

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF MAY 8, 2013

#### ROBERT J. GLADWIN, CHIEF JUDGE:

[CACR12-465](#). William S. Fisher v. State of Arkansas, from Garland Circuit. Affirmed. Pittman and Vaught, JJ., agree.

[CA12-656](#). City of Jacksonville, Arkansas v. Graham Dewitt Nixon, Walter W. Nixon, III, and Dana Nixon, from Pulaski Circuit, Fifth Division. Dismissed. Pittman and Vaught, JJ., agree.

#### JOHN MAUZY PITTMAN, JUDGE:

[CACR12-318](#). Justin West v. State of Arkansas, from Garland Circuit. Affirmed; motion to withdraw granted. Gladwin, C.J., and Vaught, J., agree.

[CA12-230](#). Larry Muldrew and Patricia A. Muldrew v. Jesse Duckett, from Hempstead Circuit. Affirmed. Gladwin, C.J., and Vaught, J., agree.

#### BILL H. WALMSLEY, JUDGE:

[CA12-231](#). Sally L. Thomas v. Nadav Sharon, M.D., and Ozarks Regions Health Systems, Inc. d/b/a St. John's Hospital-Berryville, from Carroll Circuit, Eastern District. Affirmed. Glover, J., agrees. Whiteaker, J., concurs.

[CA12-503](#). Southern Building Services, Inc. v. City of Fort Smith, Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed in part; reversed and remanded in part; and vacated in part on direct appeal; affirmed on cross-appeal. Whiteaker, J., agrees. Glover, J., concurs.

#### ROBIN F. WYNNE, JUDGE:

[CA12-667](#). Shauna Chantel Yates McNutt v. Matthew Dalton Yates, from Lonoke Circuit. Affirmed in part; reversed and remanded in part. Harrison, Vaught, Wood, and Brown, JJ., agree. Hixson, J., dissents in part; concurs in part.

[CACR12-776](#). Tracy L. Brown v. State of Arkansas, from Lonoke Circuit. Affirmed; motion to withdraw granted. Hixson and Wood, JJ., agree.

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RITA W. GRUBER, JUDGE:

[CACR12-849](#). Jacques Slocum v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Harrison and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CACR11-617](#). Daniel Weaver v. State of Arkansas, from Crawford Circuit. Rebriefing ordered. Walmsley and Whiteaker, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CA12-977](#). Carolyn (Long) Cowell v. Edward J. Long, from Clay Circuit, Eastern District. Affirmed. Gladwin, C.J., and Pittman, J., agree.

KENNETH S. HIXSON, JUDGE:

[CA12-1046](#). Randall Morris v. Sheri Christopher, from Garland Circuit. Affirmed. Wynne and Wood, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CA12-864](#). Shirley Rouse v. Danny Myers d/b/a Action Mobile Homes, Myers Construction, and Danny's Cars and Truck, from Grant Circuit. Reversed. Wynne and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CA12-1072](#). Jose Ballesteros v. Nationwide Mutual Insurance Company, from Washington Circuit. Rebriefing ordered. Harrison and Gruber, 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).

- E13-6. Sheila Lacy v. Director et al.
- E13-7. Tracy Young v. Director et al.
- E13-8. Kiera Barker v. Director et al.
- E13-9. Wang Simmons v. Director et al.
- E13-10. Mark Chambers v. Director et al.
- E13-11. Ophelia Harrell v. Director et al.
- E13-12. Lesley Bain v. Director et al.
- E13-13. Julie Comstock v. Director et al.
- E13-14. Michael Jeffcoat v. Director et al.
- E13-15. Beryl Duboise v. Director et al.
- E13-16. Johnny Webb v. Director et al.
- E13-269. Robert Patterson v. Director et al.

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**PER CURIAM ORDERS**

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

CA12-405. Joanie Harp v. Security Credit Services, LLC, from Pulaski Circuit, Sixth Division.

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CACR12-615. Christopher Dewayne Dodge v. State of Arkansas, from Sebastian Circuit, Greenwood District. Motion of Darren Alexander Gibbs for attorney's fees is granted. Allowed \$1,800.00.

CACR12-628. Jerry Dewayne Savage v. State of Arkansas, from Ashley Circuit. Motion of Joseph P. Mazzanti, III, for attorney's fees is granted. Allowed \$1,800.00.

CACR12-630. Cindy L. McLane v. State of Arkansas, from Crittenden Circuit. Motion of Shaun Hair for attorney's fees is granted. Allowed \$1,800.00.

CACR12-718. Arthur T. Piper v. State of Arkansas, from Drew Circuit. Motion of Joseph P. Mazzanti, III, for attorney's fees and expenses is granted. Allowed \$1,800.00.

CACR13-72. Chadwick Smart v. State of Arkansas, from White Circuit. Appellee's motion to dismiss appeal is granted.

CA12-807. Karen Worden v. Frank Steven Crow, Trustee of the Frank M. Crow Revocable Trust and Ruth R. Crow Revocable Trust, from Carroll District. Appellee's motion for release of funds is granted.

CA12-808. Leonard Stallworth v. Hayes Mechanical, Inc., from Workers' Compensation Commission. Appellant's pro se motion to amend the mandate is denied.

