

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 9, 2016**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-16-559](#). Alyssa Ekberg and Jerry Ashmore v. Arkansas Department of Human Services, and E.H. and H.A., Minor Children, from Pulaski County Circuit Court, Eleventh Division. Supplemental abstract and addendum ordered. Abramson and Whiteaker, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-16-218](#). Shaun Allen v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Gladwin, C.J., and Whiteaker, J., agree.

BRANDON J. HARRISON, JUDGE:

[CV-16-97](#). Ralph Bradbury v. Edward Harvey, Bonnie Harvey, and Marvin Jones, from Pulaski County Circuit Court, Sixth Division. Appeal dismissed without prejudice; motion to dismiss moot. Virden and Brown, JJ., agree.

[CV-16-98](#). Megan Ballard v. Ally Financial, Inc., from White County Circuit Court. Dismissed. Virden and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-16-140](#). Angel Epley v. John Gibson Auto Sales, from Garland County Circuit Court. Affirmed. Kinard and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-16-137](#). Jesse Everett v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Affirmed; motion to withdraw granted. Gladwin, C.J., and Abramson, J., agree.

LARRY D. VAUGHT, JUDGE:

[CV-16-122](#). Mountain Pure, LLC d/b/a Mountain Pure Water Company; Mountain Pure MS, LLC; MPAR, LLC; MPMS, LLC; Mountain Pure Holdings, LLC; and John B. Stacks v. Clearwater Holdings, LLC, as Successor in Interest to Simmons First National Bank, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Kinard and Gruber, JJ., agree.

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### KENNETH S. HIXSON, JUDGE:

[CR-16-285](#). Gary Brian Cogburn v. State of Arkansas, from Howard County Circuit Court. Affirmed; remanded in part for corrected sentencing order. Glover and Hoofman, JJ., agree.

### CLIFF HOOFFMAN, JUDGE:

[CV-16-440](#). Adam Alexander v. Eastern Tank Services, Inc., from Sebastian County Circuit Court, Fort Smith District. 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-16-280. Christell Palmer v. Director et al.
- E-16-307. Herbert Blalock v. Director et al.
- E-16-308. Lisa Sepulvado v. Director et al.
- E-16-309. Anita Hayes v. Director et al.
- E-16-310. Benjamin Wagner v. Director et al.
- E-16-311. Ruby Russell v. Director et al.
- E-16-312. Brandon Pistole v. Director et al.
- E-16-313. Cartersia Bolton v. Director et al.
- E-16-315. Kristi Walker v. Director et al.
- E-16-316. Barry Davis v. Director et al.
- E-16-317. Megan Ford v. Director et al.

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### PER CURIAM ORDERS

CR-12-975. Eric Castellon v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to allow release of sealed exhibits to Federal District Court is granted upon substitution of documents.

CR-15-774. Frank Schermerhorn v. State of Arkansas, from Van Buren County Circuit Court. Motion of Omar F. Greene for payment of appointed counsel is granted. Allowed \$1,800.00.

CR-16-286. Alan C. Bathrick v. State of Arkansas, from Sharp County Circuit Court. Petition of R.T. Starcken for attorney's fees is granted. Allowed \$1,800.00.

CR-16-633. Lee Sullivan Ivory v. State of Arkansas, from Independence County Circuit Court. Appellant's pro se motion for appointment of counsel is granted.

CV-16-73. S.E. Arnold and Company, Inc. d/b/a Arnold's Flooring America v. Cincinnati Insurance Company, from Pulaski County Circuit Court, Second Division. Appellee's motion to cite case for oral argument outside of brief is granted.

CV-16-73. S.E. Arnold and Company, Inc. d/b/a Arnold's Flooring America v. Cincinnati Insurance Company, from Pulaski County Circuit Court, Second Division. Appellee's motion for leave to file reply to appellant's response to appellee's motion to cite case for oral argument outside of brief is granted.

CV-16-96. Arkansas Highway & Transportation Department and Arkansas Insurance Department, Public Employee Claims Division v. Brenda Wiggins, from the Arkansas Workers' Compensation Commission. Appellee's motion for attorney's fees is granted. Hoofman, J., not participating.

