

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JULY 24, 2013**

**PER CURIAM ORDERS**

PETITIONS FOR REHEARING: PETITIONS FOR REHEARING WERE DENIED TODAY IN THE FOLLOWING CASES.

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 COUNTY CIRCUIT COURT.

CV-12-594. LINDA SUE LEE V. SHERLYN E. JONES, SUSAN M. SCROGGINS, AND PETIT JEAN STATE BANK, FROM PERRY COUNTY CIRCUIT COURT.

CV-12-956. TODD HIGGINBOTHAM AND ROWDY BOYS, LLC V. MARY G. GRAHAM, FROM CRAIGHEAD COUNTY CIRCUIT COURT.

CV-12-1081. KEN SWINDLE V. ROGERS BOARD OF EDUCATION AND ANITA TURNER, FROM BENTON COUNTY CIRCUIT COURT.

CV-12-1082. STEVEN L. JONES, DONNA AND LINDELL COOPER, GAYE AND JAMES E. SMITH V. SUZANNE RUNSICK F/K/A SUZANNE COOK BANGS, FROM IZARD COUNTY CIRCUIT COURT.

CV-13-88. ROGER DALE MIDKIFF AND MELINDA MIDKIFF V. CRAIN FORD JACKSONVILLE, LLC, FROM ARKANSAS COUNTY CIRCUIT COURT.

CV-13-147. TONIA INGLE V. ARKANSAS DEPARTMENT OF HUMAN SERVICES AND MINOR CHILDREN, FROM WASHINGTON COUNTY CIRCUIT COURT.

E-12-368. JULIE IVY V. DIRECTOR, DEPARTMENT OF WORKFORCE SERVICES, AND DECCO CONTRACTORS-PAVING INC., FROM THE ARKANSAS BOARD OF REVIEW.

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CR-12-404. MICHAEL DEWAYNE COPELAND V. STATE OF ARKANSAS, FROM OUACHITA COUNTY CIRCUIT COURT. MOTION OF STEVEN R. DAVIS TO WITHDRAW MOTION TO BE RELIEVED AS COUNSEL FOR THE APPELLANT IS GRANTED. APPELLANT'S BRIEF DUE AUGUST 23, 2013.

CR-12-839. HONOR WILLIAMS V. STATE OF ARKANSAS, FROM CRITTENDEN COUNTY CIRCUIT COURT. APPELLANT'S MOTION FOR BELATED FILING OF REBRIEFING IS GRANTED. BRIEF FILED THIS DATE.

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CR-12-843. MAURICE JEFFERSON V. STATE OF ARKANSAS, FROM CRITTENDEN COUNTY CIRCUIT COURT. APPELLANT'S MOTION FOR BELATED FILING OF REBRIEFING IS GRANTED. BRIEF FILED THIS DATE.

CR-12-885. NICOLE LEIGH FOSTER V. STATE OF ARKANSAS, FROM CRITTENDEN COUNTY CIRCUIT COURT. MOTION OF BRIAN WILLIAMS FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,000.00.

CR-12-972. CURTIS RICHEY V. STATE OF ARKANSAS, FROM LAWRENCE COUNTY CIRCUIT COURT. MOTION OF C. SCOTT NANCE FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-1054. CALVIN DEWAYNE TAYLOR V. STATE OF ARKANSAS, FROM CRITTENDEN COUNTY CIRCUIT COURT. MOTION OF BRIAN WILLIAMS FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,300.00.

CR-12-1055. MATTHEW LAMAR SMITH V. STATE OF ARKANSAS, FROM CRITTENDEN COUNTY CIRCUIT COURT. MOTION OF BRIAN WILLIAMS FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,400.00.

CR-12-1107. GARY WEATHERSBY V. STATE OF ARKANSAS, FROM CRITTENDEN COUNTY CIRCUIT COURT. MOTION OF BRIAN WILLIAMS FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,400.00.

CR-13-63. KEVIN LEON DATES V. STATE OF ARKANSAS, FROM CRITTENDEN COUNTY CIRCUIT COURT. MOTION OF BRIAN WILLIAMS FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,400.00.

CR-13-271. JERRY DEAN ROSS V. STATE OF ARKANSAS, FROM SEBASTIAN COUNTY CIRCUIT COURT. APPELLANT'S MOTION TO FILE BELATED BRIEF IS GRANTED. APPELLANT'S BRIEF FILED THIS DATE.

CR-13-328. LUKE L. SPENCER V. STATE OF ARKANSAS, FROM FAULKNER COUNTY CIRCUIT COURT. MOTION OF CAROLINE L. WINNINGHAM TO BE RELIEVED IS GRANTED. ROBERT M. "ROBBY" GOLDEN APPOINTED TO REPRESENT APPELLANT. APPELLANT'S BRIEF DUE SEPTEMBER 2, 2013.

