

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MARCH 27, 2013**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CA12-712](#). The Evangelical Lutheran Good Samaritan Society; The Evangelical Lutheran Good Samaritan Society d/b/a Good Samaritan Campus - Hot Springs Village; Corrine White, in her Capacity as Administrator of Good Samaritan Society - Hot Springs Village v. Robert Kolesar, as attorney in fact for Vera Kolesar, from Saline Circuit. Remanded to supplement and settle the record; rebriefing ordered. Harrison and Whiteaker, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CA11-876](#). Derry Berrigan & Company et al. v. KBS Leasing, Inc., from Benton Circuit. Affirmed. Glover and Wood, JJ., agree.

[CA12-114](#). Cal Moore et al. v. Karen Dunsworth and Kerry McClendon, from Union Circuit. Affirmed. Gruber and Whiteaker, JJ., agree.

[CA12-410](#). Luke Szabo v. Lesli Rutland Womack, from Benton Circuit. Affirmed in part; reversed in part; and remanded. Gruber and Whiteaker, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CA12-814](#). Don Fuller v. City of Kensett, from White Circuit. Rebriefing ordered. Wynne and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CA12-949](#). Erma Cook v. Arkansas Department of Human Services and Minor Children, from Benton Circuit. Affirmed; motion to withdraw granted. Vaught and Wood, JJ., agree.

[CA12-1020](#). Jacob Brown v. Arkansas Department of Human Services and T.B., D.A., and L.A., Minors, from Carroll Circuit, Eastern District. Reversed. Gladwin, C.J., and Whiteaker, J., agree.

ROBIN F. WYNNE, JUDGE:

[CA12-405](#). Joanie Harp v. Security Credit Services, LLC, from Pulaski Circuit, Sixth Division. Reversed and remanded. Walmsley and Brown, JJ., agree.

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RITA W. GRUBER, JUDGE:

[CACR12-478](#). Jonathan Hersh Berks v. State of Arkansas, from Garland Circuit. Affirmed. Vaught and Hixson, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CA12-927](#). Beva Long v. Superior Senior Care, Inc., and Union Standard Company, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Wood, JJ., agree.

[E12-925](#). Kristen Price v. Director, Department of Workforce Services, and Commercial National Bank, from the Arkansas Board of Review. Reversed and remanded. Pittman and Wood, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CA12-1083](#). James Welch v. Arkansas Department of Human Services and Minor Children, from Crawford Circuit. Affirmed; motion to withdraw granted. Gladwin, C.J., and Harrison, J., agree.

LARRY D. VAUGHT, JUDGE:

[CACR12-332](#). Derek Van Mullins v. State of Arkansas, from Grant Circuit. Affirmed. Gruber and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CA12-517](#). Susan Annette Ver Weire v. Wayne Styles and Patty Styles, from Pope Circuit. Reversed and remanded. Gruber and Vaught, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CACR12-377](#). Terry Antonio Lee v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Walmsley and Wynne, JJ., agree.

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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).

- E12-168. Argean Hicks v. Director et al.
- E12-878. Troy Scott v. Director et al.
- E12-879. Southern Refrigerated Transport v. Director et al.
- E12-880. Joe Carter v. Director et al.
- E12-881. Tomas Nepivoda v. Director et al.
- E12-882. Charolette Atchley v. Director et al.
- E12-883. Sandra Garretson v. Director et al.
- E12-884. Mila Fleming v. Director et al.
- E12-885. Thomas Foster v. Director et al.
- E12-886. Kimberly Beal v. Director et al.
- E12-887. Kimberly Beal v. Director et al.
- E12-888. Elaine Stanley v. Director et al.
- E12-889. Heather Eubanks v. Director et al.
- E12-890. Kerry Weaver v. Director et al.
- E12-891. Chinetta Lee v. Director et al.
- E12-892. Karen Eaton v. Director et al.
- E12-893. Kimberly R. Hodge v. Director et al.
- E12-894. William Hronas v. Director et al.

