

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 15, 2017

RITA W. GRUBER, CHIEF JUDGE:

[CV-16-727](#). Sandra Murphey v. Donald Fuller, from Craighead County Circuit Court, Western District. Dismissed without prejudice. Virden and Whiteaker, JJ., agree.

[CV-16-955](#). Gale A. Askins v. Kroger Limited Partnership and Sedgwick Claims Management, from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Whiteaker, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-15-798](#). National Association for the Advancement of Colored People v. Hubert Bass, Member and Chairman of the Election Supervisory Committee of the Crittenden County Branch of the NAACP, from Crittenden County Circuit Court. Affirmed. Klappenbach and Vaught, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-16-716](#). John Cecil Green and Gail Green v. David Stueve, from Logan County Circuit Court, Northern District. Dismissed without prejudice. Gruber, C.J., and Whiteaker, J., agree.

[CV-16-925](#). Lisa Faussett and Arvol Baty, Jr. v. Arkansas Department of Human Services and Minor Children, from Drew County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Gladwin, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-15-937](#). Rebecca K. McMahan v. Kenneth Mack Robinson and American Express Centurion Bank, from Pope County Circuit Court. Supplemental addendum ordered. Harrison and Murphy, JJ., agree.

[CV-16-850](#). Brookshire Grocery Company v. Cleon Morgan, Sr., from the Arkansas Workers' Compensation Commission. Affirmed. Harrison and Murphy, JJ., agree.

[E-16-386](#). Jimmy Wilson v. Director, Department of Workforce Services, and CenterPoint Energy, from the Arkansas Board of Review. Affirmed. Gruber, C.J., and Abramson, Glover, Murphy, and Brown, JJ., agree. Harrison, Klappenbach, and Whiteaker, JJ., dissent.

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N. MARK KLAPPENBACH, JUDGE:

[CV-16-613](#). Lee Baker v. Office of Child Support Enforcement, from Pike County Circuit Court. Affirmed. Abramson and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-16-298](#). Willie Wells v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Gruber, C.J., and Virden, J., agree.

CV-16-835. Wal-Mart Associates, Inc., and Claims Management, Inc. v. Patricia Armstrong, from the Arkansas Workers' Compensation Commission. Reversed. Vaught and Murphy, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-16-481](#). Cameron Wornkey v. Ashley Deane, from Crawford County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-16-383](#). Rodric D. Cohns v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Harrison and Brown, JJ., agree.

[CV-16-414](#). Christopher Chad Poland v. Meredith Poland, from Pulaski County Circuit Court, Thirteenth Division. Affirmed; motion denied. Gruber, C.J., and Virden, Harrison, and Glover, JJ., agree. Gladwin, Whiteaker, Vaught, and Brown, JJ., dissent.

[CV-16-679](#). Clara C. Gaither v. Arkansas Foundation for Medical Care and Sedgwick Claims Management Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Brown, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-16-651](#). Jeremy Shane Fudge v. Whitney Lynell Dorman, from Union County Circuit Court. Reversed and remanded. Gladwin and Harrison, JJ., agree.

[CV-16-1045](#). Lydia Selsor and Edward Troutman v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed. Whiteaker 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-16-509. Johana Gallegos v. Director et al.

E-16-510. Brenda Dunlap v. Director et al.

E-16-511. Maurice Harris v. Director et al.

E-16-512. Jesus Castaneda v. Director et al.

E-16-513. Arlene Grife v. Director et al.

E-16-514. Michael Marsischky v. Director et al.

E-16-515. Jeremy Ridgell v. Director et al.

E-16-516. Nora Bensley v. Director et al.

E-16-517. S. Carlin Long v. Director et al.

E-16-518. Isaac Barcz v. Director et al.

E-16-519. Bryant Paulin v. Director et al.

E-16-520. Theodis Jackson v. Director et al.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-16-319. Veda Ann Struble v. Blytheville School District, from Mississippi County Circuit Court, Chickasawba District.

CR-15-827. Christopher Brewer v. State of Arkansas, from Lincoln County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees.

CR-16-723. Aaron Lovelace v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees.

CR-16-820. Lorenzo Harrison v. State of Arkansas, from St. Francis County Circuit Court. Appellant's petition for writ of certiorari to supplement and settle the record and motion to hold briefing schedule in abeyance until the supplemental record is filed and motion for extension of time to file brief.