CR-13-337. BYRON KEVIN BEAVER V. STATE OF ARKANSAS, FROM FAULKNER COUNTY CIRCUIT COURT. APPELLANT'S MOTION TO EXTEND RETURN DATE OF SUPPLEMENTAL RECORD IS GRANTED. RECORD DEEMED SUPPLEMENTED. APPELLANT'S BRIEF DUE AUGUST 23, 2013.

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CR-13-431. ARBURY BOWERMAN V. STATE OF ARKANSAS, FROM LOGAN COUNTY CIRCUIT COURT. MOTION OF DAVID L. MOORE TO WITHDRAW AS ATTORNEY FOR APPELLANT IS GRANTED. LAURA AVERY IS APPOINTED TO REPRESENT APPELLANT. APPELLANT'S BRIEF DUE SEPTEMBER 2, 2013.

CR-13-434. LARRY ALEXANDER V. STATE OF ARKANSAS, FROM CRITTENDEN COUNTY CIRCUIT COURT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD IS GRANTED. RECORD DEEMED SUPPLEMENTED.

CR-13-538. ROBERT BARKER V. STATE OF ARKANSAS, FROM CRITTENDEN COUNTY CIRCUIT COURT. MOTION OF BART ZIEGENHORN TO WITHDRAW AS ATTORNEY OF RECORD IS GRANTED. BOBBY DIGBY, II, IS APPOINTED TO REPRESENT APPELLANT. APPELLANT'S BRIEF DUE SEPTEMBER 2, 2013.

CV-12-712. EVANGELICAL LUTHERAN ET AL. V. ROBERT KOLESAR, FROM SALINE COUNTY CIRCUIT COURT. APPELLANTS' MOTION TO TAKE JUDICIAL NOTICE IS PASSED UNTIL THE CASE IS SUBMITTED.

CV-12-864. SHIRLEY ROUSE V. DANNY MYERS D/B/A ACTION MOBILE HOMES, ET AL., FROM GRANT COUNTY CIRCUIT COURT. APPELLANT'S MOTION FOR TAXATION OF COSTS IS MOOT. COSTS ASSESSED ON MANDATE.

CV-12-898. CONNIE WATKINS AND RICHARD WATKINS V. CITY OF PARAGOULD, FROM GREENE COUNTY CIRCUIT COURT. APPELLANTS' MOTIONS FOR RECONSIDERATION AND FOR ORAL ARGUMENT ARE DENIED.

CV-12-994. ASBURY AUTOMOTIVE GROUP, INC., ET AL. V. ROBERT FLOYD MCCAIN, JR., ET AL., FROM ASHLEY COUNTY CIRCUIT COURT. APPELLEES' MOTION TO AMEND OR ABATE MANDATE IS DENIED. GLOVER, J., NOT PARTICIPATING.

CV-12-1015. JOANN ELIZABETH BRADFORD V. DARRELL WAYNE BRADFORD, FROM VAN BUREN COUNTY CIRCUIT COURT. APPELLEE/CROSS-APPELLANT'S MOTION TO FILE BELATED APPEAL BRIEF IS GRANTED. BRIEF DUE JULY 31, 2013. FINAL EXTENSION.

CV-12-1035. CHESAPEAKE EXPLORATION, LLC V. THOMAS WHILLOCK AND GAYLA WHILLOCK, FROM VAN BUREN COUNTY CIRCUIT COURT. APPELLANT'S MOTION TO SUBSTITUTE BRIEF IS GRANTED. SUBSTITUTED BRIEF FILED THIS DATE.

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CV-12-1035. CHESAPEAKE EXPLORATION, LLC V. THOMAS WHILLOCK AND GAYLA WHILLOCK, FROM VAN BUREN COUNTY CIRCUIT COURT. APPELLEES' MOTION TO AFFIRM THE CIRCUIT COURT DECISION, OR IN THE ALTERNATIVE, TO ORDER THE APPELLANT TO FILE A BRIEF IN CONFORMITY WITH RULE 4-2 OF THE SUPREME COURT. MOTION TO AFFIRM IS DENIED. MOTION TO FILE BRIEF IN CONFORMITY IS MOOT.

CV-12-1109. JOSEPH SUBLETT V. JEREMY JAY MALLETT ET AL., FROM FAULKNER COUNTY CIRCUIT COURT. APPELLEES' MOTION TO SUPPLEMENT RECORD/STAY IS DENIED.

CV-13-51. TROY KEVIN RATLIFF V. CYNTHIA M. RATLIFF, FROM PULASKI COUNTY CIRCUIT COURT. APPELLEE'S MOTION TO DISMISS APPEAL IS GRANTED.

