

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 5, 2013**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-13-53](#). Shannon Madison and Gary Knuckles v. Arkansas Department of Human Services; Minor Children, from Craighead Circuit. Affirmed. Hixon and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CR-12-404](#). Michael Dewayne Copeland v. State, from Ouachita Circuit. Motion to withdraw denied without prejudice; remanded for the record to be settled and supplemented; rebriefing ordered. Walmsley and Wood, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CV-12-814](#). Don Fuller v. City of Kensett, from White Circuit. Affirmed. Pittman and Wood, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-12-936](#). Justin Jarquel Martin v. State of Arkansas, from Jefferson Circuit. Affirmed. Wynne and Whiteaker, JJ., agree.

ROBIN F. WYNNE:

[CV-12-772](#). Jonathan Murphy d/b/a Murphy Trucking; Brandon Banks; Vincent Banister; Gary Alexander; Alexander Transportation, LLC; Michael Green; Kendrick Nelson; Robbie Cline and Sylvester Cline d/b/a/ Cline Brothers Trucking; C.J. King; and C.J. King Trucking v. Bunge North America, Inc., and Kris Tillie, from Jefferson Circuit. Affirmed. Harrison and Whiteaker, JJ., agree.

[CV-13-88](#). Roger Dale Midkiff and Melinda Midkiff v. Crain Ford Jacksonville, LLC, from Arkansas Circuit. Reversed and remanded. Harrison and Whiteaker, JJ., agree.

RITA W. GRUBER, JUDGE:

[E-12-495](#). Elizabeth Weinstein v. Director, Arkansas Department of Workforce Services, and Arkansas Department of Environmental Quality, from the Arkansas Board of Review. Affirmed. Glover and Vaught, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-12-469](#). Jesse Hoodenpyle v. State of Arkansas, from Crawford Circuit. Affirmed. Gruber and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-12-693](#). Susan Quattlebaum and David Quattlebaum v. Dr. Rodney McCarver, Mark Burghart, and Arkansas Health Group Anesthesia, from Pulaski Circuit, Third Division. Affirmed. Harrison and Wynne, JJ., agree.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF JUNE 5, 2013

LARRY D. VAUGHT, JUDGE:

[CV-12-785](#). R.B. v. State of Arkansas, from Garland Circuit. Affirmed; remanded for redispotion. Gruber and Glover, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-13-99](#). E.S. v. State of Arkansas, from Craighead Circuit. Affirmed. Gladwin, C.J., and Brown, J., agree.

RHONDA K. WOOD, JUDGE:

[CV-12-489](#). Richard Gawenis and Sherry Gawenis v. Alta Resources, LLC; Griffith Land Services, Inc.; Petrohawk Properties, LP; and Exxon Mobil Corporation, from Van Buren Circuit. Affirmed. Pittman and Walmsley, JJ., agree.

[CV-12-942](#). Larry Knesek, Jr. v. Cameron Hubbs Construction, Inc.; Cameron Hubbs; Neidecker Plumbing & Heating Co., Inc.; and Taylor Graham d/b/a Taylor Graham Excavating Co., from Crawford Circuit. Affirmed in part; reversed and remanded in part. Pittman and Walmsley, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[E-12-368](#). Julie Ivy v. Director, Department of Workforce Services, and Decco Contractors, from the Arkansas Board of Review. Affirmed. Gladwin, C.J., and Hixson, J., agree.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF JUNE 5, 2013

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

- E-13-41. Timothy Mitchell v. Director et al.
- E-13-42. Tomika Tate v. Director et al.
- E-13-58. Luke Word v. Director et al.
- E-13-59. Stephanie Sowell v. Director et al.
- E-13-60. Tony Ennis Jr. v. Director et al.
- E-13-62. Linda Davis v. Director et al.
- E-13-63. Nancy Parker v. Director et al.
- E-13-64. Lula Nelson v. Director et al.
- E-13-65. Kasey Brant v. Director et al.
- E-13-66. David Fultz v. Director et al.
- E-13-68. Marina Tejada v. Director et al.
- E-13-256. Erinn McKenzie v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 5, 2013**

**PER CURIAM ORDERS**

PETITION FOR REHEARING: PETITION FOR REHEARING WAS DENIED TODAY IN THE FOLLOWING CASE.

CV-12-382. ROBERT SPEARS ET AL. V. RECONTRUST COMPANY, N.A., ET AL., FROM PULASKI CIRCUIT.

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CR-12-234. EUGENE THOMAS, III V. STATE OF ARKANSAS, FROM CHICOT CIRCUIT. MOTION OF JOSEPH P. MAZZANTI, III, FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-318. JUSTIN R. WEST V. STATE OF ARKANSAS, FROM GARLAND CIRCUIT. MOTION OF CHAD M. GREEN FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-632. ERICH LEMARC DEVONNE V. STATE OF ARKANSAS, FROM SEBASTIAN CIRCUIT. MOTION OF CAMILLE EDMISON-WILHELMI FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-849. JACQUES SLOCUM V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT. MOTION OF LATONYA LAIRD AUSTIN FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,725.00.

