

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 20, 2013

ROBERT J. GLADWIN, CHIEF JUDGE:

[CACR11-1187](#). Mychael Kinard v. State of Arkansas, from Garland Circuit. Affirmed. Wynne and Hixson, JJ., agree.

[CA12-862](#). Mary Weatherspoon v. Arkansas Department of Human Services and T.N.1, and T.N.2, Minors, from Pulaski Circuit, Eighth Division. Affirmed. Wynne and Hixson, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR12-514](#). Anna Barber v. State of Arkansas, from the Boone Circuit. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

[CA12-599](#). Cynthia M. Meadows v. Mike Ferrell, from Nevada Circuit. Reversed and Dismissed. Gruber and Whiteaker, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CACR 12-461](#). Samuel P. Moore v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Glover and Brown, JJ., agree.

[CA12-580](#). Lisa Magee v. David Magee, from Benton Circuit. Affirmed. Glover and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CACR12-717](#). Richard Hendricks v. State of Arkansas, from Columbia Circuit. Affirmed. Vaught and Wood, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CACR12-643](#). Jamie Colter Martin v. State of Arkansas, from Garland Circuit. Affirmed. Gladwin, C.J., and Hixson, J., agree.

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RITA W. GRUBER, JUDGE:

[CACR12-439](#). Johnny Eugene Earls v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Reversed and Remanded. Pittman and Whiteaker, JJ., agree.

[CA12-612](#). Arvest Bank v. Bank of America, N.A., from Washington Circuit. Affirmed. Pittman and Whiteaker, JJ., agree.

[E12-634](#). Sharon Garrett v. Director, Arkansas Department of Workforce Services and Davita, from the Arkansas Board of Review. Affirmed. Wynne, Whiteaker and Vaught, JJ., agree. Harrison and Glover, JJ., dissent.

DAVID M. GLOVER, JUDGE:

[CACR12-469](#). Jesse Hoodenpyle v. State of Arkansas, from Crawford Circuit. Remanded to Correct and Supplement the Record. Walmsley and Brown, JJ., agree.

[CA12-222](#). R.R. v. State of Arkansas, from the Pope Circuit. Affirmed. Walmsley and Brown, JJ., agree.

[CA12-391](#). James Deen v. Janice Hopkins et al., from Benton Circuit. Affirmed. Hixson, Wood, and Brown, JJ., agree. Whiteaker and Vaught, JJ., dissent.

PHILLIP T. WHITEAKER, JUDGE:

[CACR12-505](#). Brent Dan Cotta v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Gruber, J., agrees. Pittman, J., concurs.

[CA12-633](#). Terry Dray and Tonia D. Dray v. Justin L. Likens and Erin R. Likens, from Crawford Circuit. Affirmed. Pittman and Gruber, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CACR12-670](#). James Collier, III v. State of Arkansas, from Jefferson Circuit. Rebriefing Ordered; Motion to Withdraw Denied. Harrison and Wood, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CACR12-681](#). Laura Barron-Gonzalez v. State of Arkansas, from Howard Circuit. Affirmed. Gladwin, C.J., and Wynne, J., agree.

[CA12-610](#). Wesleyan Corporation v. Anderson Electric of Pine Bluff, Inc., from Jefferson Circuit. Affirmed. Gladwin, C.J., and Wynne, J., agree.

RHONDA K. WOOD, JUDGE:

[CACR12-700](#). Kurtis A. Jensen v. State of Arkansas, from Garland Circuit. Rebriefing Ordered. Harrison and Vaught, JJ., agree.

[CA12-507](#). M.W. v. State of Arkansas, from the Craighead Circuit, Western District. Affirmed and Remanded with Instructions. Harrison and Vaught, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CA11-1179](#). Cynthia Wingfield v. Jeffrey Wingfield, from Pulaski Circuit, Sixth Division. Affirmed. Walmsley and Glover, JJ., agree.

[CA12-328](#). Camille L. Griffin Cole v. Charles Edward Griffin, from Lonoke Circuit. Reversed and Remanded. Gladwin, C.J., and Pittman and Hixson, JJ., agree. Walmsley and Wood, JJ., dissent.

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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).

E12-725. Michelle Jerry v. Director et al.

E12-726. Kevin Page v. Director et al.

E12-727. Virginia Gilbert v. Director et al.

E12-729. Stephen Knight v. Director et al.

E12-730. Tonya House v. Director et al.

E12-731. Emily Austin v. Director et al.

E12-732. Vicky Rochner v. Director et al.

E12-733. Dorothy Hicks v. Director et al.

E12-734. Michael Daniels v. Director et al.

E12-735. Susan McDaniel v. Director et al.

E12-736. Charles Heathcoat v. Director et al.

E12-737. Jerry Price v. Director et al.

E12-738. Daniel Marks v. Director et al.

E12-739. Audrey Benefield v. Director et al.

