

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 10, 2016

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-15-45](#). Elizabeth Ann Williamson, as Administrator of the Estate of Cynthia Frazier, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Cynthia Frazier v. Baptist Health Medical Center, from Pulaski County Circuit Court, Third Division. Affirmed. Abramson and Brown, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-15-64](#). Francisco Reyes Medley v. State of Arkansas, from Saline County Circuit Court. Affirmed. Gladwin, C.J., and Brown, J., agree.

BART F. VIRDEN, JUDGE:

[CR-15-234](#). Calvin Tatum v. State of Arkansas, from Monroe County Circuit Court. Affirmed. Kinard and Glover, JJ., agree.

[CR-15-539](#). Trecie Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Remanded for clarification and correction of sentencing order; supplemental record and addendum ordered. Kinard and Glover, JJ. agree.

BRANDON J. HARRISON, JUDGE:

[CR-15-551](#). D.D.T. v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Vaught and Hixson, JJ., agree.

[CV-15-1](#). Tierra Stewart and Randall Stewart v. The Estate of Bobby Nolan Herring, from Drew County Circuit Court. Dismissed without prejudice. Vaught and Hixson, JJ., agree.

[CV-15-576](#). Gerald Stow v. State of Arkansas, from Baxter County Circuit Court. Affirmed. Vaught and Hixson, JJ., agree.

M. MICHAEL KINARD, JUDGE:

[CR-15-561](#). Jimmy Dale Frahm v. State of Arkansas, from Crawford County Circuit Court. Reversed. Virden and Glover, JJ., agree.

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RITA W. GRUBER, JUDGE:

[CV-15-168](#). Liberty Bank of Arkansas, as Successor Trustee of the Vernon E. Arnold Revocable Trust v. Clyde E. Byrd, Jr., Executor of the Estate of Ardellia D. Byrd Arnold, Deceased, from Pope County Circuit Court. Affirmed on direct appeal; affirmed on cross-appeal. Whiteaker and Hoofman, JJ., agree.

[CV-15-602](#). Watson Chapel School District v. June Vilches, from Jefferson County Circuit Court. Affirmed. Whiteaker and Hoofman, JJ., agree.

[CV-15-717](#). Get Rid of It Arkansas and Chartis v. Curtis Graham, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Hoofman, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-15-163](#). Gary Howard, Individually and as Administrator of the Estate of Odis Howard, Deceased v. Lauren Adams, Don Brady, Todd Mazzanti, and Brady & Jackson, PLLC, from Benton County Circuit Court. Supplementation of the record and addendum ordered. Harrison and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-15-430](#). Lori L. Massanelli v. Gregg L. Massanelli, from Union County Circuit Court. Appeal dismissed. Vaught, J., agrees. Harrison, J., concurs.

[CV-15-599](#). Stefanie Emerson v. James Emerson, from Crittenden County Circuit Court. Dismissed without prejudice. Harrison and Vaught, JJ., agree.

[CV-15-735](#). Lowe's Home Centers, Inc., and Sedgwick Claims Management Services v. Shawn R. Pope, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross appeal. Harrison and Vaught, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CV-15-609](#). George Wheatley d/b/a Velocity Sports Academy v. Dixie Mall 2003, LLC, from Benton County Circuit Court. Affirmed. Gruber and Whiteaker, JJ., agree.

[CV-15-818](#). Melody Hunter v. Arkansas Department of Human Services, from Izard County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Whiteaker, JJ., agree.

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CLIFF HOOFFMAN, JUDGE: (Continued)

[E-15-630](#). The Bank of Fayetteville NA v. Director, Department of Workforce Services, and Fred Tanner, from the Arkansas Board of Review. Appeal dismissed. Gruber and Whiteaker, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-15-348](#). Michael R. Woodward v. Arkansas State Police Commission, from the Pulaski County Circuit Court, Sixteenth Division. Affirmed. Gladwin, C.J., and Abramson, 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-15-628. Brittany Ewans v. Director et al.

E-15-629. John Hogan v. Director et al.

E-15-631. Rolanda Foreman v. Director et al.

E-15-632. Donald Briggs v. Director et al.

E-15-633. Kenneth Buckley v. Director et al.

E-15-634. Darlene Parks v. Director et al.

E-15-635. Kimberly Hendrix v. Director et al.

E-15-636. Lashedrick Dailey v. Director et al.

E-15-637. Francisca Lopez v. Director et al.

E-15-638. Harold West v. Director et al.

E-15-639. Crestpark Marianna, LLC v. Director et al.

E-15-640. Mary Evans v. Director et al.

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E-15-641. Fonda Waldrop v. Director et al.

E-15-642. Freddie Yarbrough v. Director et al.

E-15-643. Marsha Stovall v. Director et al.

E-15-644. Morgan Vision Clinic v. Director et al.