CV-16-149. Nathan J. Jarrett and Key Energy Services, LLC v. Andrew J. Brand, Jr., from Perry County Circuit Court. Appellants' suggestion of bankruptcy is noted. Status report due in sixty days (January 8, 2017).

CV-16-229. Jessika Shirley and Nicole Smith v. Progressive Car Finance, LLC, from Benton County Circuit Court. Appellants' motion to file belated reply brief is granted.

CV-16-326. Tyler Johnson v. State Farm Mutual Automobile Insurance Company, from Craighead County Circuit Court, Western District. Appellee's motion requesting permission to file a brief in response to appellant's reply brief is denied.

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**PER CURIAM ORDERS**

CV-16-616. Terry Haney v. Comfort Inn and Continental Western Insurance Co., from the Arkansas Workers' Compensation Commission. Pro se appellant's petition to proceed in forma pauperis is granted.

CV-16-676. Deran Ford, as Administrator of the Estate of Herman P. Ford, Deceased, and as Next Friend on Behalf of I.F., a Minor v. Natasa Milojkovic, M.D.; Angela Pennisi, M.D.; Matthew Steliga, M.D.; David Rutlen, M.D.; Hakan Paydak, M.D.; Thaddeus Bartter, M.D.; Teka Bartter, A.P.N.; and Kyle Kalkwarf, M.D., from Pulaski County Circuit Court, Sixth Division. Appellant's motion to substitute documents in record is granted.

CV-16-676. Deran Ford, as Administrator of the Estate of Herman P. Ford, Deceased, and as Next Friend on Behalf of I.F., a Minor v. Natasa Milojkovic, M.D.; Angela Pennisi, M.D.; Matthew Steliga, M.D.; David Rutlen, M.D.; Hakan Paydak, M.D.; Thaddeus Bartter, M.D.; Teka Bartter, A.P.N.; and Kyle Kalkwarf, M.D., from Pulaski County Circuit Court, Sixth Division. Appellant's motion for extra time to file brief is moot.

CV-16-716. John Cecil Green and Gail Green v. David Stueve, from Logan County Circuit Court, Northern District. Appellee's motion to supplement the record is granted.

CV-16-741. Thy Tran v. Thi Vo and Tran Ngoc Uyen Vo, from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion to supplement the record is granted. Harrison, J., not participating.

CV-16-935. Rhonda Hayman v. James R. Huett, from Conway County Circuit Court. Appellee's motion to remand appeal is granted. Virden, J., not participating.

CV-16-936. Thomas Burton and Cindy Burton v. American Gamebird Research Education and Development Foundation, Inc., from Lafayette County Circuit Court. Appellants' motion to consolidate is denied. Kinard, J., not participating.

E-16-347. James Garner v. Director et al., from the Arkansas Board of Review. Pro se motion to add additional evidence is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 9, 2016**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-16-57. Ghedeon Trif v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division.

E-16-35. Families, Inc. v. Director, Department of Workforce Services, Employer Contribution Unit, from the Arkansas Board of Review.

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CR-15-707. Ellis Brisher v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees.

CR-16-57. Ghedeon Trif v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division. Appellee's motion to supplement the record.

CR-16-84. Jerrod Tristan Baker v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Aubrey L. Barr for attorney's fees and expenses.

CR-16-266. Rashune Raglon v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion to remand to settle record, alternatively for a writ of certiorari, and to suspend briefing time.

CR-16-329. James Bynum v. State of Arkansas, from Scott County Circuit Court. Appellant's petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record.

CR-16-329. James Bynum v. State of Arkansas, from Scott County Circuit Court. Appellant's motion withdrawing petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record.

CR-16-368. Erik Omar Garcia v. State of Arkansas, from Hempstead County Circuit Court. Appellant's petition for writ of certiorari to complete the record or in the alternative motion for extension of time.

CR-16-380. Jeffery Duane Procella v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney's fees and costs.

