

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

RAYMOND R. ABRAMSON, JUDGE:

[CV-16-884](#). Panhandle Oil and Gas, Inc. v. BHP Billiton Petroleum (Fayetteville), LLC, from Faulkner County Circuit Court. Affirmed in part; reversed and remanded in part. Klappenbach and Vaught, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-16-1063](#). Crystal Butler v. Arkansas Department of Human Services and Minor Children, from Union County Circuit Court. Affirmed; motion to withdraw granted. Gruber, C.J., and Whiteaker, J., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-16-590](#). Nissan North America, Inc. v. Jeanne Lucille Harlan, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Harrison and Murphy, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-16-810](#). Larry Pingatore v. Union Pacific Railroad Company and Dennis Hatley, from Crittenden County Circuit Court. Supplemental abstract and addendum ordered. Gladwin and Murphy, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-16-1128](#). Melissa Holland v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Affirmed; motion to withdraw granted. Abramson and Vaught, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-16-880](#). Preston Lee Gamet v. State of Arkansas, from Saline County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-16-842](#). Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Future Davenport, from St. Francis County Circuit Court. Affirmed. Gruber, C.J., and Virden, J., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

LARRY D. VAUGHT, JUDGE:

[CR-16-753](#). Richard Raymond Ressler v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Abramson and Klappenbach, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-16-617](#). Arthur Herman Simon, Jr. v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Glover and Brown, JJ., agree.

[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. Affirmed. Glover and Brown, JJ., agree.

[CV-16-976](#). Samantha Nicole Ford, Anthony P. Guerra, and Christopher D. Ford v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Affirmed; motions granted. Glover and Brown, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-16-860](#). Edward Lamar Cave v. State of Arkansas, from Grant County Circuit Court. Affirmed. Gladwin and Harrison, JJ., agree.

[CV-16-832](#). Packers Sanitation Services, Inc., and ACE American Insurance Company v. Cecilia Quintanilla, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Harrison, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-16-724](#). Arkansas Department of Community Correction and Arkansas Insurance Department, Public Employee Claims Division v. Theresa Barclay, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker, Vaught, and Murphy, JJ., agree. Harrison and Hixson, JJ., dissent.

[CV-16-1081](#). Wilma Tapp v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Northern District. Affirmed. Abramson, Klappenbach, and Vaught, JJ., agree. Glover and Hixson, JJ., dissent.

[CV-16-1083](#). LeeAnna Salazar v. Arkansas Department of Human Services and Minor Child, from Hot Spring County Circuit Court. Affirmed. Glover and Hixson, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

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

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.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-15-918. Chelsea S. Harley v. Wyndham S. Dempster, Sr., from Pulaski County Circuit Court, Fourteenth Division.

CV-16-519. Thomas Ellis Stuart v. Arkansas Department of Finance and Administration, Larry Walther, Director, from Drew County Circuit Court.

CV-16-564. Grant County Unified Community Resource Council, Inc. d/b/a Spirit of Sharing and/or Keeping the Faith v. Mary Pennington, from Grant County Circuit Court.

CV-16-565. Multi-Craft Contractors, Inc., and Gallagher Bassett Services, Inc. v. Rick Yousey, from the Arkansas Workers' Compensation Commission.

CV-16-652. Commercial Fitness Concepts, LLC v. WGL, LLC, from Benton County Circuit Court.

CV-16-749. James Hubbard v. Riceland Foods, Liberty Mutual Insurance Company, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CR-16-593. Mark Anthony Mosley v. State of Arkansas, from Washington County Circuit Court. Motion of Margo D. Warner to withdraw and motion to modify time for briefing.

CR-16-688. Robert Nicholas Jeffries v. State of Arkansas, from Madison County Circuit Court. Motion of Nona M. McVay for attorney's fees.

CR-16-812. Christopher Reynolds v. State of Arkansas, from Clark County Circuit Court. Motion of Gregory L. Vardaman to be relieved and have counsel appointed.

CV-16-32. Jason Harris v. Norman Beth, from Saline County Circuit Court. Appellant's motion to remand.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

MOTIONS SUBMITTED

CV-16-549. William B. Cherry v. Rhonda Marlene Cherry (now Fulkroad), from Columbia County Circuit Court. Motion for leave to file belated response to motion and request that matter not be decided until cross-appellant files her response.