E-15-645. Claude McPike v. Director et al.

E-15-646. Tommy Madden v. Director et al.

E-15-647. Lonzell Terry v. Director et al.

E-15-648. Phillip McCray v. Director et al.

E-15-650. David Miles v. Director et al.

E-15-651. Donald Couch v. Director et al.

E-15-652. Phillip Little v. Director et al.

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PER CURIAM ORDERS

CR-14-892. Kenneth O. Newton v. State of Arkansas, from Union County Circuit Court. Motion of N. Mark Klappenbach for attorney's fees is granted. Allowed \$1,600.00.

CR-15-633. Cynthia Marie Glennon v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,800.00.

CV-14-954. Joanne Amy Doughty v. Richard Douglas, from Garland County Circuit Court. Appellant's pro se motion for oral argument. Motion passed until all briefs are filed.

CV-15-250. Joanne Amy Doughty v. Richard Douglas, from Garland County Circuit Court. Appellant's pro se motion for oral argument is denied.

CV-15-625. Mike Ellis v. Denee Ellis, from Randolph County Circuit Court. Appellee's motion to dismiss is denied.

CV-15-686. Adam Alexander v. Eastern Tank Services, Inc., from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for oral argument is denied. Harrison, J., not participating.

CV-15-987. Mac Westmoreland v. Mena Public Schools, Arkansas School Boards Association, and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's motion to supplement the record is granted.

CV-16-20. Centerline Corporate Partners et al. v. ERC Properties, Inc., et al., from Sebastian County Circuit Court, Greenwood District. Joint motion to stay briefing schedule, or in the alternative for extension is granted. Status report due in sixty days. Gladwin, C.J., and Whiteaker, Vaught, Hixson, and Brown, JJ., would deny the motion to stay and grant the extension.

CV-16-26. McCain Mall Company Limited Partnership v. Ethel Long, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion to stay briefing schedule. Case and motion assumed by the Arkansas Supreme Court. (Proceedings of February 5, 2016.)

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-15-281. Trent Kimbrell v. State of Arkansas, from Polk County Circuit Court.

CR-13-316. Antwan Lavon Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to recall the mandate.

CR-14-1111. Rosman Chantharath v. State of Arkansas, from Washington County Circuit Court. Motion of Steven R. Davis for attorney's fees.

CR-15-307. Richard Randal Kourakis v. State of Arkansas, from Sharp County Circuit Court. Motion of R.T. Starcken for attorney's fees.

CR-15-363. Devin Kirkland v. State of Arkansas, from Poinsett County Circuit Court. Motion of L.D. Gibson for attorney's fees.

CR-15-370. Gadrian Hill v. State of Arkansas, from Bradley County Circuit Court. Motion of Joseph P. Mazzanti III for attorney's fees and expenses.

CR-15-400. JoBeth Ferguson v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees.

CR-15-432. Jackie Lee Lemley v. State of Arkansas, from Drew County Circuit Court. Motion of Timothy R. Leonard for attorney's fees and expenses.

CR-15-514. Natalie Nicole Alsbrook v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees.

CR-15-566. Michael Howard v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees.

CR-15-594. Marlo Harris v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CR-15-693. Larry W. Davis v. State of Arkansas, from Boone County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees.

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MOTIONS SUBMITTED

CR-15-802. Kevin Fairl Cain v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for extension of deadline to file brief.

CR-16-55. Lamar Daniel Ron Wilson v. State of Arkansas, from Garland County Circuit Court. Motion of Dale E. Adams to be relieved as counsel.

CV-15-193. Hector Hortelano v. Laura Ivette Hortelano, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion for extension to lodge supplemental record for court reporter to complete temporary hearing transcript.

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. Appellee's motion to dismiss appeal.

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. Appellee's motion to dismiss appeal.

CV-15-699. Robert Frost v. City of Rogers, Municipal League Workers' Compensation Trust, and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Motion of J. Chris Bradley to withdraw as counsel.

CV-15-932. Tiffany Wafford and Freddie Miles, Jr. v. Arkansas Department of Human Services and Minor Children, from Miller County Circuit Court. Appellant Tiffany Wafford's motion for remand to settle the record and stay briefing schedule.

CV-15-932. Tiffany Wafford and Freddie Miles, Jr. v. Arkansas Department of Human Services and Minor Children, from Miller County Circuit Court. Appellant Freddie Miles, Jr.'s, motion for remand to settle the record and stay briefing schedule.

CV-15-937. Rebecca K. McMahan v. Kenneth Mack Robinson and American Express Centurion Bank, from Pope County Circuit Court. Appellant's motion to supplement the trial record.

CV-15-972. Cyndal Dunn v. Robert Robins, from Lawrence County Circuit Court. Appellant's motion to supplement the record.