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- E12-895. Deborah Evans v. Director et al.
- E12-896. Amanda Birdson v. Director et al.
- E12-897. Jessica Upchurch v. Director et al.
- E12-898. Donna Waggoner v. Director et al.
- E12-899. Jamie Garrett v. Director et al.
- E12-900. Marie Morse v. Director et al.
- E12-901. Mindy Rouse v. Director et al.
- E12-902. Jeryll Fernandez v. Director et al.
- E12-903. Lakeshia Hart v. Director et al.
- E12-904. Laura Harris v. Director et al.
- E12-905. Latina Worley v. Director et al.
- E12-906. Laresha Romes v. Director et al.
- E12-907. Tony Thacker v. Director et al.
- E12-908. Penny Boyer v. Director et al.
- E12-909. Callians Hayes v. Director et al.
- E12-910. Joshua Mallett v. Director et al.
- E12-911. Calvin Thompson, Jr. v. Director et al.
- E12-912. Roger Reese v. Director et al.
- E12-913. Randy Robbins v. Director et al.
- E12-914. Brandilynn McTigrit v. Director et al.

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- E12-915. William Hendrix, Jr. v. Director et al.
- E12-916. Vanessa Anderson v. Director et al.
- E12-917. Vanessa Anderson v. Director et al.
- E12-918. Lisa Flemister v. Director et al.
- E12-919. Mary Ricketts v. Director et al.
- E12-921. Larry Lewis v. Director et al.
- E12-922. Annetta Jackson v. Director et al.
- E12-923. Aaron Tompkins v. Director et al.
- E12-924. Rosetta Kelly v. Director et al.
- E12-926. Whitney Keys v. Director et al.
- E12-927. Tiffany Ziegler v. Director et al.
- E12-928. Leon Washington v. Director et al.
- E12-929. William Grays v. Director et al.
- E12-930. Southern Refrigerated Transport v. Director et al.
- E12-931. Southern Refrigerated Transport v. Director et al.
- E12-932. Joshua Jacobs v. Director et al.
- E12-933. Shanika Purifoy v. Director et al.
- E12-934. Cynthia Richardson v. Director et al.
- E12-935. Gilma Butler v. Director et al.
- E12-936. Robert Idrogo v. Director et al.
- E12-938. George Cook v. Director et al.

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- E12-939. George McCray v. Director et al.
- E12-940. Walter Jordan v. Director et al.
- E12-941. Jamaal Smith v. Director et al.
- E12-942. Martha Grupa v. Director et al.
- E12-943. Vondale Blanks v. Director et al.
- E12-944. Benard Smith v. Director et al.
- E12-945. Ebony Adams v. Director et al.
- E12-946. Ladonna Garner v. Director et al.
- E12-947. James Shelton v. Director et al.
- E12-948. Rebekah Selph v. Director et al.
- E12-949. Stephanie Hurst v. Director et al.
- E12-950. Ladonna Johnson v. Director et al.
- E12-1030. Steve Angel v. Director et al.

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**PER CURIAM ORDERS**

CACR11-921. Robert Andrew Terry v. State of Arkansas, from Crittenden Circuit. Motion of S. Butler Bernard, Jr., for attorney's fees is granted. Allowed \$1,600.00.

CACR11-1261. Roy Dean Spratt v. State of Arkansas, from Desha Circuit. Motion of Dale West for attorney's fees is granted. Allowed \$1,600.00.

CACR12-731. Fred Lee Bohlman v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Mylissia M. Blankenship for attorney's fees is granted. Allowed \$1,600.00.

CACR12-782. Tyrone James Campbell v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion for additional brief time is granted. Final extension. Glover, J., not participating.

CACR12-900. Pamela Hooks v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to file belated brief is granted.

CA11-1273. Tom Muccio et al. v. Johnelle Hunt et al., from Washington Circuit. Appellants' motion to supplement the record/file supplemental addendum. Remanded to the trial court to settle the record.

CA12-786. Kyle Whitley et al. v. William Garrett, from Hot Spring Circuit. Appellee's motion to dismiss appeal is granted.

CA12-708. Jacqueline Furr v. Anthony James and Cathy James, from Washington Circuit. Motion of Appellee Cathy James for expansion of page limit for motion for costs and attorney's fees is granted. Hixson, J., not participating.

CA12-951. Dannie Gilder et al. v. Cedar Ridge Farms, LTD, from Saline Circuit. Appellee's motion to dismiss appeal is denied.

CA12-1112. Shanna Baker v. Mathew A. Baker, from White Circuit. Appellant's motion to supplement the record and to stay briefing time is granted.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CA12-222. R.R. v. State of Arkansas, from Pope Circuit.

CA12-547. Joy B. Hughes and the Joy B. Hughes Revocable Living Trust v. Anna Dalton, from Sebastian Circuit, Fort Smith District.