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 certificate of service by Rule 4-2(c)(1), or to accept the Clerk's permitting filing of the brief as non-prejudicial in line with case law.

CV-16-992. Luetta Dawson, Executrix of the Estate of Ray H. Dawson, Deceased v. Ray H. Dawson, Jr., from Phillips County Circuit Court. Appellant's motion to remand to circuit court to correct the record.

CV-17-67. Lauren Ashley Childress v. Tami Rachelle Braden, from Conway County Circuit Court. Appellant's motion to supplement the record.

CV-17-107. Brooke Ashley Miller and Kerry Coleman v. Jason Edward Moore and Manesseh Blythe Moore, from Crawford County Circuit Court. Motion of appellant Kerry Coleman to supplement record or, in the alternative, for certiorari to complete record.

CV-17-107. Brooke Ashley Miller and Kerry Coleman v. Jason Edward Moore and Manesseh Blythe Moore, from Crawford County Circuit Court. Motion of appellant Brooke Ashley Miller to supplement record or, in the alternative, for certiorari to complete record and motion for extension of time.

CV-17-124. Elizabeth James v. Butch Lee Walchli, from Sebastian County Circuit Court, Greenwood District. Appellant's motion to file enlarged brief.

CV-17-124. Elizabeth James v. Butch Lee Walchli, from Sebastian County Circuit Court, Greenwood District. Appellant's motion for stay of execution and application for approval of cash bond pending appeal.

CV-17-150. William K. McDaniel, Jr. v. Judith H. McDaniel, from Pulaski County Circuit Court, Seventeenth Division. Appellant's pro se motion to supplement the record and motion for extension of time to file brief, abstract, and addendum.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

MOTIONS SUBMITTED

CV-17-197. Farm Credit Midsouth, PCA v. Fred N. Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court. Appellant's motion for stay and supersedeas.

E-17-113. Marcy Ball v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

PER CURIAM ORDERS

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

CR-16-762. George Wesley Bates, Jr. v. State of Arkansas, from Poinsett County Circuit Court.

CV-15-1068. Kenneth W. Tilley, Individually, and as Trustee of the Kenneth Tilley Family Trust v. Malvern National Bank and Stephen Moore, from Garland County Circuit Court.

CV-16-743. Nucor Yamato Steel Company and Sedgwick Claims Management Service v. Lawrence L. Kennedy, from the Arkansas Workers' Compensation Commission.

CR-16-108. James Lee McPherson v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to check out transcript and extension of time to file points for reversal. Motion to check out transcript is denied. Pro se points due in ten days (April 15, 2017).

CR-16-384. Lazaro Veneros-Figueroa v. State of Arkansas, from Sevier County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,800.00.

CR-16-964. James Edward Whitney v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for reconsideration is denied.

CR-16-964. James Edward Whitney v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for default judgment is denied.

CR-17-14. Steven Wayne Wheeler v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for remand to settle the record and stay briefing schedule is granted.

CR-17-15. Steven Wayne Wheeler v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for remand to settle the record and stay briefing schedule is granted.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

PER CURIAM ORDERS

CR-17-106. Tyrome Harris, Sr. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se petition for writ of mandamus is denied.

CR-17-106. Tyrome Harris, Sr. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for extension of time to file brief and petition for writ of certiorari to complete the record is moot.

CR-17-185. David Hanley v. State of Arkansas, from Jefferson County Circuit Court. Motion of Robert E. Tellez to withdraw as counsel is granted.

CR-17-186. Lucan Dhru Worsham v. State of Arkansas, from Faulkner County Circuit Court. Motion of Lynn F. Plemmons to be relieved is granted.

CV-12-862. Mary Weatherspoon v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Pro se motion by Mary Weatherspoon requesting copies of motions, briefing, and all records to case is granted.

CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court. Appellant's motion to set aside order from February 28, 2017, to dismiss cross-appeal, deny cross-appellant's motion for extension of time, and/or accept appellant's appeal brief tendered on December 16, 2016, is denied. Hixson, J., would grant in part.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se motion to reconsider a stay of mandate is denied.

CV-16-616. Terry Lee Haney v. Comfort Inn and Continental Western Insurance Co., from the Arkansas Workers' Compensation Commission. Motion of Gene E. McKissic to withdraw as attorney of record is granted.

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 for filing of supplemental addendum. Supplemental brief is due in thirty days (May 5, 2017).

