

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 13, 2013

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-13-236](#). Michael Grant v. Gates Williams, Cathy Poole, Edward Fredric Brandhurst, and James Jones, from Union County Circuit Court. Affirmed. Pittman and Wood, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CR-13-271](#). Jerry Dean Ross v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin, C.J., and Wood, J., agree.

[CV-13-183](#). Michael Gartman and Kemal Kutait, Individually and on behalf of the Estate of Rebecca Kutait and the Wrongful Death Beneficiaries v. Ford Motor Co., from Hot Spring County Circuit Court. Affirmed. Gladwin, C.J., and Wood, J., agree.

BILL H. WALMSLEY, JUDGE:

[CV-13-100](#). Capi Peck Peterson v. Hannah Peck a/k/a Hannah Finley, Individually and as Trustee of the Peck Family Trust U/D June 15, 2001, from Pulaski County Circuit Court, Fifth Division. Affirmed. Hixson and Brown, JJ., agree.

[CV-13-263](#). K.O.P. v. State of Arkansas, from Crawford County Circuit Court. Affirmed in part; reversed and dismissed in part. Hixson and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-13-204](#). Trenton Holley v. State of Arkansas, from Faulkner County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. Gruber and Whiteaker, JJ., agree.

[CV-12-1093](#). Brook A. Rogers v. Dena A. Rogers, from Pulaski County Circuit Court, Fifteenth Division. Rebriefing ordered. Gruber and Whiteaker, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CV-13-382](#). Tejas Patel, Nilu T. Patel, and Balu Patel v. Lawyers Title Insurance Corporation, from Pulaski County Circuit Court, First Division. Reversed and remanded. Glover and Vaught, JJ., agree.

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RITA W. GRUBER, JUDGE:

[CV-13-458](#). William L. Bateman v. Lillian C. Heird, from Jefferson County Circuit Court. Reversed and remanded. Harrison and Whiteaker, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-13-320](#). City of Little Rock v. Gurmeet S. Nerhan and George Nerhan, from Pulaski County Circuit Court, Fifth Division. Reversed in part; affirmed in part. Wynne, J., agrees. Vaught, J., concurs.

[CV-13-391](#). Patrice Austin Brumfield v. Lynda Johnson, from Pulaski County Circuit Court, Sixteenth Division. Reversed and dismissed. Wynne and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-13-409](#). Allisa Virgil v. Keith Morgan and Evergreen Packaging, Inc., from Jefferson County Circuit Court. Dismissed. Harrison and Gruber, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-12-1109](#). Joseph Sublett v. Jeremy Jay Mallett and Jennifer Linn Tullos, from Faulkner County Circuit Court. Affirmed. Wynne and Glover, JJ., agree.

[CV-13-591](#). Royce Ary v. Sonya Ary, from Saline County Circuit Court. Affirmed. Wynne and Glover, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-13-230](#). Effie Collins and Collins Chapel Mortuary, Inc. v. Arkansas Board of Embalmers and Funeral Directors, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Walmsley and Brown, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CV-13-472](#). Jason Pritchett, as President of the Commodity Recovery Solutions, Inc., and Don Longley, as President of Ironwood Services, Inc. v. Anthony Evans and US Refinery Inc., from Benton County Circuit Court. Reversed and remanded. Gladwin, C.J., and Pittman, J., agree.

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WAYMOND M. BROWN, JUDGE:

[CV-13-77](#). Cherle Marie Duncan and Lloyd Leo Duncan v. Dr. Robert Olive, from Garland County Circuit Court. Remanded for supplementation of the record; supplementation of the addendum ordered. Walmsley and Hixson, JJ., agree.

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).

