

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF DECEMBER 11, 2013

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

[CR-13-553](#). Leon Jackson v. State of Arkansas, from Miller County Circuit Court. Affirmed. Walmsley and Gruber, JJ., agree.

[CV-12-712](#). Evangelical Lutheran Good Samaritan Society; the Evangelical Lutheran Good Samaritan Society d/b/a Good Samaritan Campus-Hot Springs Village; and 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 County Circuit Court. Appeal dismissed. Walmsley, J., agrees. Gruber, J., concurs.

#### JOHN MAUZY PITTMAN, JUDGE:

[CR-13-360](#). Jason Carl Hayes v. State of Arkansas, from Boone County Circuit Court. Affirmed. Harrison and Wynne, JJ., agree.

#### BILL H. WALMSLEY, JUDGE:

[CV-13-492](#). Michael Abeyta v. Amy Abeyta, from Cleveland County Circuit Court. Reversed and remanded. Gladwin, C.J., and Gruber, J., agree.

#### BRANDON J. HARRISON, JUDGE:

[CR-12-485](#). Brandon Atchley v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Pittman and Wynne, JJ., agree.

[CR-12-900](#). Pamela Hooks v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Glover and Pittman, JJ., agree.

[CR-13-595](#). Richard Lee Wooten v. State of Arkansas, from Saline County Circuit Court. Affirmed. Pittman and Wynne, JJ., agree.

#### ROBIN F. WYNNE, JUDGE:

[CR-13-326](#). Penny J. Whitson v. State of Arkansas, from Baxter County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. Pittman and Harrison, JJ., agree.

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ROBIN F. WYNNE, JUDGE: (Continued)

[CV-13-346](#). Vernon Hardesty and Martha Hardesty v. Baptist Health d/b/a Baptist Health Medical Center, Dr. Raymond Rimmel, and Patrick O'Connell, R.N., from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Pittman and Harrison, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-13-118](#). Vilaychanh Phengthavy v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith and Greenwood Districts. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

[CV-13-609](#). Robert Bird Colquitt v. Linda Colquitt, from Columbia County Circuit Court. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

DAVID M. GLOVER, JUDGE:

[CR-13-298](#). Markeith Stubblefield v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Hixson and Wood, JJ., agree.

[CR-13-538](#). Robert Barker v. State of Arkansas, from Crittenden County Circuit Court. Appeal dismissed. Hixson and Wood, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-13-351](#). Ricardo Fuentes v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Vaught and Brown, JJ., agree.

[CV-12-536](#). Debra Davis v. Schneider National, Inc.; Schneider National Carriers; and Paul Turner, from Jefferson County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

[CV-13-561](#). Carmen J. Albarran v. Liberty Healthcare Management, from Benton County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-13-562](#). John Allen Woods v. State of Arkansas, from Poinsett County Circuit Court. Affirmed. Whiteaker and Brown, JJ., agree.

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#### KENNETH S. HIXSON, JUDGE:

[CV-13-103](#). Heirs of Mancil Duncan and Sylvia Duncan et al. v. Alfred T. Williams Living Trust and Marceil E. Sibert Living Trust, from Cleburne County Circuit Court. Reversed and remanded. Glover and Wood, JJ., agree.

[E-12-1135](#). The Law Offices of Craig L. Cook v. Director, Department of Workforce Services, and June Gurgel-Anteski, from the Arkansas Board of Review. Affirmed. Glover and Wood, JJ., agree.

#### RHONDA K. WOOD, JUDGE:

[CR-13-482](#). Alfred James Walker v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Glover and Hixson, JJ., agree.

[CV-12-1016](#). John Gerard d/b/a Quality Construction v. Jason Novak and Brittney Novak, from Lonoke County Circuit Court. Affirmed. Glover 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-13-440. Floyd Gaither v. Director et al.

E-13-441. Daniel Gum v. Director et al.

E-13-442. Willie L. Coleman v. Director et al.

E-13-443. Rodney Thomas v. Director et al.

E-13-444. Yoanse Poole v. Director et al.

E-13-445. Ruby Hensley v. Director et al.

E-13-446. Hector Villegas v. Director et al.

E-13-447. Gary Brothers v. Director et al.

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- E-13-448. Donald Middleton v. Director et al.
- E-13-450. Janet Allison v. Director et al.
- E-13-451. Jacqueline D. McDonald v. Director et al.
- E-13-452. Susan Hasson v. Director et al.
- E-13-453. Carnisha Hamilton v. Director et al.
- E-13-454. Chenal Adult Day Care v. Director et al.
- E-13-455. James Smith v. Director et al.
- E-13-456. Kaidrick Dunn v. Director et al.
- E-13-457. Mary B. Holmes v. Director et al.
- E-13-458. Kevin Mayberry v. Director et al.
- E-13-459. Kimberly L. Robinson v. Director et al.
- E-13-460. Emma Langston v. Director et al.
- E-13-461. Kenneth Ray Vaughn v. Director et al.
- E-13-462. Rose McDaniel v. Director et al.
- E-13-463. Robert Ross Jardine, Jr. v. Director et al.
- E-13-464. Regina Grider 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-13-484. Clarence David Southern v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CV-12-701. F. Allan Midyett v. Nancy Midyett, from Washington County Circuit Court.

