

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF NOVEMBER 30, 2016

### ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-16-107](#). Lester Fulmer, Rob Bentley, Robert Best, and Carl Chilson v. William Hurt, Michael Hoover, and Mobility Lift Systems, LLC, from Cleburne County Circuit Court. Rebriefing ordered. Kinard and Hixson, JJ., agree.

[CV-16-306](#). Southern Farm Bureau Casualty Insurance Company v. Shelter Mutual Insurance Company and Tommy Roberson, from Ashley County Circuit Court. Reversed on direct appeal; cross-appeal rendered moot. Kinard and Hixson, JJ., agree.

### RAYMOND R. ABRAMSON, JUDGE:

[CV-16-690](#). LaRichia Canada v. Arkansas Department of Human Services and Minor Children, from Ouachita County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

### BRANDON J. HARRISON, JUDGE:

[CR-16-344](#). Terrance Washington v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Hoofman, J., agrees. Gruber, J., concurs.

[CV-14-353](#). Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court. Affirmed. Abramson and Kinard, JJ., agree.

[CV-14-1096](#). Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court. Affirmed in part; reversed in part; and remanded in part. Abramson and Kinard, JJ., agree.

[CV-16-496](#). Darlene Rodgers v. Arkansas Department of Human Services and Minor Child, from Mississippi County Circuit Court, Osceola District. Affirmed. Gruber and Hoofman, JJ., agree.

### RITA W. GRUBER, JUDGE:

[CV-16-686](#). Michael Burkett, Sr. v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. Harrison and Hoofman, JJ., agree.

### DAVID M. GLOVER, JUDGE:

[CV-16-170](#). Don A. Smith v. Gretchen Marie Smith, from Sebastian County Circuit Court, Greenwood District. Affirmed. Virden and Whiteaker, JJ., agree.

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#### PHILLIP T. WHITEAKER, JUDGE:

[CV-16-173](#). Jason Bowmaster v. City of Jacksonville, Arkansas; Arkansas Municipal League; and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed in part; reversed and remanded in part. Abramson and Kinard, JJ., agree.

#### LARRY D. VAUGHT, JUDGE:

[CV-15-878](#). Brittany Walden v. Jacob Edward Jackson, from Montgomery County Circuit Court. Reversed and remanded. Abramson and Brown, JJ., agree.

[CV-16-146](#). Travis Sexton, Christina Bargiel, and Beaver Liquor, Inc. v. Scott Sowell, Lynn Sowell, and Town & Country, LLC, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Abramson and Brown, JJ., agree.

[CV-16-457](#). Holly K. Rice v. Scott Rice, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Abramson and Brown, JJ., agree.

#### KENNETH S. HIXSON, JUDGE:

[CV-16-133](#). Bo D. Briggs, Individually, and D/B Briggs & Associates, LLC v. Morgan Magness, Judith B. Magness, George W. Foster III, Jack London, Karen London, B. Douglas Stokes, Sarah Moore Stokes, Michael Roberson, Sara Roberson, Dianne Wood, and Linda Young, from Pulaski County Circuit Court, Second Division. Affirmed. Gladwin, C.J., and Kinard, J., agree.

#### WAYMOND M. BROWN, JUDGE:

[CV-16-162](#). Lyle Farms Partnership et al. v. Charlotte Lyle, from Jackson County Circuit Court. Affirmed. Abramson and Vaught, JJ., agree.

[CV-16-235](#). Brittany Walden v. Jacob Edward Jackson, from Montgomery County Circuit Court. Reversed and dismissed. Abramson, J., agrees. Vaught, J., concurs.

[CV-16-479](#). Samuel A. Rosse III v. City of Jonesboro, from Craighead County Circuit Court, Western District. Reversed and remanded. Abramson and Vaught, JJ., agree.

[CV-16-710](#). Timothy Stanley and Jennifer Long v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed. Abramson and Vaught, JJ., agree.

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**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-16-328. 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.

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**PER CURIAM ORDERS**

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

CV-16-276. J.M.E. and A.K.E. (Minor Children) v. Valley View Agri Systems, Inc.; Guarantee Insurance Co.; and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Gladwin, C.J., and Gruber, Vaught, and Brown, JJ., would grant.

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[CR-12-950](#). Thomas Rainey v. State of Arkansas, from Dallas County Circuit Court. Tendered motion for reconsideration. Motion stricken. See **per curiam** this date. Virden, J., not participating.

CR-15-455. LaShawn Heath v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,600.00.

CR-16-329. James N. Bynum v. State of Arkansas, from Scott County Circuit Court. Appellant's pro se motion for reconsideration of motion to substitute counsel is denied.

CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court. Appellant's motion for extension of time is denied.

CV-16-389. USA Trucks, Inc., and Broadspire Services, Inc. v. James Jarrell, from the Arkansas Workers' Compensation Commission. Appellee's motion for attorney's fees is granted. Harrison, J., not participating.

CV-16-674. Jon Christopher Bean and Jennifer Bean v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Appellees' joint motion to stay briefing schedule, for extension of time to file brief, and for enlargement of page limits. Appellees' argument is enlarged to thirty-five pages.

CV-16-674. Jon Christopher Bean and Jennifer Bean v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Appellees' supplemental motion to stay briefing schedule, for extension of time to file brief, and for enlargement of page limits. Appellees' brief is due in seven days (December 7, 2016).