CR-12-999. CHRISTOPHER DEAN KING V. STATE OF ARKANSAS, FROM BRADLEY CIRCUIT. MOTION OF GARY POTTS FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,500.00.

CV-12-688. THOMAS QUEEN V. NORTEL NETWORKS, INC., ET AL., FROM ARKANSAS CIRCUIT. APPELLEES' MOTION FOR EXTENSION OF TIME IS DENIED.

CV-12-712. EVANGELICAL LUTHERAN V. ROBERT KOLESAR, FROM SALINE CIRCUIT. MOTION TO AMEND JURISDICTIONAL STATEMENT IS GRANTED.

CV-12-712. EVANGELICAL LUTHERAN V. ROBERT KOLESAR, FROM SALINE CIRCUIT. APPELLEE'S MOTION TO DISMISS APPEAL IS DENIED.

CV-12-921. STEPHENS PRODUCTION COMPANY V. BOYD BLACKARD ET AL., FROM JOHNSON CIRCUIT. MOTION TO CORRECT RECORD AND SUPPLEMENT RECORD IS GRANTED.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 5, 2013**

**PER CURIAM ORDERS**

CV-12-988. FORD MOTOR COMPANY V. CHARLES KEATTS, FROM PULASKI CIRCUIT. APPELLEE'S MOTION TO CORRECT BRIEF IS GRANTED. GLOVER, J., NOT PARTICIPATING.

CV-12-1056. J.A.C. V. STATE OF ARKANSAS, FROM YELL CIRCUIT. JOINT MOTION TO CONSOLIDATE CACR10-1047 AND CACR12-1056 IS DENIED.

CV-13-309. TIM CLARK ET AL. V. SOUTHERN FARM BUREAU CASUALTY INS., FROM PULASKI CIRCUIT. APPELLEE'S MOTION TO DISMISS APPEAL IS PASSED UNTIL THE CASE IS SUBMITTED.

CV-13-354. TASSIE ANTHONY V. ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL., FROM CRAIGHEAD CIRCUIT. STIPULATION BY PARTIES TO SUPPLEMENT RECORD AND STAY BRIEF TIME IS GRANTED.

CV-13-372. GUY D. CZAJKA V. BUTTERBALL TURKEY, LLC, FROM ARKANSAS WORKERS' COMPENSATION COMMISSION. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD IS DENIED.

E-13-449. DIAN THOMPSON V. DIRECTOR ET AL., FROM BOARD OF REVIEW. MOTION TO FILE BELATED APPEAL IS DENIED.

E-13-476. GEORGE TAYLOR CONDREY V. DIRECTOR ET AL., FROM BOARD OF REVIEW. MOTION TO FILE BELATED APPEAL IS DENIED.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 5, 2013**

**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING**

CV-12-650. PAMELA MARSHALL CARROLL V. RICHARD DALE CARROLL, FROM JEFFERSON CIRCUIT.

CV-12-1030. JOHN D. WELLS V. LINDA F. WELLS, FROM SEBASTIAN CIRCUIT.

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CR-12-191. GILBERTO MARTINEZ-MARMOL V. STATE OF ARKANSAS, FROM WASHINGTON CIRCUIT. MOTION OF CAREY E. LYLES DOWDY FOR ATTORNEY'S FEES.

CR-13-425. DEMARCUS RAYFIELD V. STATE OF ARKANSAS, FROM MILLER CIRCUIT. APPELLANT'S MOTION TO COMPLETE THE RECORD.

CV-12-865. KAREN MILLER V. LINDA GADDY, FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION FOR ORAL ARGUMENT.

CV-12-988. FORD MOTOR COMPANY V. CHARLES KEATTS, FROM PULASKI CIRCUIT. APPELLANT'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL ADDENDUM.

CV-13-90. CARMEN ALBARRAN V. LIBERTY HEALTHCARE MANAGEMENT, FROM BENTON CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD, STAY BRIEFING, AND SUPPLEMENT ADDENDUM.

CV-13-302. NICOLE HANNAH V. ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL., FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION FOR LEAVE FOR ENLARGEMENT OF PAGE LIMIT ON PETITION ON APPEAL.

CV-13-302. NICOLE HANNAH V. ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL., FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT RECORD/TANGIBLE EVIDENCE AS REVIEWED BY TRIAL COURT.

CV-13-304. RANDY KELSO V. ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL., FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION TO CORRECT THE RECORD BY SUBSTITUTING ABSTRACTS.

CV-13-426. PEARL JENKINS V. APS INSURANCE LLC, FROM PULASKI CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD AND FOR OTHER RELIEF.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 5, 2013**

**MOTIONS SUBMITTED**

E-13-490. EVANS O. LINDSEY V. DIRECTOR ET AL., FROM ARKANSAS BOARD OF REVIEW. MOTION TO FILE BELATED APPEAL.

