

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-14-1115](#). David C. Egger v. State of Arkansas, from Polk County Circuit Court. Affirmed. Whiteaker and Hoofman, JJ., agree.

[CV-15-342](#). Lynn Talley v. Arkansas Department of Human Services and Minor Children, from Pope County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Hoofman, JJ., agree.

BART J. VIRDEN, JUDGE:

[CR-14-678](#). Calvin Tatum v. State of Arkansas, from Monroe County Circuit Court. Affirmed; motion to withdraw granted. Gladwin, C.J., and Brown, J., agree.

BRANDON J. HARRISON, JUDGE:

[CR-14-990](#). Edward Lockhart v. State of Arkansas, from Saline County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. Abramson and Brown, JJ., agree.

[CV-15-280](#). Trevor McKinley v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

M. MICHAEL KINARD, JUDGE:

[CV-14-679](#). Gary Cross et al. v. Western Waste Industries et al., from Miller County Circuit Court. Affirmed. Harrison and Glover, JJ., agree.

[CV-14-766](#). Roger Ferren, Special Administrator of the Estate of Karmel Ferren, Deceased v. USAA Insurance Co. et al., from White County Circuit Court. Reversed and remanded. Gruber and Hixson, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-14-985](#). Gracie Neal, as Personal Representative of the Estate of Johnny Newborn, and On Behalf of the Wrongful Death Beneficiaries of Johnny Newborn v. Davis Nursing Association d/b/a Davis Life Care Center, from Jefferson County Circuit Court. Reversed and remanded. Kinard and Hixson, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

RITA W. GRUBER, JUDGE: (Continued)

[E-14-765](#). Chelsea Jones v. Director, Department of Workforce Services, and William T. St. John, from the Arkansas Board of Review. Reversed and remanded. Kinard and Hixson, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-14-989](#). Lachandra R. Moore v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Viriden and Vaught, JJ., agree.

[CV-15-338](#). Rebecca Wallace v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. Viriden and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-15-209](#). Dennis Schluterman v. Becko Machine Works and AmTrust North America, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin, C.J., and Hoofman, J., agree.

LARRY D. VAUGHT, JUDGE:

[CV-14-495](#). T.R. v. L.H., P.M., and S.M., from Benton County Circuit Court. Affirmed. Hoofman, J., agrees. Viriden, J., concurs.

[E-14-924](#). Jefferson-Lincoln County Circuit Court v. Director, Department of Workforce Services, and Employer Contributions Unit, from the Arkansas Board of Review. Affirmed. Viriden and Glover, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-14-1065](#). John D. Thompson v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Kinard and Gruber, JJ., agree.

[CV-14-905](#). Gary Steve Lloyd v. Pier West Property Owners Association and State Farm Fire & Casualty Company, from Garland County Circuit Court. Reversed and remanded. Kinard and Gruber, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

KENNETH S. HIXSON, JUDGE: (Continued)

[CV-14-1095](#). Wendy Jones and Lynn Gangemella v. Ted Douglas, Individually, and John Paul Morrison, Individually, and d/b/a Polymers, Inc., from Garland County Circuit Court. Affirmed in part; reversed in part. Harrison, Kinard, Whiteaker, Vaught, and Hoofman, JJ., agree. Gladwin, C.J., and Virden and Gruber, JJ., dissent.

CLIFF HOOFFMAN, JUDGE:

[CV-15-279](#). Michelle Oldham v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Gladwin, C.J., and Whiteaker, J., agree.

[E-14-925](#). Timothy Clark v. Director, Department of Workforce Services, and Greater River Medical Center, from the Arkansas Board of Review. Affirmed. Gladwin, C.J., and Whiteaker, J., agree.

WAYMOND M. BROWN, JUDGE:

[CV-14-1090](#). Joan Tillman Belcher, Special Administratrix of the Estate of Cornelius Tillman, Deceased v. Jerry Denton, from Pulaski County Circuit Court, Third Division. Dismissed. Abramson and Harrison, 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-14-716. Jack Hansen v. Director et al.

E-14-718. Renee Abbott v. Director et al.

E-15-107. Don Paul Bales v. Director et al.