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

PER CURIAM ORDERS

CV-16-1033. Carolyn Thomas, Individually, and as Administratrix of the Estate of Alfred Thomas, Sr., Deceased v. Dr. Carol Crittenden Meadors, M.D., Individually; Little Rock Anesthesia Services, PLLC; and Cardiovascular Surgeons, P.A., from Pulaski County Circuit Court, Sixth Division. Appellees' joint motion to supplement record and stay briefing schedule is granted.

CV-17-38. Harold L. Foxx v. Bill's Superfoods, Inc., and Union Standard Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's motion to remand case to the Arkansas Workers' Compensation Commission to supplement record is granted.

CV-17-69. Long Valley Timber, LLC, and AmTrust North America v. Shannon Campbell, from the Arkansas Workers' Compensation Commission. Appellants' motion to remand is granted.

CV-17-204. Regina Wilson v. State of Arkansas and Arkansas Governor's Developmental Disabilities Counsel, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to stay is denied. Viriden, J., not participating.

CV-17-207. David Box v. J.B. Hunt Transport, Inc., from Benton County Circuit Court. Appellant's motion to expedite and accelerate appeal and briefing schedule is denied. Hixson, J., would grant. Viriden, J., not participating.

E-17-9. Karen Hargroves 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 APRIL 5, 2017

CASES SUBMITTED

CV-16-39. R&L Carriers Shared Services, LLC, and Dean Wethington v. Stuart Markley and Madison County Telephone Company, Inc., from Madison County Circuit Court. Orally argued.

CR-16-713. John David Ross v. State of Arkansas, from Garland County Circuit Court.

CR-16-769. Christopher R. Vaughn v. State of Arkansas, from Howard County Circuit Court.

CR-16-813. Jerrime Wade Mardis v. State of Arkansas, from Saline County Circuit Court.

CR-16-837. Zackery Warren Shadwick v. State of Arkansas, from Johnson County Circuit Court.

CR-16-863. Maurice Hopkins v. State of Arkansas, from Jefferson County Circuit Court.

CR-16-912. Hector Torres Vega v. State of Arkansas, from Washington County Circuit Court.

CR-16-1006. Marcus Douglas Christopher v. State of Arkansas, from Nevada County Circuit Court.

CV-16-141. Jeffery Parker and Sheila Parker v. Jerry D. Parker and Sarah Jo Parker, in Their Capacity as Co-Trustees for the Parker Family Trust Dated August 14, 2014, from Sebastian County Circuit Court, Fort Smith District.

CV-16-552. Preferred Medical Associates, LLC; Adam Wozniak; Dianna Owen; and Carmel Kruse v. Abraham Family Trust, Simon Abraham, M.D., and Annie Abraham, from Baxter County Circuit Court.

CV-16-598. Bill G. Brown, Individually, and as Special Administrator of the Estate of Barbara A. Rowan, Deceased; James L. Brown; and Randy P. Brown v. City of Bryant, Arkansas, from Saline County Circuit Court.

CV-16-913. Nikona J. Calhoun v. Jeremy E. Calhoun, from Drew County Circuit Court.

CV-16-922. Hongyang “Brian” Li v. Yi Ding, from Washington County Circuit Court.

CV-16-986. Nicholas C. Acre v. Ashley Acre Tullis, from Faulkner County Circuit Court.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2017

CASES SUBMITTED

CV-16-1047. George Palmer v. Midwest Fertilizer, Inc., and Nationwide Agribusiness Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-16-1112. Oscar Romero v. Arkansas Department of Human Services and Minor Child, from Yell County Circuit Court, Northern District.

CV-16-1143. Angel Duncan v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-16-1146. Francesca Mercado v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

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

E-16-546. Gluche Williams v. Director et al.

E-16-547. Willie Ticey v. Director et al.

E-16-548. Anthony Melcher v. Director et al.

E-16-549. Deborah Cagle v. Director et al.

E-16-550. Michael Gomez v. Director et al.

E-16-551. Amber Mosley v. Director et al.

E-16-552. Hannah Eisenberg v. Director et al.

E-16-553. Matt Hughes v. Director et al.

E-16-554. Kendrick Jackson v. Director et al.

E-16-555. Zykeia Shaw v. Director et al.

E-16-556. Crystal Coakley v. Director et al.

E-16-557. Harold Fuller v. Director et al.