CR-16-843. Michael Anthony Williams v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss.

CR-16-844. Michael Anthony Williams v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss.

CR-16-1073. K.B. v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for permission to file single-spaced abstract.

CR-16-1092. Dorian Lacy v. State of Arkansas, from Clark County Circuit Court. Appellant's motion to supplement the record.

CR-17-75. Jerrick London v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Appellant's pro se motion for appointment of counsel.

CR-17-76. Sammy W. Dortch, Jr. v. State of Arkansas, from Independence County Circuit Court. Motion of Jeremy B. Lowrey to enter appearance as co-counsel for appellant.

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MOTIONS SUBMITTED

CR-17-85. Ronald Anthony Antonello v. State of Arkansas, from Miller County Circuit Court. Amended motion of Caroline Whitefield and Garnet Norwood to relieve counsel on appeal and to appoint counsel to prosecute appeal.

CR-17-102. Jimmy Chris McMullin v. State of Arkansas, from Pope County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CV-15-1012. Philip Roberts v. Ed Dell Wortz, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for extension of time to file substituted reply brief.

CV-16-70. Stephanie Sikora v. Shalon Bogard and Paulette Everett, from Pulaski County Circuit Court, Sixth Division. Appellees' motion for allowance of attorney's fees.

CV-16-436. Cynthia Butler Farrell v. Hanford Francis Farrell, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for attorney's fees.

CV-16-661. Robert Jeffrey Parnell v. Victoria Lee Mattingly, from Garland County Circuit Court. Appellant's pro se motion for reconsideration of appellate court's order of dismissal of the appellant's appeal.

CV-16-802. City of Tontitown, Arkansas v. First Security Bank; City of Springdale, Arkansas; and Hillcrest Holdings, LLC, from Washington County Circuit Court. Appellant's motion to supplement the record.

CV-17-127. Paul F. Miller v. DIRECTV, Individually, and as a Partner of AT&T; Southwestern Bell Telephone Company d/b/a AT&T and AT&T Arkansas; Randall L. Stephenson; Samuel A. Di Piazza, Jr.; Scott T. Ford; Joyce M. Rockne; Matthew K. Rose; Laura D. Tyson; and Eric Fielder, as or in the Office of the President, David C. Nichols, from Garland County Circuit Court. Appellant's pro se motion for stay.

CV-17-127. Paul F. Miller v. DIRECTV, Individually, and as a Partner of AT&T; Southwestern Bell Telephone Company d/b/a AT&T and AT&T Arkansas; Randall L. Stephenson; Samuel A. Di Piazza, Jr.; Scott T. Ford; Joyce M. Rockne; Matthew K. Rose; Laura D. Tyson; and Eric Fielder, as or in the Office of the President, David C. Nichols, from Garland County Circuit Court. Appellant's pro se motion to consolidate.

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MOTIONS SUBMITTED

CV-17-127. Paul F. Miller v. DIRECTV, Individually, and as a Partner of AT&T; Southwestern Bell Telephone Company d/b/a AT&T and AT&T Arkansas; Randall L. Stephenson; Samuel A. Di Piazza, Jr.; Scott T. Ford; Joyce M. Rockne; Matthew K. Rose; Laura D. Tyson; and Eric Fielder, as or in the Office of the President, David C. Nichols, from Garland County Circuit Court. Appellees' motion to dismiss appeal.

CV-17-127. Paul F. Miller v. DIRECTV, Individually, and as a Partner of AT&T; Southwestern Bell Telephone Company d/b/a AT&T and AT&T Arkansas; Randall L. Stephenson; Samuel A. Di Piazza, Jr.; Scott T. Ford; Joyce M. Rockne; Matthew K. Rose; Laura D. Tyson; and Eric Fielder, as or in the Office of the President, David C. Nichols, from Garland County Circuit Court. Appellant's pro se joinder in motion to dismiss.

CV-17-151. Stacy Rider and Pam Rider v. Longbow Ranch, LLC; Ben Pearson; and Paulette Pearson, from Stone County Circuit Court. Appellants' unopposed motion to waive addendum obligation.

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PER CURIAM ORDERS

PETITIONS FOR REHEARING: Petitions for rehearing were denied today in the following cases.

CV-16-258. The Academy, Inc. d/b/a Haas Hall Academy, and Martin Schoppmeyer, Jr. v. Paradigm Building, LLC, from Washington County Circuit Court.