CV-13-87. ARKANSAS REALTORS ASSOCIATION V. REAL FORMS, LLC, FROM WASHINGTON COUNTY CIRCUIT COURT. APPELLEE'S MOTION TO DISMISS APPEAL IS DENIED.

CV-13-109. WALLACE ALLEN V. ALL UNKNOWN PERSONS, FROM PRAIRIE COUNTY CIRCUIT COURT. APPELLANT'S PRO SE MOTION FOR DEFAULT JUDGMENT IS DENIED.

CV-13-208. MINNIE COULTER V. HON. JOE GRIFFIN ET AL., FROM MILLER COUNTY CIRCUIT COURT. APPELLANT'S MOTION TO STRIKE BRIEF OF SEPARATE APPELLEES CIRCUIT JUDGE JOE GRIFFIN AND CIRCUIT JUDGE KIRK JOHNSON IS DENIED.

CV-13-208. MINNIE COULTER V. HON. JOE GRIFFIN ET AL., FROM MILLER COUNTY CIRCUIT COURT. APPELLANT'S MOTION TO STRIKE SUPPLEMENT, ADDENDUM, AND BRIEF OF APPELLEES FIRST DATA MERCHANT SERVICES CORPORATION, TELECHECK SERVICES, INC., AND SEAN F. ROMMEL IS DENIED.

CV-13-356. DESIREE KOLBECK ET AL. V. FARMERS INSURANCE EXCHANGE AND TRUCK INSURANCE EXCHANGE, FROM SEBASTIAN COUNTY CIRCUIT COURT. APPELLEES' MOTION TO DISMISS APPEAL IS PASSED UNTIL THE CASE IS SUBMITTED. HARRISON AND GLOVER, JJ., NOT PARTICIPATING.

CV-13-366. WYATT LEE YOUNG V. BRIDGETT ANN YOUNG (NOW BEVANS), FROM MADISON COUNTY CIRCUIT COURT. APPELLANT'S MOTION FOR LEAVE TO FILE BELATED BRIEF IS GRANTED. BRIEF FILED THIS DATE.

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CV-13-378. BAKER HUGHES OILFIELD ET AL. V. CHRIS CHICK, FROM ARKANSAS WORKERS' COMPENSATION COMMISSION. APPELLANTS' MOTION TO FILE BELATED BRIEF IS GRANTED. APPELLANT'S BRIEF DUE AUGUST 23, 2013.

CV-13-423. DEEDRA BERKEMEYER V. RONALD BERKEMEYER, FROM CHICOT COUNTY CIRCUIT COURT. APPELLANT'S MOTION TO STAY AND REMAND OR TO DISMISS APPEAL WITHOUT PREJUDICE AND FOR EXPEDITED CONSIDERATION OF THIS MOTION. APPEAL DISMISSED WITHOUT PREJUDICE. HARRISON AND VAUGHT, JJ., NOT PARTICIPATING.

CV-13-483. SADIE LAGRONE V. ARKANSAS DEPARTMENT OF HUMAN SERVICES AND MINOR CHILDREN, FROM JEFFERSON COUNTY CIRCUIT COURT. APPELLEES' MOTION TO DISMISS APPEAL IS GRANTED.

CV-13-580. BRITANY MCELROY AND BRANDON FRITTER V. ARKANSAS DEPARTMENT OF HUMAN SERVICES AND MINOR CHILDREN, FROM WASHINGTON COUNTY CIRCUIT COURT. APPELLANTS' MOTION TO SUPPLEMENT THE RECORD IS GRANTED. WRIT ISSUED; RETURNABLE OCTOBER 2, 2013. APPELLANTS' BRIEF DUE WITHIN SIXTY DAYS AFTER FILING OF THE SUPPLEMENTAL RECORD.

CV-13-584. HEATHER GOSSETT V. ARKANSAS DEPARTMENT OF HUMAN SERVICES AND MINOR CHILDREN, FROM WASHINGTON COUNTY CIRCUIT COURT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD IS GRANTED. WRIT ISSUED; RETURNABLE SEPTEMBER 2, 2013. APPELLANT'S BRIEF DUE WITHIN SIXTY DAYS AFTER FILING OF THE SUPPLEMENTAL RECORD.

E-13-237. JERALD REICHENBACH V. DIRECTOR ET AL., FROM ARKANSAS BOARD OF REVIEW. PETITIONER'S MOTION TO ADD ADDITIONAL INFORMATION TO APPEAL IS DENIED.

E-13-608. KEVIN ODEN V. DIRECTOR ET AL., FROM ARKANSAS BOARD OF REVIEW. MOTION TO FILE A BELATED APPEAL IS DENIED.