E12-740. Janet Taylor v. Director et al.

E12-741. Jason Guinn v. Director et al.

E12-742. Martin Baschab v. Director et al.

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E12-743. Maxine Teague v. Director et al.

E12-744. R. Michelle Horn v. Director et al.

E12-745. Laquela Barnett v. Director et al.

E12-746. Rick Howard v. Director et al.

E12-747. Elizabeth Clement v. Director et al.

E12-748. Russell Easter v. Director et al.

E12-749. James Lane v. Director et al.

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PER CURIAM ORDERS

CACR11-1054. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,600.00.

CACR12-115. Freddie Atkins v. State of Arkansas, from Crittenden Circuit. Motion of C. Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

CACR12-545. Clifford Upshaw v. State of Arkansas, from Craighead Circuit, Western District. Motion of Paul J. Teufel for attorney's fees is granted. Allowed \$1,600.00.

CACR12-597. Linda Gail Sanders v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. Golden for attorney's fees is granted. Allowed \$1,600.00.

CACR12-616. David Gonzales v. State of Arkansas, from Crittenden Circuit. Motion of C. Brian Williams for attorney's fees is granted. Allowed \$1,300.00.

CACR12-617. Joshua Wilson v. State of Arkansas, from Crittenden Circuit. Motion of C. Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

CACR12-619. Tawana Warren v. State of Arkansas, from Crittenden Circuit. Motion of C. Brian Williams for attorney's fees is granted. Allowed \$1,200.00.

CACR12-736. Aaron Anthony Flemons v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to file a belated brief is granted.

CA12-659. Allan Sealy v. Clarence Cash, from Pulaski Circuit, Seventeenth Division. Appellee's motion to dismiss appeal is granted.

CA12-850. Lux Tan, Inc., et al. v. JK Products & Services, Inc., from Craighead Circuit, Western District. Appellee's request for oral argument is denied.

CA12-853. Michael Richardson v. Simpsons Buy & Sell, Inc., et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted.

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PER CURIAM ORDERS

CA12-862. Mary Weatherspoon v. Arkansas Department of Human Services and Minor Children, from Pulaski Circuit, Eighth Division. Motion for entry of appearance is granted. *See* opinion this date.

CA12-864. Shirley Rouse v. Danny Myers et al., from Grant Circuit. Appellees' motion to strike portion of appellant's brief is passed until the case is submitted.

CA12-897. Carmella Kirkwood v. Betty Dial, from Phillips Circuit. Appellee's motion to strike appellant's brief is denied. Supplemental record ordered

CA12-1049. City of Eureka Springs v. Nelli Clark, from Carroll Circuit, Western District. Appellee's notice of settlement and motion to stay briefing. Motion to stay granted until March 22, 2013.

E12-957. Presby Martin Jr. v. Director et al., from Board of Review. Appellant's pro se motion to deny appellees' supplemental answer and request for forms is denied.

E13-61. Quillar Powell v. Director et al., from Board of Review. Pro se motion to file belated appeal is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA12-275. Cynthia Butler Farrell v. Hanford Francis Farrell, from Sebastian Circuit, Fort Smith District.

CA12-429. Kathy J. Buckalew v. Arvest Trust Company, N.A., from Benton Circuit.

CA12-506. Town of Gilbert v. Benjamin F. Fruehauf, II, from Searcy Circuit.

CACR12-463. Shane Donovan Wade v. State of Arkansas, from Independence Circuit. Appellee's motion for writ of certiorari to complete the record.

CACR12-548. Vernon Renfro v. State of Arkansas, from Logan Circuit, Northern District. Motion of Jessica L. Carnes for attorney's fees.

CA11-1290. New Balance Athletic Shoe, Inc. v. Whitney Stagg et al, from Washington Circuit. Appellant's status report and motion to continue stay of briefing pending settlement.

CA12-456. New Balance Athletic Shoe, Inc. v. Elizabeth L. Tuberville, from Ouachita Circuit. Appellant's status report and motion to continue stay of briefing pending settlement.

CA12-594. Linda Sue Lee et al. v. Sheryln E. Jones, from Perry Circuit. Appellants' pro se motion to file a supplemental addendum and for time to consolidate appellants' reply brief.

CA12-685. Lawrence Trammell v. Willis Hooks, from Greene Circuit. Appellant's motion for relief from addendum requirement.

CA12-815. Dean Banks v. Randy Riddle et al., from Pike Circuit. Appellees' motion for sanctions.

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MOTIONS SUBMITTED

CA12-875. M. Jay Carter v. Ernie Cline et al., from Pulaski Circuit, Third Division. Appellees' motion to dismiss appeal with prejudice.

CA12-875. M. Jay Carter v. Ernie Cline et al., from Pulaski Circuit, Third Division. Appellant's motion to remand for lack of final order and for brief time.

CA12-875. M. Jay Carter v. Ernie Cline et al., from Pulaski Circuit, Third Division. Appellant's motion for certiorari to complete the record.