CA12-633. Terry Dray and Tonia D. Dray v. Justin L. Likens and Erin R. Likens, from Crawford Circuit.

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CACR11-1075. Tom Aaron Dillard v. State of Arkansas, from Washington Circuit. Motion of Paul M. Gehring to be relieved as counsel for appellant.

CACR12-485. Brandon Atchley v. State of Arkansas, from Mississippi Circuit, Osceola District. Appellee's motion for permission to file a supplemental brief.

CACR12-664. Eric L. Kennedy v. State of Arkansas, from Faulkner Circuit. Motion of Charles D. Hancock was attorney's fees.

CACR12-755. Ivory Lamar Cole v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion for time to correct brief and to file a belated brief.

CACR12-775. Devarious Moore v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR12-778. Arthur Branch, Jr. v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR12-930. Joshua Daniel Mars v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Nick Churchill for attorney's fees.

CACR13-201. Derek Anthony Walton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of David R. Cannon to be relieved as attorney of record.



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**MOTIONS SUBMITTED**

CACR13-251. Timothy Allen Fiveash v. State of Arkansas, from Boone Circuit. Motion of Jason M. Robb to withdraw as counsel for appellant.

CACR13-257. Timothy Allen Fiveash v. State of Arkansas, from Boone Circuit. Motion of Jason M. Robb to withdraw as counsel for appellant.

CA11-1243. Ryan Roggasch and Elite Homes of Arkansas, Inc. v. Tasha Sims and John Sims, from Saline Circuit. Bankruptcy status report

CA12-57. Denise Bailey-Gray v. Alice C. Martinson, M.D., from Carroll Circuit, Eastern District. Appellant's motion to recall mandate.

CA12-57. Denise Bailey-Gray v. Alice C. Martinson, M.D., from Carroll Circuit, Eastern District. Appellant's motion to file belated petition for rehearing.

CA12-110. Loca Luna, LLC, et al. v. Board of Adjustment et al., from Pulaski Circuit, Fifth Division. Appellants' motion for leave to file belated brief.

CA12-507. M.W. v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CA12-509. M.L. v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees.

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

CA12-726. Crittenden County, Arkansas v. Barry Davis, from Crittenden Circuit. Appellee's petition for certiorari to complete the record.

CA12-805. E.S. v. State of Arkansas, from Benton Circuit. Motion of Sonia Fonticiella Rios for attorney's fees.

CA12-816. Discover Bank v. Betsy R. Danner, from Clark Circuit. Appellant's motion to supplement the record on appeal.

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**MOTIONS SUBMITTED**

CA12-898. Connie Watkins et al. v. City of Paragould, Arkansas, from Greene Circuit. Appellants' motion to increase the page limit for appellants' argument.

CA12-1071. Ditch 56 Farms, LLC, et al. v. Stanley E. Foster et al., from Craighead Circuit, Eastern District. Appellants' motion to file belated reply brief.

CA12-1086. Paul M. Gordon v. David Conrad Draper et al., from Grant Probate. Pro se request for supersedeas.

CA13-16. Frances Ann Cheatham, Trustee of the Daniel Family Trust v. Donny Daniel, from Pulaski Circuit, Fifth Division. Appellee's motion to dismiss appeal or extend briefing schedule.

CA13-90. Carmen Albarran v. Liberty Healthcare Management, from Benton Circuit. Appellant's motion to stay the trial court order of October 11, 2012.

CA13-178. Matthew Gregory v. Arkansas Department of Human Services and Minor Children, from Garland Circuit. Appellant's motion to waive addendum obligation.

CA13-181. Keiko Wagster v. Jeffrey D. Wagster, from Independence Circuit. Appellant's motion to supplement the record and for brief time.

CA13-229. Mercy Health System of Northwest Arkansas v. Dr. Lisa McGraw, from Benton Circuit. Joint motion to accept previously filed briefs.

E12-317. Ethan Moody v. Director et al., from Board of Review. Appellees' motion to file belated brief.

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CA12-634. Kevin Roberts et al. v. RABO Agrifinance, Inc., from Ashley Circuit. Argued orally.

CACR11-935. John William Wakeley v. State of Arkansas, from Benton Circuit.

CACR12-615. Christopher Dewayne Dodge v. State of Arkansas, from Sebastian Circuit, Greenwood District.