- E-13-340. Eddie White v. Director et al.
- E-13-341. Deaseree Cole v. Director et al.
- E-13-342. Deborah Irvan v. Director et al.
- E-13-343. Bobby Young v. Director et al.
- E-13-344. Todd Moore v. Director et al.
- E-13-345. Carolyn Tucker v. Director et al.
- E-13-346. Denise Hewlett v. Director et al.
- E-13-347. Randall Spencer v. Director et al.
- E-13-348. Gregory Hatfield v. Director et al.
- E-13-349. Christopher Newman v. Director et al.
- E-13-350. Melissa Morrison v. Director et al.
- E-13-351. Ronald Moore v. Director et al.
- E-13-352. Anthony Lewis v. Director et al.
- E-13-353. Donald Howard v. Director et al.

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- E-13-354. Evelyn Smith v. Director et al.
- E-13-355. Dale Race v. Director et al.
- E-13-356. Yamessa Bohannon v. Director et al.
- E-13-357. Rebekah Weston v. Director et al.
- E-13-358. Stacy Williams v. Director et al.
- E-13-359. Roderick Young v. Director et al.
- E-13-360. Yvonne Henry v. Director et al.
- E-13-361. Loretta Blocker v. Director et al.
- E-13-362. Tiffany Stanford v. Director et al.
- E-13-363. Charles Morris v. Director et al.
- E-13-364. Janis Blankenship v. Director et al.
- E-13-366. Debra Jackson v. Director et al.
- E-13-367. William Hightower v. Director et al.
- E-13-368. Eugene Udell, Jr. v. Director et al.
- E-13-369. Joshua Louis v. Director et al.
- E-13-370. Lacristhia Thomas v. Director et al.
- E-13-371. Zachariah Gabbard v. Director et al.
- E-13-372. Marcello Jackson v. Director et al.
- E-13-373. Delois Harris v. Director et al.
- E-13-374. Cheryl Walker v. Director et al.

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- E-13-375. Robert Baker v. Director et al.
- E-13-376. Ryan Jacks v. Director et al.
- E-13-377. Martha Johnson v. Director et al.
- E-13-378. Hugh Finn v. Director et al.
- E-13-379. Lisa Springer v. Director et al.
- E-13-380. Elizabeth Norris v. Director et al.
- E-13-381. Toneika Stuckey v. Director et al.
- E-13-382. Robert Moore v. Director et al.
- E-13-383. Leann King v. Director et al.
- E-13-384. Delane Smith v. Director et al.
- E-13-385. Reginald Arnold v. Director et al.
- E-13-386. Glennesia Skipper v. Director et al.
- E-13-387. Larry Price v. Director et al.
- E-13-388. Samuel Turner v. Director et al.

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PER CURIAM ORDERS

PETITIONS FOR REHEARING: Petitions for Rehearing were denied today in the following cases.

[CR-12-564](#). Chad Edward Malcum v. State of Arkansas, from Pulaski County Circuit Court. *See* substituted opinion on denial of rehearing.

CV-12-479. Peter Brave v. Marie Brave, from Pulaski County Circuit Court, Sixteenth Division.

CV-12-685. Lawrence Trammell v. Willis Hooks, from Greene County Circuit Court.

CV-12-898. Connie Watkins and Richard Watkins v. City of Paragould, from Greene County Circuit Court.

CR-12-981. Richard Jackson, Jr. v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion to appoint counsel is denied.

CR-13-295. Hector Morales v. State of Arkansas, from Craighead County Circuit Court. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,800.00.

CR-13-313. Antwan Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to file belated brief is granted.

CR-13-316. Antwan Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to reconsider order of October 23, 2013, denying appellant's motion to reverse and dismiss for failure to timely complete transcript to be included in the record is denied.

CR-13-478. Garritt S. Mason v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to supplement the abstract or addendum and file a substituted brief is granted.

CR-13-579. Richard Eli Hart v. State of Arkansas, from Union County Circuit Court. Appellee's motion for remand to complete the record and for brief time is granted.

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CR-13-917. Omar Griffis v. State of Arkansas, from Pulaski County Circuit Court. Motion for appointment of Danny Williams as counsel for appellant is granted.

