. Affirmed. Pittman, Robbins, and Brown, JJ., agree. Kinard and Marshall, JJ., dissent.

WAYMOND M. BROWN, JUDGE:

CACR09-429. Caesar L. Clay, Jr. v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Gruber and Baker, JJ., agree.

CA08-945. Shelba McKinney and William McKinney v. Arkansas Cardiology, P.A., and Gary Collins, M.D., from Pulaski Circuit, Third Division. Appeal Dismissed. Gruber and Baker, JJ., agree.

CA09-275. Judy Campbell v. Department of Workforce Education and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Baker, JJ., agree.

**PER CURIAM ORDERS**

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

CACR08-1207. Sonya Nate Mooney v. State of Arkansas, from Craighead Circuit, Western District.

CACR09-62. Nacem Hassan Rasul v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR09-158. Jimmy D. Burdette v. City of Van Buren, from Crawford Circuit.

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CACR08-1412. James O. Williams v. State of Arkansas, from Saline Circuit. Motion of J. Brent Standridge for attorney's fees is granted. Allowed \$1,400.00.

CACR09-56. Nicholas Gibbs v. State of Arkansas, from Crittenden Circuit. Motion of Alvin Schay for attorney's fees is granted. Allowed \$1,400.00.

CACR09-154. Melvin Hawthorne v. State of Arkansas, from Garland Circuit. Motion of Patrick J. Benca for attorney's fees is granted. Allowed \$1,400.00.

CACR09-193. Loretta Bobbie Hodgson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees is granted. Allowed \$1,400.00.

CACR09-249. Donald Thompson v. State of Arkansas, from Carroll Circuit, Eastern District. Appellee's motion to dismiss appeal is granted. Pittman and Hart, JJ., would deny.

CACR09-730. Ruth Ann Lagoy v. State of Arkansas, from Stone Circuit. Appellant's motion for waiver of abstracting State's exhibit seven is denied.

CACR09-1020. Laquince Hogan v. State of Arkansas, from Little River Circuit. Motion of Michael D. Booker to be relieved as counsel and for appointment of counsel to represent appellant is granted. Victor D. "Trey" Wright III is appointed to represent the appellant. Brief due December 14, 2009.

CA09-665. Rosemarie Clampitt v. James P. Geurin et ux., from Garland Circuit. Appellant's motion for amendment to opening brief to be filed as timely is granted.

CA09-777. Sandra Hobson v. Donald Holloway, from Prairie Circuit, Southern District. Appellant's motion to file belated reply brief is granted.

CA09-815. Brittany Piggee v. The Kroger Company et al., from Workers' Compensation Commission. Appellees' second motion to dismiss appeal is granted.

CA09-907. Mark N. Erickson v. Tina K. Erickson, from Pulaski Circuit, Seventeenth Division. Appellant's motion to correct the record and to extend brief time is granted.

## **MOTIONS SUBMITTED**

### **PETITIONS FOR REHEARING:**

CA08-1111. Richard Roeben v. Tim Sneed et al., from Pulaski Circuit, Third Division.

CA08-1111. Richard Roeben v. Kelly Snellgrove et al., from Pulaski Circuit, Third Division.

CA08-1226. Troy Butcher, as Guardian of Thelma Healy v. Diane Beatty, as Personal Representative of John Healy's Estate, from Hot Spring Circuit.

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CACR08-1251. Luis Camacho-Mendoza v. State of Arkansas, from Crawford Circuit. Motion of William O. "Bill" James, Jr., for attorney's fees.

CACR08-1342. Keith Webster v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion of B. Kevin Holland for attorney's fees.

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Appellant's motion for appeal bond.

CACR08-1385. Edward Lee Carter v. State of Arkansas, from Garland Circuit. Motion of Timothy Beckham for attorney's fees.

CACR08-1391. Felipe Nevarez Ibarra v. State of Arkansas, from Washington Circuit. Motion of Victor D. "Trey" Wright III for attorney's fees.