E-15-160. Crystal Qualls v. Director et al.

E-15-161. Angela Rodriguez v. Director et al.

E-15-162. Daddy Rabbit's v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

E-15-163. Roberta Love v. Director et al.

E-15-164. Jimmy Beatty v. Director et al.

E-15-165. David Sanders v. Director et al.

E-15-166. Kisha Childers v. Director et al.

E-15-167. Kyle Simpson v. Director et al.

E-15-168. Tina Walker v. Director et al.

E-15-169. William Leeper v. Director et al.

E-15-170. ICEE of Southern Arkansas v. Director et al.

E-15-171. Susan Threlkeld v. Director et al.

E-15-172. AR Con Payroll Processing v. Director et al.

E-15-173. Anna Garner v. Director et al.

E-15-174. Robert Wright v. Director et al.

E-15-175. Charlette Speed v. Director et al.

E-15-176. Tyron Harris v. Director et al.

E-15-177. Roosevelt Williams v. Director et al.

E-15-178. Devon Clay v. Director et al.

E-15-179. A-Team v. Director et al.

E-15-180. Charles Johnson v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

PER CURIAM ORDERS

CR-14-1014. Dustin Wayne Brown v. State of Arkansas, from Garland County Circuit Court. Motion of Joseph C. Self for payment of fees is granted. Allowed \$1,800.00.

CR-14-1028. Louis Richard v. State of Arkansas, from Howard County Circuit Court. Motion of William O. "Bill" James, Jr., for attorney's fees is granted. Allowed \$1,600.00.

CR-15-9. Zackery Warren Shadwick v. State of Arkansas, from Johnson County Circuit Court. Appellee's motion to seal portions of the record is granted. Glover, J., not participating.

CR-15-486. A.I. v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to supplement record is granted.

CV-14-884. T.E. v. State of Arkansas, from Benton County Circuit Court. Motion of Margo D. Warner for attorney's fees is granted. Allowed \$1,800.00.

CV-15-55. India Bishop et al. v. Farm Bureau Mutual Insurance Company of Arkansas, Inc., from Pulaski County Circuit Court, Third Division. Motion of appellant India Bishop to continue oral argument is granted.

CV-15-123. Alicia Dawn Neumann v. Lloyd Draughon Smith, from Miller County Circuit Court. Appellee's motion to supplement record on appeal and stay briefing deadlines, and motion for additional briefing time if this motion is denied is granted. Record deemed supplemented.

CV-15-123. Alicia Dawn Neumann v. Lloyd Draughon Smith, from Miller County Circuit Court. Appellee's third motion for extension of time to file brief, filed in conjunction with appellee's motion to supplement record on appeal and stay briefing deadlines is granted. Appellant has fourteen days to file a redacted version of the brief. Appellee's brief is due seven days after the filing of appellant's redacted brief.

CV-15-123. Alicia Dawn Neumann v. Lloyd Draughon Smith, from Miller County Circuit Court. Appellee's motion for compliance with Administrative Order 19 and the rules governing contents of briefs is granted. Motion taken as a motion to seal the record and granted.

CV-15-365. Amber Kimble Shields v. Mitchell Kimble, from Randolph County Circuit Court. Appellant's pro se motion for leave of court to file a statement of the case in excess of five pages is denied.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

PER CURIAM ORDERS

CV-15-365. Amber Kimble Shields v. Mitchell Kimble, from Randolph County Circuit Court. Appellant's pro se motion for leave of court to file a brief in excess of thirty pages is denied.

CV-15-365. Amber Kimble Shields v. Mitchell Kimble, from Randolph County Circuit Court. Appellant's pro se motion for leave of court to file a substituted brief is denied.

CV-15-436. Kevin M. Burnett and Larreasha Adams v. Rush and Co., Inc., from Pulaski County Circuit Court, Second Division. Appellants' motion to file belated reply brief is denied. Virden, J., not participating.

CV-15-436. Kevin M. Burnett and Larreasha Adams v. Rush and Co., Inc., from Pulaski County Circuit Court, Second Division. Appellee's motion to strike is moot. Virden, J., not participating.