E-16-433. Lateshia Patillo v. Director et al., from the Arkansas Board of Review.

CR-16-516. Gregory Wayne Finfrock v. State of Arkansas, from Washington County Circuit Court. Motion of Gregg A. Knutson for attorney's fees is granted. Allowed \$1,800.00.

CR-16-718. Deion Johnson v. State of Arkansas, from Garland County Circuit Court. Motion of Grace Casteel for award of attorney's fees is granted. Allowed \$1,800.00.

CR-16-735. Lawrence Handy v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,800.00.

CR-16-768. Kevin Spencer Owens, Sr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Elizabeth Danielson for attorney's fees is granted. Allowed \$1,800.00.

CR-17-39. Korey Duane Rabion v. State of Arkansas, from Dallas County Circuit Court. Motion of Terrence Cain to appear as an additional attorney for the appellant is granted.

CR-17-115. Willie Lee Doby, Jr. v. State of Arkansas, from St. Francis County Circuit Court. Appellant's motion to substitute counsel on appeal and for appointment of counsel is granted.

CV-16-900. Matthew M. Henry v. Sarah L. Henry, from Pulaski County Circuit Court, Third Division. Appellee's renewed motion to dismiss appeal is granted.

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CV-16-917. Tami Thomas Darr, as Executrix of the Estate of Stephen Michael Herman, Deceased v. Francis Jean Billeaudeau, from Pulaski County Circuit Court, Fifteenth Division. Joint motion and stipulation to correct the record, or in the alternative, petition for certiorari to complete the record is granted. Record deemed supplemented.

CV-16-1041. Vera Lee Angel Trust, Johnny Angel, and Paula Napper v. Jim O'Bryant and Kay O'Bryant Joint Revocable Trust, John W. Whittaker, Susan C. Whittaker, John Stansel Harvey, Lisa Harvey, Ernest Bernard McCool Trust, Gregory D. Hawkins, Sharon L. Hawkins, Jimmie Earl O'Bryant, Barbara O'Bryant, Jeanne M. McFarlin Living Trust, Glen Dale Perciful, Teresa Perciful, and Robert Louis Gladfelter Revocable Trust, from Garland County Circuit Court. Appellants' motion to supplement the record and motion for extension of time to file brief is granted.

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CASES SUBMITTED

CV-16-143. Brian O. Birtcher v. Mena Water Utilities, Arkansas Municipal League, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Orally argued.

CR-16-753. Richard Raymond Ressler v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-16-860. Edward Lamar Cave v. State of Arkansas, from Grant County Circuit Court.

CR-16-880. Preston Lee Gamet v. State of Arkansas, from Saline County Circuit Court.

CV-16-590. Nissan North America, Inc. v. Jeanne Harlan, from Mississippi County Circuit Court, Chickasawba District.

CV-16-810. Larry Pingatore v. Union Pacific Railroad and Dennis H. Hatley, from Crittenden County Circuit Court.

CV-16-842. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Future Davenport, from St. Francis County Circuit Court.

CV-16-884. Panhandle Oil and Gas, Inc. v. BHP Billiton Petroleum, LLC, from Faulkner County Circuit Court.

CV-16-885. American Gamebird Research Education and Development Foundation, Inc. v. Thomas Burton and Cindy Burton, from Lafayette County Circuit Court.

CV-16-936. Thomas Burton and Cindy Burton v. American Gamebird Research Education and Development Foundation, Inc., from Lafayette County Circuit Court.

CV-16-1083. LeeAnna Salazar v. Arkansas Department of Human Services and Minor Child, from Hot Spring County Circuit Court.

CV-16-1128. Melissa Holland v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District.

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

E-16-521. Rima Peterson v. Director et al.

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CASES SUBMITTED

- E-16-522. Yolanda Bornds v. Director et al.
- E-16-523. Jimmy Callens v. Director et al.
- E-16-524. Fereshteh Maynard v. Director et al.
- E-16-525. Donnie Morphis v. Director et al.
- E-16-526. Marcus Flenory v. Director et al.
- E-16-528. Karan Topiwala v. Director et al.
- E-16-529. James Slawson v. Director et al.
- E-16-530. Sharon Pruitt v. Director et al.
- E-16-531. Yolanda Barton v. Director et al.
- E-16-532. Lauren West v. Director et al.
- E-16-533. Michael McCurry v. Director et al.