CV-12-1072. Jose Ballesteros v. Nationwide Mutual Insurance Company, from Washington Circuit.

[CV-13-124](#). Donald Sears v. Joan Zumwalt, from Pulaski County Circuit Court, Ninth Division. *See* substituted opinion on denial of rehearing. Brown, J., concurs.

CV-13-146. Kent and Vickie Harris d/b/a Harris Saw Shop v. Barbara Temple, from Bradley County Circuit Court.

CV-13-171. Lyndsey Unruh v. Jonathan Grist, from Hot Spring County Circuit Court.

CV-13-181. Keiko Wagster v. Jeffrey D. Wagster, from Independence County Circuit Court.

CV-13-187. Graham Goodloe v. Marcia Goodloe, from Pulaski County Circuit Court, Fourteenth Division.

CV-13-273. Firestone Building Products and Sedgwick CMS v. Pamela V. Hopson, from the Arkansas Workers' Compensation Commission. Hixson, J., would grant.

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CR-13-126. Kelvin Locke v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary Potts for attorney's fees is granted. Allowed \$1,500.00.

CR-13-203. Jimmy Louis Medlock v. State of Arkansas, from Garland County Circuit Court. Motion of Laura Avery for attorney's fees is granted. Allowed \$1,800.00.

CR-13-228. Gregory Cohen 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. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,600.00.

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**PER CURIAM ORDERS**

CR-13-307. Daemon Davis v. State of Arkansas, from Mississippi County Circuit Court. Motion of Charles E. Ellis for attorney's fees is denied without prejudice.

CR-13-318. Leroy Haskins v. State of Arkansas, from Sebastian County Circuit Court. Motion of Nick Churchill for attorney's fees is granted. Allowed \$1,800.00.

CR-13-421. Scott Collier v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,400.00.

CR-13-724. Frederick Rainey v. State of Arkansas, from Cleveland County Circuit Court. Appellant's pro se motion for transcript is denied.

CR-13-735. Corie Rodrigus Frazier v. State of Arkansas, from Union County Circuit Court. Motion of LaTonya Laird Austin to be appointed as counsel for appellant is granted.

CR-13-774. Reggie T. Blair v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion to substitute Gene E. McKissic as counsel for appellant and for extension of time to file brief. Remanded to the trial court for a hearing within thirty days pursuant to Brewer v. State, 64 Ark. App. 372, 984 S.W.2d 65 (1998).

CV-08-1351. Gary Bodiford et al. v. Joyce Street, LLC, et al., from Washington County Circuit Court. Motion of Donnie Rutledge, Lisle Rutledge, P.A., to withdraw as counsel for Appellee Joyce Street, LLC, is granted.

CV-12-1102. Regina Foley v. Sean Foley, from Pulaski County Circuit Court. Appellant's motion to file belated brief is granted. Vaught, J., not participating.

CV-13-104. Hurt-Hoover Investments, LLC v. Lester Fulmer et al., from Cleburne County Circuit Court. Appellant's motion to file belated substituted abstract, brief, and addendum is granted.

CV-13-263. K.O.P. v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,400.00.

CV-13-372. Guy Czajka v. Butterball Turkey, LLC, and Ace American Insurance, from Arkansas Workers' Compensation Commission. Appellant's pro se motion for acceptance of pro se brief "as is" or to present oral arguments is denied.

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CV-13-550. Linda J. Earls et al. v. Harvest Credit Management VI-B, LLC, from Greene County Circuit Court. Appellant's motion to file a non-conforming brief is denied.

CV-13-949. Kimberly Stibich v. Adam S. Stibich et al., from Garland County Circuit Court. Appellant's pro se motion for expansion of page limit for appellant's motion for stay is denied.

CV-13-1015. Clay V. Jackson v. Charles Brooks Company, Inc., Fireman's Fund, Inc., and Gallagher Bassett Services, from Arkansas Workers' Compensation Commission. Appellant's pro se motion to proceed in forma pauperis is denied.

E-13-849. Kathy Davis v. Director et al., from the Arkansas Board of Review. Respondent's motion to remand is granted.

E-13-1127. Tosha Wade v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is denied.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-12-219. William Curtis v. Michael Lemna and New Champions Golf & Country Club, from Arkansas Workers' Compensation Commission.