CV-15-436. Kevin M. Burnett and Larreasha Adams v. Rush and Co., Inc., from Pulaski County Circuit Court, Second Division. Appellee's amended motion to strike is granted. Virden, J., not participating.

CV-15-557. George M. Stokes, Sr. v. Mason F. Stokes, from Chicot County Circuit Court. Appellant's motion to consolidate appeals is granted.

CV-15-580. Kenneth Wayne Sparks v. Teresa Anne Sparks, from Cross County Circuit Court. Appellant's motion to correct or modify the record on appeal is denied without prejudice. *See* Ark. Sup. Ct. R. 3-5.

CV-15-582. La-Z-Boy Manufacturing, Inc. v. Rebecca Bruner, from the Arkansas Workers' Compensation Commission. Appellant's motion to supplement record and stay briefing schedule is remanded to the circuit court to settle the record.

CV-15-584. Nancy A. Edgerly v. Vanderbilt Mortgage and Finance, Inc., from Searcy County Circuit Court. Appellee's motion to dismiss appeal is passed until the case is submitted. Harrison, J., not participating.

CV-15-584. Nancy A. Edgerly v. Vanderbilt Mortgage and Finance, Inc., from Searcy County Circuit Court. Appellant's motion for expansion of the page limit for its response to appellee's motion to dismiss appeal is granted. Whiteaker, Hixson, and Brown, JJ., would deny. Harrison, J., not participating.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

PER CURIAM ORDERS

CV-15-653. Monroe Carlton, Jerry Rice, Kathy Rice, Amanda Rice, Meredith Lemons, Miranda Pascoe, and Margaret Pleasants v. Grace Ellen Rice, from Lonoke County Circuit Court. Appellants' motion to consolidate appeals is denied. Gruber and Whiteaker, JJ., not participating.

CV-15-655. Monroe Carlton, Jerry Rice, Kathy Rice, Amanda Rice, Meredith Lemons, Miranda Pascoe, and Margaret Pleasants v. Grace Ellen Rice, from Lonoke County Circuit Court. Appellants' motion to consolidate appeals is denied. Gruber and Whiteaker, JJ., not participating.

CV-15-672. George M. Stokes, Sr. v. Mason F. Stokes, from Chicot County Circuit Court. Appellant's motion to consolidate appeals is granted.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-14-1002. Jimmy Northern v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-14-364. Delbert Raymond Price v. State of Arkansas, from Washington County Circuit Court. Motion of Camille Edmison-Wilhelmi to substitute counsel and for an extension of time to file rebriefing.

CR-15-50. William Molpus, Jr. v. State of Arkansas, from Stone County Circuit Court. Motion of Gary W. Potts for attorney's fees.

CR-15-138. Max Douglas Bishop v. State of Arkansas, from Benton County Circuit Court. Motion of Charlene Davidson Henry for attorney's fees.

CR-15-151. Terry L. McCoy v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees.

CR-15-234. Calvin D. Tatum v. State of Arkansas, from Monroe County Circuit Court. Appellant's motion to accept brief out of compliance with Rule 4-2 of the rules of this court or, alternatively, to order supplemental record to be provided.

CR-15-539. Trecie Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion for entry of appearance by D. Ryan Mullenix.

CR-15-617. Jamie Shawn McCall v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to supplement record.

CR-15-617. Jamie Shawn McCall v. State of Arkansas, from Faulkner County Circuit Court. Pro se motion for extension of time to file appeal brief.

CV-14-674. Tricia Dundee v. Brenda Horton and GEICO General Insurance Company, from Sebastian County Circuit Court, Greenwood District. Motion of appellee Brenda Horton for attorney's fees for filing a substituted brief.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

MOTIONS SUBMITTED

CV-15-392. David G. Graves v. Jennifer A. Graves, from Jefferson County Circuit Court. Appellee's motion to file belated brief and to order the appellant to rebrief.

CV-15-392. David G. Graves v. Jennifer A. Graves, from Jefferson County Circuit Court. Appellant's motion to correct brief.

CV-15-571. Bernice Rutland v. Warren McWhorter and Angela McWhorter, from Saline County Circuit Court. Appellees' motion for reconsideration of order granting appellant an extension of time to file brief.

