

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 8, 2014**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-13-667](#). Dustin McDaniel, Arkansas Attorney General, Consumer Utilities Rate Advocacy Division v. Arkansas Public Service Commission and Entergy Arkansas, Inc., from the Arkansas Public Service Commission. Reversed and remanded. Pittman, Walmsley, Hixson, and Wood, JJ., agree. Brown, J., dissents.

[CV-14-165](#). Dr. Mahmood Ahmad v. Horizon Pain, Inc., from Independence County Circuit Court. Affirmed. Brown, J., agrees. Vaught, J., concurs.

[CV-14-278](#). Baker Implement Company, Inc., and Union Insurance of Providence v. Henry E. Fox, from the Arkansas Workers' Compensation Commission. Affirmed. Wood and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CV-13-1057](#). United Systems of Arkansas, Inc. v. Beason & Nalley, Inc., Chad Braley, and David Miller, from Pulaski County Circuit Court, Thirteenth Division. Reversed and remanded. Walmsley, Glover, and Vaught, JJ., agree. Gladwin, C.J., and Whiteaker, J., dissent.

[CV-14-110](#). Estate of Frederick Bogar (Deceased) v. Welspun Pipes, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Walmsley and Hixson, JJ., agree.

[CV-14-199](#). Farmers Insurance Exchange v. Ray Bradford et al., from Independence County Circuit Court. Appeal dismissed. Walmsley and Hixson, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-12-724](#). Olivia Moody v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Wynne and Glover, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CV-13-518](#). Ollye Robinson v. Kimberly Jones Miller, from Jefferson County Circuit Court. Affirmed. Harrison and Glover, JJ., agree.

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### RITA W. GRUBER, JUDGE:

[CV-14-220](#). MCSA, LLC, d/b/a Medical Center of South Arkansas v. Ella Thurmon and Mickey Thurmon, from Union County Circuit Court. Reversed and remanded. Whiteaker and Vaught, JJ., agree.

[CV-14-315](#). Crystal Schaible v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. Pittman, Walmsley, and Whiteaker, JJ., agree. Vaught and Hixson, JJ., dissent.

### DAVID M. GLOVER, JUDGE:

[CR-13-994](#). James Anthony Gould v. State of Arkansas, from Pope County Circuit Court. Affirmed. Harrison and Wynne, JJ., agree.

[CV-13-460](#). MidFirst Bank, Carolyn Bedford, and Denise Bedford v. Lori Ledbetter Sumpter, from Crittenden County Circuit Court. Appeal dismissed. Harrison and Wynne, JJ., agree.

### LARRY D. VAUGHT, JUDGE:

[CR-14-90](#). R.W.G. v. State of Arkansas, from Garland County Circuit Court. Affirmed. Gruber and Whiteaker, JJ., agree.

### KENNETH S. HIXSON, JUDGE:

[CV-13-803](#). Dustin McDaniel, Arkansas Attorney General, Consumer Utilities Rate Advocacy Division v. Arkansas Public Service Commission and Entergy Arkansas, Inc., from the Arkansas Public Service Commission. Reversed and remanded. Gladwin, C.J., and Pittman, Walmsley, and Wood, JJ., agree. Brown, J., dissents.

[CV-14-140](#). George Willis v. Great Dane Trailers and American Zurich Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Walmsley, JJ., agree.

[CV-14-350](#). Advanced Portable X-Ray, LLC v. Connie Parker, from the Arkansas Workers' Compensation Commission. Reversed and remanded for further proceedings. Pittman and Walmsley, JJ., agree.

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### WAYMOND M. BROWN, JUDGE:

[CR-14-120](#). M.D. v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gladwin, C.J., and Wood, J., agree.

[CV-14-491](#). Michelle Knerr v. Arkansas Department of Human Services and Minor Child, from Lonoke County Circuit Court. Affirmed; motion to be relieved as counsel granted. Gladwin, C.J., and Wood, J., 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-14-249. Mark Brown v. Director et al.

E-14-250. Torrence Chunn v. Director et al.

E-14-251. Patricia Breedlove v. Director et al.

E-14-252. Joseph Eaton v. Director et al.

E-14-253. Jenifer Williamson v. Director et al.

E-14-254. Karen Word v. Director et al.

E-14-255. Lorie Niswonger v. Director et al.

E-14-256. Charles Stacks v. Director et al.

E-14-257. Martha Burris v. Director et al.

E-14-258. Diamond Hospitality Enterprises, LLC, d/b/a Hardees v. Director et al.

E-14-259. Conekka Foreman v. Director et al.

E-14-260. Shawn Harden v. Director et al.

E-14-261. Freddy Sammons, Sr. v. Director et al.

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E-14-262. Nickie Thomas v. Director et al.

E-14-263. Kathy Davis v. Director et al.

E-14-264. Barbara Jones v. Director et al.

E-14-265. H & K Trucking, LLC v. Director et al.