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### PER CURIAM ORDERS

CV-16-679. Clara C. Gaither v. Arkansas Foundation for Medical Care and Sedgwick Claims Management Services, Inc., from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to reconsider appointment of counsel is denied.

CV-16-739. Farm Credit Midsouth, PCA v. Fred N. Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court. Appellant's unopposed motion to expand briefing page limit is granted.

[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 is granted. See **per curiam** this date.

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 is moot. See **per curiam** this date.

CV-16-868. Public Employee Claims Division v. Gary Clark, from Carroll County Circuit Court, Eastern District. Appellant's motion to correct the record is granted.

CV-16-903. Connie Watkins and Richard Watkins v. Arkansas Department of Agriculture, Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors, Arkansas Division of Land Surveys, Everett Rowland, Brandon Robinson, Steve Haralson, James Atchley, Ronald Hawkins, H. James Engstrom, Nora Moses, Robert Holloway, Bradley P. Hancock, and Bradley P. Hancock Surveying & Mapping, from Pulaski County Circuit Court, Sixth Division. Appellants' pro se motion to supplement the record is denied.

CV-16-946. Sherry Miesner v. Estate of Joyce Priest Allred, Deceased; Relyance Bank; Belinda Allred; and Janice Herring, from Cleveland County Circuit Court. Appellant's motion to stay appeal is moot.

CV-16-946. Sherry Miesner v. Estate of Joyce Priest Allred, Deceased; Relyance Bank; Belinda Allred; and Janice Herring, from Cleveland County Circuit Court. Appellant's amended motion to stay appeal is denied. Hoofman, J., would grant.

E-16-470. Elizabeth Cheek v. Director et al., from the Arkansas Board of Review. Pro se motion to retract petition for review. Appeal dismissed.

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**PER CURIAM ORDERS**

E-16-489. Carolyn Willis 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:

CV-15-470. MidFirst Bank, Carolyn Bedford, and Denise Bedford v. Lori Ledbetter Sumpter, from Crittenden County Circuit Court.

CV-16-70. Stephanie Sikora v. Shalon Bogard and Paulette Everett, from Pulaski County Circuit Court, Sixth Division.

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CR-16-240. Floyd Dwayne Daffron v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CR-16-317. Bobby Lee Robinson v. State of Arkansas, from Washington County Circuit Court. Motion of Amos J. Richards for attorney's fees.

CR-16-753. Richard Raymond Ressler v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion to supplement the record.

CR-16-806. Brandon Duane Williams v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Terrence Cain to appear as an additional attorney for the appellant.

CR-16-879. Anne O'Hara Bynum v. State of Arkansas, from Drew County Circuit Court. Appellant's petition for writ of certiorari.

CR-16-908. Donnell Robinson v. State of Arkansas, from Chicot County Circuit Court. Appellant's motion to supplement the record and stay briefing schedule.

CV-16-259. James Anthony Welspom v. James W. Sanders, Mayor, City of Blytheville, from Mississippi County Circuit Court, Chickasawba District. Appellee's motion to dismiss appeal.

CV-16-410. Rachel Woolard Westin v. Jared C. Hays, from Craighead County Circuit Court, Western District. Appellee's motion to seal a portion of the record.

CV-16-882. Arash Amir Bakhtiar v. Jennifer McAfee, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal with prejudice.

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**MOTIONS SUBMITTED**

CV-16-921. Jamie Jones v. Arkansas Department of Human Services and Minor Child, from Lonoke County Circuit Court. Appellant's motion to file supplemental briefs.

CV-16-930. Safe Haven Enterprises, LLC v. Evers Electric Company, Inc., from Union County Circuit Court. Appellee's motion to dismiss appeal.



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### CASES SUBMITTED

CR-16-331. Chachawal Chawangkul v. State of Arkansas, from Arkansas County Circuit Court, Northern District.

CR-16-379. Randy W. Duck v. State of Arkansas, from Union County Circuit Court.

CR-16-386. William Lamar Brown v. State of Arkansas, from Jefferson County Circuit Court.

CV-16-78. Gary Howard, Administrator of the Estate of Odis Howard, Deceased v. Lauren Adams and Adams and Brady, PLLC, from Benton County Circuit Court.

CV-16-267. Jerry D. Duvall and Wanda Duvall v. Vicki E. Carr-Pool, as Trustee of the TRV Irrevocable Trust, from Conway County Circuit Court.

CV-16-517. Madison Companies, LLC, and Horsepower Entertainment, LLC v. Grant Williams, from Pulaski County Circuit Court, Twelfth Division.

CV-16-608. A.E.R.T., Inc., and National Union Fire Insurance v. Maria Estrada, from the Arkansas Workers' Compensation Commission.

CV-16-726. Jason T. Jones and Amanda Self v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division.

CV-16-742. Latisha Bane and Joseph Bane v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court.

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

E-16-348. Billy Tucker v. Director et al.

E-16-349. Wade Carrell v. Director et al.

E-16-350. Terri Massanet v. Director et al.

E-16-351. Jerry Gaston v. Director et al.

E-16-352. Carrie Hillard v. Director et al.

E-16-353. Julieann Spitzer v. Director et al.

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**CASES SUBMITTED**

E-16-354. Simon Norwood v. Director et al.

E-16-355. Mark Smith v. Director et al.

E-16-356. Andrea Prunty v. Director et al.