CV-15-593. Ashley Walter and Leonard Ray Burney v. Willow Wood Properties, LLC, from Washington County Circuit Court. Appellee's motion to dismiss appeal.

CV-15-706. Joshua Kilgore v. Robert Mullenax and Senior Dental Care, LLC, from Pulaski County Circuit Court, Second Division. Appellant's motion to supplement the record.

E-15-522. Michael Rushing v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

E-15-532. Carol Young v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

E-15-538. Bridgette Mitchell v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

CASES SUBMITTED

CR-14-560. Jeffrey Paul Whittier v. State of Arkansas, from Saline County Circuit Court.

CR-14-1030. Z.L. v. State of Arkansas, from Jackson County Circuit Court.

CR-14-1036. Emilio C. Gutierrez v. State of Arkansas, from Sevier County Circuit Court.

CR-15-46. Joyce Rollf v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-15-61. Gregory Whitt v. State of Arkansas, from Washington County Circuit Court.

CR-15-84. Tristan Roger Travis v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-15-87. Ronald Vince Fennell v. State of Arkansas, from Benton County Circuit Court.

CR-15-140. James Mikel Reep v. State of Arkansas, from Saline County Circuit Court.

CR-15-141. James Mikel Reep v. State of Arkansas, from Saline County Circuit Court.

CV-14-730. Joni R. Collins v. Mitchell L. Collins, from Faulkner County Circuit Court.

CV-14-1046. Ernest Warren Farr, Jr., Debbie Holmes, and Joann Farr v. American National Property & Casualty Companies, from Garland County Circuit Court.

CV-15-11. William L. Bateman v. Lillian C. Heird, from Jefferson County Circuit Court.

CV-15-54. Harry Cummings, Jr. v. Rebekah A. Cummings, from Polk County Circuit Court.

CV-15-71. Catherine W. Smith v. Paul R. Smith, from Garland County Circuit Court.

CV-15-135. Joni R. Collins v. Mitchell L. Collins, from Faulkner County Circuit Court.

CV-15-262. Angela Stout Erskin v. Marvin Stout and Minor Child, from Washington County Circuit Court.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 16, 2015

CASES SUBMITTED

CV-15-283. Mercy Hospital Fort Smith and Sisters of Mercy Health Systems v. Keaha Hendley, from the Arkansas Workers' Compensation Commission.

CV-15-459. Christina Tribble v. Arkansas Department of Human Services and Minor Child, from Yell County Circuit Court, Southern District.

CV-15-461. Caroline Jaqueline Adams v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-15-466. O.M. v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division.

CV-15-467. Porfirio Contreras v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Northern District.

CV-15-487. Jessica Merritt v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court.

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

E-14-910. Paul Voss v. Director et al.

E-14-1042. Eddie Debnam v. Director et al.

E-15-205. Kiera Barker v. Director et al.

E-15-206. Rina Brint v. Director et al.

E-15-207. April Colvin v. Director et al.

E-15-208. Christine Whitney v. Director et al.

E-15-209. Marion Knight v. Director et al.

E-15-210. Elizabeth Shackelford v. Director et al.

E-15-211. Deborah Veysey v. Director et al.

E-15-212. Rose Carter v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF SEPTEMBER 16, 2015

CASES SUBMITTED

E-15-213. Latron Buchanan v. Director et al.

E-15-214. Joseph Jones v. Director et al.

E-15-215. Barton Easley v. Director et al.

E-15-216. Gregory Turner v. Director et al.

E-15-217. Arturo Bastidas v. Director et al.

E-15-218. Deborah Tompkins v. Director et al.

E-15-219. James Walker v. Director et al.

E-15-220. LaTiffany Thompson v. Director et al.

E-15-221. Winnie Wilson v. Director et al.

E-15-222. Gail Washington v. Director et al.

E-15-223. Eloise Julian v. Director et al.

E-15-224. Patsy Spence v. Director et al.

E-15-225. Elizabeth Wallace v. Director et al.

E-15-226. John Crayton v. Director et al.

E-15-228. Stephen Helmert v. Director et al.

E-15-229. Brenda Gary v. Director et al.