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**PROCEEDINGS OF NOVEMBER 9, 2016**

**MOTIONS SUBMITTED**

CR-16-855. Brian Dawayne Austin v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to supplement the record.

CR-16-856. Oliver W. Hart III v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to supplement the record.

CV-16-330. James Branch v. Stephanie Branch, from Saline County Circuit Court. Appellee's motion for substitution of counsel.

CV-16-733. Terry Wyatt v. Joyce Lorene Wyatt, from Faulkner County Circuit Court. Appellant's motion for expedited consideration.

CV-16-835. Wal-Mart Associates, Inc., and Claims Management, Inc. v. Patricia Armstrong, from the Arkansas Workers' Compensation Commission. Appellants' motion to supplement record and stay briefing schedule.

CV-16-865. Vicki Anderson Hollimon v. Mark Hollimon, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss appeal as moot.

CV-16-865. Vicki Anderson Hollimon v. Mark Hollimon, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to stay brief pending ruling on appellee's motion to stay temporary guardianship and motion to dismiss appeal as moot.

CV-16-915. Pulaski County Special School District v. Janice Lewis, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to consolidate appeals.

CV-16-916. Pulaski County Special School District v. Pam Fitzgiven, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to consolidate appeals.

E-16-445. Monique Guillory v. Director et al., from the Arkansas Board of Review. Pro se motion to add additional evidence.

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### CASES SUBMITTED

CV-16-73. S.E. Arnold and Company, Inc. d/b/a Arnold's Flooring America v. Cincinnati Insurance Company, from Pulaski County Circuit Court, Second Division. Orally argued.

CR-16-344. Terrance Alfonzo Washington v. State of Arkansas, from Crittenden County Circuit Court.

CV-15-746. Capital SeniorCare Ventures, LLC, et al. v. Ericka Ann Davis, as Special Administrator for the Estate of Julius Marks, Deceased, from Clark County Circuit Court.

CV-15-1028. Robert Stewart v. Gary Michaelis, Racer AG Service, and Sam Dickens, from St. Francis County Circuit Court.

CV-16-133. Briggs & Associates, LLC, and Bo D. Briggs v. Morgan Magness and Judith B. Magness, from Pulaski County Circuit Court, Second Division.

CV-16-146. Beaver Liquor, Inc. v. Town & County, LLC, from Sebastian County Circuit Court, Fort Smith District.

CV-16-162. Lyle Farms Partnership, Katherine Lyle Harbison, and Estate of Ann Lyle v. Charlotte Lyle, from Jackson County Circuit Court.

CV-16-170. Don A. Smith v. Gretchen Marie Smith, from Sebastian County Circuit Court, Greenwood District.

CV-16-192. Ryan Goodwin v. Stephanie Goodwin, from Sebastian County Circuit Court, Fort Smith District.

CV-16-206. Joanne Black, Charles Black, Clay Black, Travis Black, and Yancy Reynolds v. Jack Duffie, from Hempstead County Circuit Court.

CV-16-457. Holly Rice v. Scott Rice, from Mississippi County Circuit Court, Chickasawba District.

CV-16-496. Darlene Rodgers v. Arkansas Department of Human Services and Minor Child, from Mississippi County Circuit Court, Osceola District.

CV-16-686. Michael Burkett v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court.

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**CASES SUBMITTED**

CV-16-690. LaRicha Canada v. Arkansas Department of Human Services and Minor Children, from Ouachita County Circuit Court.

CV-16-710. Timothy Stanley and Jennifer Long v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division.

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

E-16-328. Hugh Gibson v. Director et al.

E-16-329. Leroy Foster v. Director et al.

E-16-330. Kenneth Grant v. Director et al.

E-16-331. Crystal King v. Director et al.

E-16-332. Sheila Kaduchak v. Director et al.

E-16-333. Rakeam Ricks v. Director et al.

E-16-334. Brenda James v. Director et al.

E-16-335. Sharon Hildersheim v. Director et al.

E-16-336. Joseph Almond v. Director et al.

E-16-337. Jeremy Prosser v. Director et al.