CA12-1084. Harold "Bud" Ward v. Linda Ward Tutton, from Pulaski Circuit, Seventeenth Division. Notice of Bankruptcy. Noted.

CA13-3. Bank of the Ozarks, Inc., et al. v. Robert Walker, from Lonoke Circuit. Appellants' motion to correct record is granted. Whiteaker, J., not participating.

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**PER CURIAM ORDERS**

CA13-210. Searcy Healthcare Center, LLC, et al. v. Johnny Murphy, from White Circuit. Appellants' motion to dismiss cross-appeal is passed until the case is submitted.

CA13-302. Nicole Hannah v. Arkansas Department of Human Services and Minor Children, A.H. and L.H., from Washington Circuit. Appellant's motion for extension of brief time is granted. Final extension.

CA13-319. Asset Acceptance, LLC v. Amy Murphy Newby, from Pulaski Circuit, Sixth Division. Appellant's motion for stay of trial court proceedings pending interlocutory appeal is denied.

CA13-319. Asset Acceptance, LLC v. Amy Murphy Newby, from Pulaski Circuit, Sixth Division. Appellee's motion to dismiss appeal is passed until the case is submitted.

E13-233. Reginald Davis v. Director et al., from Board of Review. Appellees' motion to remand is granted.

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### **PROCEEDINGS OF MAY 8, 2013**

#### **MOTIONS SUBMITTED**

CACR12-478. Jonathan Hersh Berks v. State of Arkansas, from Garland Circuit. Motion of Joseph C. Self for attorney's fees.

CACR12-867. Aaron Anthony Flemons v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Kellie M. Emerson for attorney's fees.

CACR13-15. Tracy M. Standridge v. State of Arkansas, from Baxter Circuit. Renewed motion of Clifford C. Collins to withdraw as attorney of record and to stay briefing schedule.

CACR13-337. Byron Kevin Beaver v. State of Arkansas, from Faulkner Circuit. Appellant's petition for writ of certiorari to complete the record.

CA12-586. Williams Tractor, Inc. v. ANB Venture, LLC, from Benton Circuit. Appellee's motion to dismiss appeal.

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

CA12-898. Connie Watkins and Richard Watkins v. City of Paragould, Arkansas, from Greene Circuit. Appellant's motion for clarification.

CA12-953. Lori Erwin v. Shelby Lee Frost, from Scott Circuit. Appellant's motion for oral argument.

CA12-969. K.S. v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CA12-974. William David Brice v. Tatyana A. Brice, from Pulaski Circuit, Fourteenth Division. Appellee's motion to strike or require amendment of appellant's brief and to stay the briefing schedule.

E12-495. Elizabeth Weinstein v. Director et al., from Board of Review. Appellant's motion to preclude broadcasting, recording, or photographing oral argument.

E13-391. Frederick P. Williams v. Director et al., from Board of Review. Motion to file belated appeal.

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#### **SUBMISSIONS**

CA12-890. Everette R. Black et al. v. John Rowan, M.D., from Pulaski Circuit, Third Division. Argued orally.

CACR12-820. Raymond Wilson v. State of Arkansas, from Mississippi Circuit, Chickasawba District.

CACR12-879. Natasha Nicole King v. State of Arkansas, from Pulaski Circuit, First Division.

CACR12-999. Christopher Dean King v. State of Arkansas, from Bradley Circuit.

CACR12-1091. Judith Ann Piggee v. State of Arkansas, from Faulkner Circuit.

CA12-110. Loca Luna, LLC, et al. v. Board of Adjustment, from Pulaski Circuit, Fifth Division.

CA12-586. Williams Tractor, Inc. v. ANB Venture, LLC, from Benton Circuit.

CA12-594. Linda Sue Lee et al. v. Sheryln E. Jones, from Perry Circuit.

CA12-815. Dean Banks v. Randy Riddle, from Pike Circuit.

CA12-818. E.N. v. State of Arkansas, from Benton Circuit.

CA12-860. Gary Jackson et al. v. Sewell Oil Company, from Dallas Circuit.

CA12-1035. Chesapeake Exploration, LLC v. Thomas W. Whillock, from Van Buren Circuit.

CA12-1041. Richard Herring v. Kristie Herring Beck, from Union Circuit.

CA12-1082. Steven L. Jones et al. v. Suzanne Runsick, from Izard Circuit.

CA12-1117. Albaro Vijil v. Schlumberger Technology Corp., from Workers' Compensation Commission.

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**SUBMISSIONS**

CA13-120. Rebecca Jimmerson v. Arkansas Department of Human Services, from Washington Circuit.

CA13-133. Shannon Block v. Arkansas Department of Human Services, from Pope Circuit.

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

E12-317. Ethan Moody v. Director et al.

E13-24. Anna Criswell v. Director et al.

E13-25. Wilma Thomas v. Director et al.

E13-26. Rockey Kelley v. Director et al.

E13-27. Michael W. Jones v. Director et al.

E13-28. Steven Davidson v. Director et al.

E13-29. Sean Green v. Director et al.

E13-30. John Battaglear v. Director et al.

E13-31. Richard Gunter v. Director et al.

E13-32. Carolyn Briggs v. Director et al.

E13-33. Antonette Sauerwein v. Director et al.

E13-34. Stephen Hansenko v. Director et al.

E13-35. Mayflower RV v. Director et al.