CV-13-75. Timothy Roger Simpson v. Bobby Simpson et al., from Craighead County Circuit Court. Appellant's motion to file substituted reply brief is granted.

CV-13-309. Tim Clark v. Southern Farm Bureau Casualty Insurance Co., Inc., from Pulaski County Circuit Court. Stay lifted.

CV-13-450. James F. Valley v. State of Arkansas, from Pulaski County Circuit Court, Third Division. Motion of the Arkansas Legislative Council, President Pro Tempore of the Senate, and Speaker of the House of Representatives' for leave to file an amicus curiae brief in support of appellee is granted.

CV-13-527. Saline County Judge and AAC Risk Management v. Thomas D. Crouch, from the Arkansas Workers' Compensation Commission. Appellee's motion for attorney's fees is granted.

CV-13-679. Diamond State Insurance Company v. Dillion Rippey et al., from Bradley County Circuit Court. Joint motion to stay briefing and remand, or alternative motion for time and joint motion to stay briefing and correct the record. Motion to remand is denied. Motion to correct the record is granted.

CV-13-756. Pine Hills Health & Rehabilitation, LLC, et al. v. Rufus Brian Matthews, from Ouachita County Circuit Court. Appellants' motion to file corrected addendum volumes 2-3 and substituted brief is granted.

CV-13-849. The Logan Centers, Inc., et al. v. Carla Walker, from St. Francis County Circuit Court. Appellants' motion to correct or modify the record is denied. Harrison, J., not participating.

E-13-1064. Dayna Hester v. Director et al. Motion to file belated appeal is denied.

E-13-1065. Frantzie Guerrier v. Director et al. Motion to file belated appeal is denied.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-13-4. Donnie Farmer v. Scott Moon, from Pulaski County Circuit Court.

CR-09-1250. Shannon Williams v. State of Arkansas, from Greene County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees.

CR-12-839. Honor Williams v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees.

CR-13-235. Samuel Snowden v. State of Arkansas, from Pike County Circuit Court. Motion of William O. "Bill" James, Jr., for attorney's fees.

CR-13-430. Eloy Christopher Sandoval v. State of Arkansas, from Craighead County Circuit Court. Motion of Terry Goodwin Jones for attorney's fees.

CR-13-471. Curtis C. Brooks v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees.

CR-13-892. Tracy Land Davis v. State of Arkansas, from Union County Circuit Court. Appellant's pro se motion to be released on a conditional appeal bond.

CR-13-970. Christopher Lee Paschall v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for appointment of counsel.

CV-13-599. Rosetta L. Giddens v. Booker Franklin and Bank of Star City, from Jefferson County Circuit Court. Appellees' motion to dismiss appeal.

CV-13-599. Rosetta L. Giddens v. Booker Franklin and Bank of Star City, from Jefferson County Circuit Court. Appellant's motions to correct record and file belated brief.

CV-13-667. Consumer Utilities Rate Advocacy Division of the Arkansas Attorney General's Office v. Arkansas Public Service Commission et al., from Arkansas Public Service Commission. Appellant's motion to file belated brief.

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MOTIONS SUBMITTED

CV-13-730. Death & Permanent Total Disability Trust Fund v. Samantha Myers et al., from the Arkansas Workers' Compensation Commission. Appellees' motion to file belated brief.

CV-13-809. Donnie Hudson v. Arkansas Department of Human Services et al., from Washington County Circuit Court. Appellees' motion to stay briefing schedule and dismiss appeal.

CV-13-832. Steven Wiggins v. Arkansas Energy Services and New Hampshire Insurance Company, from the Arkansas Workers Compensation Commission. Joint motion to remand to the Workers' Compensation Commission so that joint petition proceedings may be held.

CV-13-876. David Brown v. Sex Offender Assessment Committee, from Franklin County Circuit Court. Appellant's motion to seal case, stay, and for more brief time.

CV-13-922. Jessica Marie Eldredge v. Arkansas Department of Human Services, from Madison County Circuit Court. Motion to stay and consolidate appeals CV-13-922 and CV-13-923.