CV-12-1040. Greg Anderson v. Brandy Thomas, from Saline County Circuit Court.

CV-13-38. Gregory Ross Giles, Terri Giles, Karen Jean Hughes, and Kevin Hughes v. Ozark Mountain Regional Public Water Authority, from Boone County Circuit Court.

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CR-12-981. Richard J. Jackson v. State of Arkansas, from Clark County Circuit Court. Motion of Amos J. Richards for attorney's fees.

CR-13-296. Bobby J. Singletary v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Motion of David L. Dunagin for attorney's fees.

CV-12-689. Ed Blalock v. Claudette Blalock, from Washington County Circuit Court. Motion of Brett D. Watson to withdraw as counsel.

CV-13-1013. Arkansas Federal Credit Union v. Eleanor Pigg, from Pulaski County Circuit Court, Fifth Division. Appellee's motion to dismiss appeal for lack of jurisdiction.



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#### **CASES SUBMITTED**

CV-13-437. Perkins Fire Pro, Inc. v. Travis W. Woods, from Independence County Circuit Court. Orally argued.

CR-12-20. Terry Douglas Reed v. State of Arkansas, from Sebastian County Circuit Court.

CR-12-463. Shane Donovan Wade v. State of Arkansas, from Independence County Circuit Court.

CR-13-130. Roy Maurice Harris v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-174. Donald D. Edwards v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-61. Jeremy Jermaine Gatewood v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-94. Jeremy Leon Stockton v. State of Arkansas, from Sebastian County Circuit Court.

CV-13-584. Heather Gossett v. Arkansas Department of Human Services and Minor Children, from Scott County Circuit Court.

CV-13-621. Jackie Fuller v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court.

CV-13-627. Faron Lewallen v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court.

CV-13-638. Rodney Porta v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court.

CV-13-716. Terry Washington v. Arkansas Department of Human Services, from Craighead County Circuit Court.

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**CASES SUBMITTED**

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

E-13-492. Brian Kass v. Director et al.

E-13-493. Allen Reeves v. Director et al.

E-13-495. Steven D. Leisley v. Director et al.

E-13-496. Cari Stebbins v. Director et al.

E-13-497. James Edward Wells v. Director et al.

E-13-498. Lisa Mauch v. Director et al.

E-13-499. Jacqueline Petit v. Director et al.

E-13-500. Larry Grayson v. Director et al.

E-13-501. Laura L. Carnahan v. Director et al.

E-13-502. Charles Martin v. Director et al.

E-13-503. Laquita Steward-Smith v. Director et al.

E-13-504. Christian Edwards v. Director et al.

E-13-506. Janice Jones v. Director et al.

E-13-507. Damion Wyrick v. Director et al.

E-13-508. Kay Smith v. Director et al.

E-13-509. Jason Alderman v. Director et al.

E-13-510. Farrah Upton v. Director et al.

E-13-511. Heather Crouch v. Director et al.

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**CASES SUBMITTED**

E-13-512. James Wells v. Director et al.

E-13-513. Patricia A. Robinson v. Director et al.

E-13-514. Gregory P. McNair v. Director et al.

E-13-515. Vivian Moore v. Director et al.

E-13-516. Kevin Curtis v. Director et al.

E-13-517. Charrekia Bell v. Director et al.

E-13-518. Dena Halbert v. Director et al.

E-13-519. Sonya L. Johnson v. Director et al.

E-13-520. Richard Joe Joiner v. v. Director et al.

E-13-521. Paul Jackson, Jr. v. Director et al.

E-13-522. Joshua Escoffier v. Director et al.

E-13-523. Dominic D. Young v. Director et al.

E-13-524. Matthew Mitchell v. Director et al.

E-13-525. James D. Riley v. Director et al.

E-13-526. Cynthia C. Leonard v. Director et al.

E-13-527. Lilly's Dim Sum Then Some v. Director et al.

E-13-530. Jane Ann Birmingham v. Director et al.

E-13-531. Lori Rice v. Director et al.

E-13-532. Robert D. Washington v. Director et al.

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**CASES SUBMITTED**

- E-13-533. Melvin Warren v. Director et al.
- E-13-534. Anna Guajardo v. Director et al.
- E-13-535. Dominique Phillips v. Director et al.
- E-13-536. Everick Monk v. Director et al.
- E-13-537. Christine Cumbie v. Director et al.
- E-13-538. Kelly Narramore v. Director et al.
- E-13-539. Michael Reed v. Director et al.
- E-13-540. Germaine Noah v. Director et al.
- E-13-541. Vernell Hawkins, Jr. v. Director et al.
- E-13-542. Nikki B. Davis v. Director et al.
- E-13-543. Dawn M. Coates v. Director et al.

Opinions are available on the internet at

<http://courts.arkansas.gov>