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MOTIONS SUBMITTED

CV-15-980. Heather Crow v. Advanced Dental Implants and Denture Center; and Hartford Underwriters Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's motion to stay briefing schedule.

CV-15-980. Heather Crow v. Advanced Dental Implants and Dentures Center; and Hartford Underwriters Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's motion to correct the record.

CV-15-1021. Charles Coleman and Nelda Coleman v. University of Arkansas for Medical Sciences, Harmon Gareth Tobler, and Richard Betzold, from Pulaski County Circuit Court, Sixteenth Division. Appellants' pro se motion to appoint counsel.

CV-15-1041. Panhandle Oil and Gas, Inc. v. BHP Billiton Petroleum, LLC; and Chesapeake Exploration, LLC, from Faulkner County Circuit Court. Appellant's motion to supplement the record and stay briefing schedule.

CV-16-4. Bert Lee Myers v. Suzie Ridgley, from Pulaski County Circuit Court, Twelfth Division. Motion of Scott A. Scholl to withdraw as counsel and for attorney's lien.

E-16-48. Rachel McGee v. Director et al., from the Arkansas Board of Review. Motion for belated appeal.

E-16-60. TTosha Knapper v. Director et al., from the Arkansas Board of Review. Motion for belated appeal.

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CASES SUBMITTED

CV-15-206. Mona B. Sloop and Mona B. Sloop Revocable Trust v. Sally Ann Kiker and Russell L. Kiker, as Trustees of the Sally Ann Kiker Revocable Trust and the Russell L. Kiker Revocable Trust, from Newton County Circuit Court. Orally argued.

CR-14-570. Donald Campbell v. State of Arkansas, from Hot Spring County Circuit Court.

CR-15-453. Cortez Lamont Gould v. State of Arkansas, from Faulkner County Circuit Court.

CR-15-670. Charles Ronk v. State of Arkansas, from Columbia County Circuit Court.

CR-15-695. John Douglas Flemister v. State of Arkansas, from Drew County Circuit Court.

CR-15-705. Terence Christopher Powell v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-15-797. James Andrew Moppin v. State of Arkansas, from Boone County Circuit Court.

CV-15-200. Sharon K. Barton, Robert Franklin Bryant, Gallie Thomas Bryant, and Frances Paulette Bryant v. Bobby and Sheila Brockington, from Faulkner County Circuit Court.

CV-15-503. Jane Lipscomb Stone, Individually and as Executrix of the Estate of Madolene Stone, Deceased; Benjamin Hicks Stone III, Ruth Stone Jones, Margaret Stone Cotter, Harriet Stone Evans, Patricia Marty Stone, Edward Durell Stone III; Maria Francesca Stone, Fiona Campbell Stone, and Matthew Whelpley v. Washington Regional Medical Center and City of Fayetteville, Arkansas, from Washington County Circuit Court.

CV-15-570. Susan Hill v. Tabitha Marshall, from Lonoke County Circuit Court.

CV-15-582. La-Z-Boy Manufacturing, Inc. v. Rebecca Bruner, from the Arkansas Workers' Compensation Commission.

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CASES SUBMITTED

CV-15-589. Jerry D. Duvall and Wanda Duvall v. Vicki E. Carr-Pool, as Trustee of TRV Revocable Trust, from Conway County Circuit Court.

CV-15-631. Palestine-Wheatley School District v. George Hopkins, as Executive Director of The Arkansas Teacher Retirement System; The Arkansas Teacher Retirement System; and Bobbie Fingers, from St. Francis County Circuit Court.

CV-15-659. Raymond Morgan and Katie Morgan, Husband and Wife v. Big Creek Farms of Hickory Flat, Inc., from Cleburne County Circuit Court.

CV-15-680. Montrevel Billings et al. v. U.S. Bank National Association, from Crawford County Circuit Court.

CV-15-739. Tammy Duhon Lipscomb and Gregory Lipscomb v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division.

CV-15-904. Kristin Bell v. Arkansas Department of Human Services and Minor Child, from Yell County Circuit Court, Southern District.

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

E-15-400. Dan Sanders v. Director et al.

E-15-665. Freddie Bradley, Jr. v. Director et al.

E-15-666. Manuel Calderon v. Director et al.

E-15-667. Robert Marks v. Director et al.

E-15-668. Antoine Sanders v. Director et al.

E-15-669. Charlotte Wadlow v. Director et al.

E-15-670. Christopher Pettijohn v. Director et al.

E-15-671. Jessie Garner v. Director et al.

E-15-672. Lia Jenkins v. Director et al.

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CASES SUBMITTED

E-15-673. Agnes Smith v. Director et al.

E-15-674. Ruthie Golatt v. Director et al.

E-15-675. David Corbin v. Director et al.

E-15-676. Jean Lawson v. Director et al.