E-13-528. GUADALUPE FACUNDO V. DIRECTOR ET AL., FROM ARKANSAS BOARD OF REVIEW. MOTION TO FILE BELATED APPEAL.

E-13-529. ENGLAND MOORE V. DIRECTOR ET AL., FROM ARKANSAS BOARD OF REVIEW. MOTION TO FILE BELATED APPEAL.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 5, 2013**

**CASES SUBMITTED**

CR-12-1054. CALVIN DEWAYNE TAYLOR V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.

CR-12-1055. MATTHEW LAMAR SMITH V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.

CR-12-1066. MORRELL D. STEWART V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.

CR-12-1068. NAKISTA JACKSON V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT.

CR-12-1106. DENNIS WILLIAMS V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.

CR-12-1107. GARY WEATHERSBY V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.

CR-12-1133. CARLTON J. HOBBS V. STATE OF ARKANSAS, FROM ARKANSAS CIRCUIT.

CR-12-20. TERRY DOUGLAS REED V. STATE OF ARKANSAS, FROM SEBASTIAN CIRCUIT.

CR-12-737. JOSEPH L. LINDSEY V. STATE OF ARKANSAS, FROM SEBASTIAN CIRCUIT.

CR-12-885. NICOLE LEIGH FOSTER V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.

CR-13-10. PERRY HUNTER, JR. V. STATE OF ARKANSAS, FROM LONOKE CIRCUIT.

CR-13-228. GREGORY COHEN V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.

CR-13-63. KEVIN LEON DATES V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.

CR-13-64. JOSEPH ASHLEY MAX V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 5, 2013**

**CASES SUBMITTED**

CR-13-65. REGINALD EUGENE ALLS V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT.

CV-13-101. MIKE SELLERS AND STEPHANIE SELLERS V. ARKANSAS DEPARTMENT OF HUMAN SERVICES, FROM WASHINGTON CIRCUIT.

CV-13-169. MARISOL HERNANDEZ V. ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL, FROM PULASKI CIRCUIT.

CV-13-178. MATTHEW GREGORY V. ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL., FROM GARLAND CIRCUIT.

CV-13-209. KIMBERLY PATTON AND GARY SHELLEY V. ARKANSAS DEPARTMENT OF HUMAN SERVICES, FROM SEBASTIAN CIRCUIT.

CV-13-278. HEATHER MURRAY V. ARKANSAS DEPARTMENT. OF HUMAN SERVICES ET AL., FROM SEBASTIAN CIRCUIT.

**THE FOLLOWING CASES ARE APPEALS FROM THE ARKANSAS BOARD OF REVIEW.**

E-13-100. DERRICK HARRIS V. DIRECTOR ET AL.

E-13-101. DENISE GARRETT V. DIRECTOR ET AL.

E-13-102. BENJAMIN JOHNSON V. DIRECTOR ET AL.

E-13-103. TINA DOUGLAS V. DIRECTOR ET AL.

E-13-104. ROSIE SANTIAGO V. DIRECTOR ET AL.

E-13-105. TONI HAMILTON V. DIRECTOR ET AL.

E-13-106. RONNIE LEWIN V. DIRECTOR ET AL.

E-13-107. COMFORT SYSTEMS V. DIRECTOR ET AL.

E-13-80. PAMELA HAMLIN V. DIRECTOR ET AL.

E-13-81. AMANDA JONES V. DIRECTOR ET AL.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 5, 2013**

**CASES SUBMITTED**

E-13-82. DANNIE DARBY V. DIRECTOR ET AL.

E-13-83. YVONNE JOHNSTON V. DIRECTOR ET AL.

E-13-84. JERRODERICK ARRON V. DIRECTOR ET AL.

E-13-85. KAMI HILL V. DIRECTOR ET AL.

E-13-86. CHRISTOPHER D MONTGOMERY V. DIRECTOR ET AL.

E-13-87. MAYETTA STOKES V. DIRECTOR ET AL.

E-13-88. MYRNA SANDERS V. DIRECTOR ET AL.

E-13-89. DANNY POLITE V. DIRECTOR ET AL.

E-13-90. GARY PICKRON V. DIRECTOR ET AL.

E-13-91. VELMA PARKS V. DIRECTOR ET AL.

E-13-92. ADRIENNE PIERCE V. DIRECTOR ET AL.

E-13-93. MARK PERRYMORE V. DIRECTOR ET AL.

E-13-94. KARISA A. CLEMENT V. DIRECTOR ET AL.

E-13-95. WINSTON MORRIS V. DIRECTOR ET AL.

E-13-96. MARY HARRELL V. DIRECTOR ET AL.

E-13-97. ALICIA HOLLAND V. DIRECTOR ET AL.

E-13-98. MICKEY HUNTER V. DIRECTOR ET AL.

E-13-99. JOHN R. SMITH V. DIRECTOR ET AL.