CA12-362. Sherall McCall et al. v. Donna Kaye McCall Grunwald, from Carroll Circuit, Western District.

CA12-430. Richard Clay Gray, Jr. v. Jennifer June Gray, from Washington Circuit.

CA12-451. J. David John v. Megan Marie Bolinder, from Benton Circuit.

CA12-561. Robert S. Oliver et al. v. First National Title Company, from Benton Circuit.

CA12-671. Kerry Warren v. Theresa Warren Treet, from Phillips Circuit.

CA12-699. Quenton Singleton et al. v. Dwight Williams, from Pulaski Circuit, Third Division.

CA12-732. Andrew H. Beavers v. Arkansas Board of Examiners in Counseling, from Pulaski Circuit, Sixth Division.

CA12-807. Karen S. Worden v. Frank Steven Crow, from Carroll Circuit, Western District.

CA12-1024. American Eagle Airlines et al. v. Don Berndt, from Workers' Compensation Commission.

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

E12-656. Eric Roe v. Director et al.

E12-1032. LaDonna Alexander v. Director et al.

E12-1035. Cheryl Rogers v. Director et al.

E12-1036. Mattie Watson v. Director et al.

E12-1037. Gary Garrett v. Director et al.

E12-1038. Southern Refrigerated Transport v. Director et al.

E12-1039. Southern Refrigerated Transport v. Director et al.

E12-1040. McDonald's - Laura LaToof v. Director et al.

E12-1041. Suzanne Kennedy v. Director et al.

E12-1042. Timothy Mooneyhan v. Director et al.

E12-1043. Marquitta Rogers v. Director et al.

E12-1044. Jacqueline Camper v. Director et al.

E12-1045. Kimberly Lane v. Director et al.

E12-1046. Dianna Huff v. Director et al.

E12-1047. Georgia Sandborn v. Director et al.

E12-1048. Jennifer Turley v. Director et al.

E12-1049. Charles Golliday v. Director et al.

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E12-1050. Myra Kimbrough v. Director et al.

E12-1051. Rickey Gipson v. Director et al.

E12-1052. Songkham Sriprasert v. Director et al.

E12-1053. Pamela Shuffield v. Director et al.

E12-1054. Robin Rutherford v. Director et al.

E12-1055. Amy Couch v. Director et al.

E12-1056. Carla Alexander v. Director et al.

E12-1057. Exzeria Phillips v. Director et al.

E12-1058. Kendra Orr v. Director et al.

E12-1059. Aaron Oakley v. Director et al.

E12-1060. Tia Veazey v. Director et al.

E12-1061. Andre T. Carter v. Director et al.

E12-1062. Charles Haggans v. Director et al.

E12-1064. Thomas Reynolds v. Director et al.

E12-1065. Debra Bishop v. Director et al.

E12-1066. Shawnee Chaney v. Director et al.

E12-1067. James Taylor v. Director et al.

E12-1068. Tyrone Jordan v. Director et al.

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- E12-1069. Allen Johnson v. Director et al.
- E12-1070. Pamela Haynes v. Director et al.
- E12-1071. Janet Camp v. Director et al.
- E12-1072. Richard Avery v. Director et al.
- E12-1073. Allan Nicholson v. Director et al.
- E12-1074. Joseph Jackson v. Director et al.
- E12-1075. Tiffany Rouse v. Director et al.
- E12-1076. Derrick Hodges v. Director et al.
- E12-1077. Nancy Buttry v. Director et al.
- E12-1078. Felicia Harris v. Director et al.
- E12-1079. Gordon Heinicke v. Director et al.
- E12-1080. Cecil Parker v. Director et al.
- E12-1081. Cecil Parker v. Director et al.
- E12-1082. Henry Myles v. Director et al.
- E12-1084. Jeffrey Boyer v. Director et al.
- E12-1085. Leon Bird v. Director et al.
- E12-1086. Melinda Hampton v. Director et al.
- E12-1087. Rachel Baker v. Director et al.

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E12-1088. Melinda Porterfield v. Director et al.

E12-1089. Lisa Robinson v. Director et al.

E12-1090. Stephen Watkins v. Director et al.

E12-1091. Laveta Key v. Director et al.

E12-1092. Keiundra Miller v. Director et al.

E12-1093. Fonzetta Booker v. Director et al.

E12-1094. Katherine Cole v. Director et al.