CA12-877. Karen Kinslow v. Statewide Restoration, Inc., from Pulaski Circuit, Third Division. Appellee's motion to dismiss appeal.

CA12-988. Ford Motor Company v. Charles Keatts, from Pulaski Circuit, Sixth Division. Appellant's motion to supplement record and to stay briefing schedule.

CA12-1069. Robert Marcelo Shupbach v. Arkansas Power Electronics International, Inc., from Washington Circuit. Appellant's motion for leave to file appellant's brief under seal.

CA12-1099. Karen Hardcastle v. Ciara Cerrato, from Faulkner Circuit. Appellant's motion to file belated brief.

CA12-1099. Karen Hardcastle v. Ciara Cerrato, from Faulkner Circuit. Appellee's motion to dismiss appeal.

CA13-81. Barry R. Gilbow v. Jimmy S. Crawford, from Washington Circuit. Appellee's motion to dismiss appeal.

E12-821. Donald Ramirez v. Director et al., from Arkansas Board of Review. Appellant's motion to consolidate appeals E12-821, E12-820, E12-823 or in the alternative to supplement E12-821 with the records in E12-820 and E12-823.

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SUBMISSIONS

CACR11-1261. Roy Dean Spratt v. State of Arkansas, from Desha Circuit.

CACR12-69. Carrie Dail v. State of Arkansas, from Poinsett Circuit.

CACR12-497. Anthony Lerone Surratt, Jr. v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR12-731. Fred Lee Bohlman v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR12-775. Devarious Moore v. State of Arkansas, from Crittenden Circuit.

CACR12-784. Donnie R. Robinson v. State of Arkansas, from Drew Circuit.

CACR12-809. John David Pevetoe v. State of Arkansas, from Crawford Circuit.

CA12-194. Betty Boykin v. Crockett Adjustment Insurance, from Workers' Compensation Commission.

CA12-365. Daniel Maestri et al. v. Signature Bank of Arkansas et al., from Washington Circuit.

CA12-410. Luke Szabo v. Lesli Rutland Womack, from Benton Circuit.

CA12-444. Benny Edwards et al. v. MSC Pipeline, LLC, from Van Buren Circuit.

CA12-566. Nayla Foster v. Richard Hatfield, from Pulaski Circuit, Ninth Division.

CA12-598. Laura B. Rose Shabsavari et al.v. Mary Shellnut Rose, from Pulaski Circuit, Sixth Division.

CA12-645. Greg Spears v. Wendy Spears, from Craighead Circuit, Western District.

CA12-653. Jerry D. Patterson v. Paul Chilton, from Van Buren Circuit.

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SUBMISSIONS

CA12-673. Carolyn Nier v. Fred Case, from White Circuit.

CA12-675. Blake Robertson v. Tom Daniel, from Garland Circuit.

CA12-708. Jacqueline Furr v. Anthony James, from Washington Circuit.

CA12-714. Bennie Jean White v. Alvin D. Clay, from Pulaski Circuit, Third Division.

CA12-738. Office of Child Support Enforcement v. Kenneth A. Harper, from Drew Circuit.

CA12-858. Shirley Walker v. United Cerebral Palsy of Arkansas, from Workers' Compensation Commission.

CA12-886. Jonathan Parker v. Erin Parker, from Benton Circuit.

CA12-970. Sharon Scarborough v. Arkansas Department of Human Services and Minor Child, from Pulaski Circuit, Eleventh Division.

CA12-993. Steve White v. Arkansas Department of Human Services and Minor Child, from Union Circuit.

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SUBMISSIONS

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

E12-776. Ivory Downs v. Director et al.

E12-777. Tina Dixon v. Director et al.

E12-778. John Rick v. Director et al.

E12-779. Jacob Smith v. Director et al.

E12-780. Sonic v. Director et al.

E12-781. Freda Williams v. Director et al.

E12-782. Steven Walley v. Director et al.

E12-783. Dennis Stocking Jr v. Director et al.

E12-784. Crandall Gaines v. Director et al.

E12-785. Paul Clark v. Director et al.

E12-786. Larhonda Buckner v. Director et al.

E12-787. Jamie Williams v. Director et al.

E12-788. Keoka Doughty v. Director et al.

E12-789. Howard Hyso v. Director et al.

E12-790. Jerry L. Harrison v. Director et al.

E12-791. Butler Furniture Depot v. Director et al.

E12-792. Christopher Jacko v. Director et al.

E12-793. Michael Sherman v. Director et al.

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SUBMISSIONS

E12-794. Curtis Casey v. Director et al.

E12-795. Cathy D. McGee v. Director et al.

E12-796. Professional Consulting Service v. Director et al.

E12-798. Kendra McBride v. Director et al.

E12-799. Sam Passmore v. Director et al.

E12-800. Donesha Jackson v. Director et al.