CACR09-192. Souvanny Mingboupaha v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

CACR09-345. Daniel Dorsey v. State of Arkansas, from Crittenden Circuit. Appellant's pro se motion for reconsideration regarding points for reversal.

CACR09-368. Paul Douglas Gill v. State of Arkansas, from Union Circuit. Appellant's motion for extension of brief time after remand.

CACR09-764. James A. Holliday v. State of Arkansas, from Benton Circuit. Appellee's motion to dismiss appeal and motion for additional brief time.

CACR09-764. James A. Holliday v. State of Arkansas, from Benton Circuit. Appellant's petition for writ of certiorari to complete the record and for briefing schedule.

CACR09-778. Frederick Childs v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion to correct the record and to stay briefing schedule.

CACR09-809. Donte Chambers v. State of Arkansas, from Pulaski Circuit, First Division. Appellee's motion to dismiss appeal.

CACR09-934. Brian K. Walker v. State of Arkansas, from Pulaski Circuit, First Division. Motion of Brian K. Walker for substitution of counsel and for brief time.

CACR09-1146. Terry Moss v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to supplement the record.

CA08-982. Nationwide Assurance Company and Jon Neralich v. Michael Lobov, from Washington Circuit. Appellee's motion for attorney's fees.

## SUBMISSIONS

CA09-309. A. C. Frein et al. v. Windsor Weeping Mary, LP, from Lee Circuit. Argued orally.

CACR08-458. Michael Lee Anderson v. State of Arkansas, from Ashley Circuit.

CACR09-707. Steven Ray Ludlam v. State of Arkansas, from Lincoln Circuit.

CA08-1405. Charles V. Grassi, Sr. v. James W. Hyden, from Pulaski Circuit, Third Division.

CA09-41. Clara B. Harper v. Jimmy Lee Cannon, from Jefferson Circuit.

CA09-238. Ricky Garrett v. Thomas L. Fite, from Crawford Circuit.

CA09-293. Charles Koster v. Custom Pak Trissil, Graham and Tool, from Workers' Compensation Commission.

CA09-457. Debbra Dick v. Conley Transport and Virginia Surety Company, from Workers' Compensation Commission.

CA09-459. Steve Churchill v. Jeanette M. Churchill, from Pulaski Circuit, Ninth Division.

CA09-485. Douglas White v. Kara White, from Pulaski Circuit, Ninth Division.

CA09-492. Maureen Screeton v. Asco Vending, Inc., Gerald Scott and Cynthia Scott, from Pulaski Circuit, First Division.

CA09-511. Curtis Gardner v. Beverly Enterprises and Constitution State Services, from Workers' Compensation Commission.

CA09-527. Kimberly Griffith v. Medcath, Inc., from Workers' Compensation Commission.

CA09-536. Potlatch Corporation v. James Norman Word and Second Injury Fund, from Workers' Compensation Commission.

CA09-573. Anna McKellar v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

CA09-582. Tami Renee Stedman v. Arkansas Department of Human Services, from Garland Circuit.

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

CA09-659. Charles W. Scott v. Liberty Supply, Inc. and Massachusetts Bay Insurance Company, from Workers' Compensation Commission.

CA09-691. Joy L. Despain v. Franklin Electric Company, from Workers' Compensation Commission.

CA09-698. Huong B. Nguyen v. FM Corporation, from Workers' Compensation Commission.

CA09-699. Robert White v. Arkansas State Highway and Transportation Department and Second Injury Fund, from Workers' Compensation Commission.

CA09-736. Christine Angela Henfling v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

CA09-754. William D. Pranter v. Herbie Daniell, d/b/a Daniell Electric, and Ohio Casualty Insurance Company, from Workers' Compensation Commission.

CA09-850. W. T. v. State of Arkansas, from Craighead Circuit, Western District.