E-13-627. Juliann Harvey v. Director et al., from the Arkansas Board of Review. Pro se motion to file new evidence.

E-13-978. David Miller v. Director et al., from the Arkansas Board of Review. Pro se request to permit the addition of new evidence contained in the amended petition for review.

E-13-1095. Nicholas Greene v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

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CASES SUBMITTED

CV-12-536. Debra Davis v. Schneider National, Inc., Schneider National Carriers, Inc., and Paul Turner, from Jefferson County Circuit Court. Orally argued.

CR-12-70. Reco Dantae Givan v. State of Arkansas, from Faulkner County Circuit Court.

CR-12-485. Brandon Atchley v. State of Arkansas, from Mississippi County Circuit Court.

CR-12-842. Carlos D. Williams v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-296. Bobby J. Singletary v. State of Arkansas, from Sebastian County Circuit Court.

CR-13-463. Timothy Joe Kendrick v. State of Arkansas, from Yell County Circuit Court.

CR-13-606. A.E.L. v. State of Arkansas, from White County Circuit Court.

CV-12-828. Josie Payne v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court.

CV-13-155. Michele McCormick Keith v. Steven Conrad Keith, from Ouachita County Circuit Court.

CV-13-347. Todd Whatley v. Estate of Bettye L. McDougal and Albert Warren, from Union County Circuit Court.

CV-13-348. Escapes! Inc. et al. v. Palm Beach Vacation Owners Association, Inc., et al., from Benton County Circuit Court.

CV-13-349. First State Bank v. Nick-Broyles Land Development LLC et al., from Washington County Circuit Court.

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CASES SUBMITTED

CV-13-352. Gary K. Overstreet v. Crystal C. Overstreet, from Union County Circuit Court.

CV-13-366. Wyatt Lee Young v. Bridgett Ann Young, from Madison County Circuit Court.

CV-13-470. David R. Tilley v. Debbie Sparrow Coulley, from Pope County Circuit Court.

CV-13-542. Andrea Daines Hart v. Scott Arthur Hart, from Pulaski County Circuit Court, Seventeenth Division.

CV-13-644. Albert McHenry v. Arkansas Department of Human Services, from Poinsett County Circuit Court.

CV-13-656. Angela Sue Wear v. Arkansas Department of Human Services, from Benton County Circuit Court.

CV-13-658. Bilal Abdul-Khaliq v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District.

CV-13-678. John Mitchell and Amanda Stone v. Arkansas Department of Human Services, from Pope County Circuit Court.

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

E-13-414. Brandon Hobbs v. Director et al.

E-13-415. Barbara A. Jones v. Director et al.

E-13-416. Isaac Guiden v. Director et al.

E-13-417. Latricia Farr v. Director et al.

E-13-418. Carla Storment v. Director et al.

E-13-419. Cecilia Mason v. Director et al.

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- E-13-421. Mark Banks v. Director et al.
- E-13-422. Mark A. Tepper v. Director et al.
- E-13-423. James Dean Baker v. Director et al.
- E-13-424. Walter Brown v. Director et al.
- E-13-425. Cecilia Vaughn v. Director et al.
- E-13-426. Gloria M. Huck v. Director et al.
- E-13-428. Melvin Parham v. Director et al.
- E-13-429. Danielle R. Baker v. Director et al.
- E-13-430. William Jennings v. Director et al.
- E-13-431. Robert T. Topoleski v. Director et al.
- E-13-432. Tony Mathis v. Director et al.
- E-13-433. Tereasa G. Jester v. Director et al.
- E-13-434. Margarita Pacheco v. Director et al.
- E-13-435. Paul Colby v. Director et al.
- E-13-436. Becky Williams v. Director et al.
- E-13-437. Anaya Johnson v. Director et al.
- E-13-438. Chris Meadows v. Director et al.
- E-13-439. Gary Bailey v. Director et al.