E-14-266. Christopher King v. Director et al.

E-14-267. Joseph Fagan v. Director et al.

E-14-268. Marlene Burks v. Director et al.

E-14-285. Wesley Glover v. Director et al.

E-14-286. Bridgette Sanders v. Director et al.

E-14-287. Nicki Easter v. Director et al.

E-14-288. Southern Refrigerated Transport, Inc. v. Director et al.

E-14-289. Johnny Moore v. Director et al.

E-14-290. James Elmore v. Director et al.

E-14-291. John Rick v. Director et al.

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**PER CURIAM ORDERS**

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

CR-13-722. Dimitria Singleton-Harris v. State of Arkansas, from Miller County Circuit Court.

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CR-11-415. Edward Anthony Liggins v. State of Arkansas, from Craighead County Circuit Court. Appellant's motion for extension of time in which to file reply brief is denied.

CR-13-724. Frederick Rainey v. State of Arkansas, from Cleveland County Circuit Court. Appellee's motion to dismiss appeal. Vicky B. Cooper removed as counsel for appellant. Bobby Digby II appointed to represent appellant.

CR-13-1113. Roger Dale Pierce v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Motion of David Dunagin for attorney's fees is granted. Allowed \$1,800.00.

CR-13-1118. Terry Detherow v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of William O. "Bill" James, Jr., for attorney's fees is granted. Allowed \$1,800.00.

CR-13-1139. Jhon Harris v. State of Arkansas, from Columbia County Circuit Court. Motion of William O. "Bill" James, Jr., for attorney's fees is granted. Allowed \$1,800.00.

CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Pro se motion for trial transcript is denied.

CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to allow for filing of belated brief is granted.

CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Second pro se motion for transcript and payment of costs is denied.

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CR-14-445. Jeffery E. Jackson v. State of Arkansas, from Calhoun County Circuit Court. Appellant's motion to supplement record and to correct brief is granted.

CR-14-499. Lester Phillips v. State of Arkansas, from Jefferson County Circuit Court. Appellee's motion to direct compliance with Arkansas Supreme Court Rules 3-1 and 3-4 as to the trial record and motion to stay briefing pending compliance is moot. Glover, J., not participating.

CR-14-499. Lester Phillips v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion to supplement the record and stay briefing schedule is granted. Glover, J., not participating.

CV-14-601. Carlean Canady v. Petit Jean State Bank, from Conway County Circuit Court. Appellant's motion to amend and correct the trial record pagination and to set revised briefing schedule is granted.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Appellants' motion to bifurcate consideration of issues for review is denied.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Appellants' motion for appointment of master for the purpose of limited discovery and related testimony is denied.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Appellants' motion for declaration of governing procedural rules and for stay of briefing schedule is denied.

E-14-789. Roderic Hicks v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

E-14-790. Brenda L. Dyer v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-13-868. Michael Gene Fowler v. State of Arkansas, from Faulkner County Circuit Court.

CV-13-1132. Southern Building Services, Inc. v. City of Fort Smith, Arkansas, from Sebastian County Circuit Court, Fort Smith District.

E-14-161. Albert Ridgell v. Director et al., from the Arkansas Board of Review.

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CR-13-654. James T. Piper v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts for attorney's fees.

CR-13-806. Matthew Williams, Jr. v. State of Arkansas, from Pike County Circuit Court. Pro se motion to relieve counsel.

CR-13-916. Robert Lee Sandrelli v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for non-conforming brief.

CR-13-1010. Jermaine Hicks v. State of Arkansas, from Crittenden County Circuit Court. Motion of David O. Bowden to be relieved as counsel and for substitution of Steven R. Smith as counsel due to health reasons.

CR-14-451. Robert Edward Jones v. State of Arkansas, from Crittenden County Circuit Court. Motion for leave to proceed in forma pauperis.

CR-14-466. Marcus Martez Sims v. State of Arkansas, from Crittenden County Circuit Court. Motion for leave to proceed in forma pauperis.

CV-11-1243. Ryan Roggasch and Elite Homes of Arkansas, Inc. v. Tasha Sims and John Sims, from Saline County Circuit Court. Appellants' bankruptcy status report.

CV-13-819. Garry Clayton and Zelma Magby v. Batesville Casket Company, Inc.; and Humphrey Funeral Service, Inc., from Pope County Circuit Court. Appellants' motion to file supplemental addendum and dispense with rebriefing.

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**MOTIONS SUBMITTED**

CV-14-102. Oksana G. Hackney v. Josh Hackney, from Pulaski County Circuit Court, Fourteenth Division. Appellee's motion for leave to file motion for reconsideration or rehearing.

CV-14-321. Gary Beard v. Lavern Arnold, from Pulaski County Circuit Court, Fifth Division. Appellee's petition for writ of certiorari to complete record and motion for rebriefing or, in the alternative, motion for extension of time.

CV-14-325. Whitey's Truck Center, Inc. v. Todd Robinson, from Pulaski County Circuit Court, Third Division. Appellee's motion to reinvest jurisdiction in the circuit court to resolve issue of supersedeas.

CV-14-337. Oksana G. Hackney v. Josh Hackney, from Pulaski County Circuit Court, Fourteenth Division. Appellee's motion to dismiss appeal.

CV-14-797. Kenneth Earl Youngblood v. Cheryl Youngblood, from Washington County Circuit Court. Appellant's motion for stay and approval of supersedeas bond.

CV-14-819. Johnny Hinchey, in His Official Capacity as Searcy County Judge v. Duford and Rosalee Taylor, Jim and Corrine Taylor, and Brent and Robin Taylor, from Searcy County Circuit Court. Appellant's motion to stay judgment pending appeal and incorporated brief.

E-14-794. Paris Walls v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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### CASES SUBMITTED

CR-13-313. Antwan Lavon Fowler v. State of Arkansas, from Faulkner County Circuit Court.

CR-13-978. Derrick Lamont Booth v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-13-1090. James Mitchell Green v. State of Arkansas, from Crittenden County Circuit Court.

CR-14-33. Travis L. White v. State of Arkansas, from Lonoke County Circuit Court.

CR-14-77. Wade Collins v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-14-78. Graig B. Lintz v. State of Arkansas, from Crawford County Circuit Court.

CR-14-106. Clifford Malone v. State of Arkansas, from Arkansas County Circuit Court, Southern District.

CR-14-109. Christopher Ebel v. State of Arkansas, from Benton County Circuit Court.

CR-14-160. Joel Raymond Rodriguez v. State of Arkansas, from Saline County Circuit Court.

CR-14-161. David Van Winkle v. State of Arkansas, from Polk County Circuit Court.

CR-14-176. Damien Ford v. State of Arkansas, from Miller County Circuit Court.

CR-14-338. Melissa McCann-Arms v. State of Arkansas, from Polk County Circuit Court.

CV-13-1078. Bert R. Jones v. Sonja D. Jones, from Washington County Circuit Court.

CV-13-1104. Bank of the Ozarks v. Susan Evon Cossey, from Pulaski County Circuit Court, Sixteenth Division.

CV-14-81. Howard Graham et al. v. Steven Arzo French et al., from Desha County Circuit Court.

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**CASES SUBMITTED**

CV-14-91. Cheri Suzanne McCoy v. Vernon Jeffrey Kincade, from Baxter County Circuit Court.

CV-14-172. Danette Welch White v. Michael J. White, from Columbia County Circuit Court.

CV-14-188. Mack Lundy v. Sandy Lundy, from Faulkner County Circuit Court.

CV-14-262. Al Brodbent and Evalee Brodbent v. Charley Smith, Minnie Proctor, Eric Hess, Johnny Smith, Edmond Ziegenhorn, and Fair Oaks Baptist Church, from Cross County Circuit Court.

CV-14-280. Ricky Teague and Niki Teague v. Joe Canfield and Elise Canfield, from Madison County Circuit Court.

CV-14-486. Johnson County Regional Medical Center and Risk Management Resources v. Freddie Lindsey, from the Arkansas Workers' Compensation Commission.

CV-14-530. Delove Redd v. Blytheville School District #5, from the Arkansas Workers' Compensation Commission.

CV-14-584. Heather Callison and Joseph Davidson v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court.

E-13-819. Trucks For You, Inc. v. Director et al., from the Arkansas Board of Review.

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

E-14-301. Shareka Johnson v. Director et al.

E-14-302. Jesse Reed v. Director et al.

E-14-303. Dana Gist v. Director et al.

E-14-304. Charles Griever v. Director et al.

E-14-305. Chastity Bradford v. Director et al.

E-14-306. Daniel Deller v. Director et al.

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**CASES SUBMITTED**

- E-14-307. Cynthia Conway v. Director et al.
- E-14-308. John Crum v. Director et al.
- E-14-309. Deanna Richardson v. Director et al.
- E-14-310. Loretta Brown v. Director et al.
- E-14-311. Emily Bridgman v. Director et al.
- E-14-312. Buck Buskirk v. Director et al.
- E-14-313. Lawanda Logan v. Director et al.
- E-14-314. Larry Pendleton v. Director et al.
- E-14-315. Olivia Myhre v. Director et al.
- E-14-316. Tejuahna Jordan v. Director et al.
- E-14-317. Tonia Smith v. Director et al.
- E-14-318. Michael McKinnon v. Director et al.
- E-14-319. Patricia Murphy v. Director et al.
- E-14-320. Alonzo Releford v. Director et al.
- E-14-321. Michael Zienty v. Director et al.
- E-14-322. Donna Wray v. Director et al.
- E-14-323. Richard Johnson v. Director et al.
- E-14-324. Gary Winfrey v. Director et al.