

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 10, 2017**

RITA W. GRUBER, CHIEF JUDGE:

[CV-16-936](#). Thomas Burton and Cindy Burton v. American Gamebird Research Education and Development Foundation, Inc., from Lafayette County Circuit Court. Dismissed without prejudice. Virden, Gladwin, Harrison, Glover, Whiteaker, Hixson, Murphy, and Brown, JJ., agree.

[CV-16-978](#). Broadway Health & Rehab, LLC d/b/a Broadway Healthcare Center; Broadway Health Holdings, LLC; Arkansas SNF Operations Acquisition III, LLC; Arkansas Nursing Home Acquisition, LLC; CSCV Holdings II, LLC; Capital Funding Group, Inc.; Alan Zuccari; Brian Reynolds; John W. Dwyer; SLC Professionals, LLC; SLC Professionals AR7, LLC; Addit, LLC; and Jack H. Smith, In His Capacity as Administrator of Broadway Healthcare Center v. Catherine Roberts, as Guardian of the Person and Estate of Evelyn King, an Incapacitated Person, from Crittenden County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

[CV-17-50](#). William Norton, Jr. v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Vaught, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-16-778](#). Tyrun Lamont Jones v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Hixson and Murphy, JJ., agree.

[CR-16-806](#). Brandon Duane Williams v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed in part; reversed and remanded in part. Hixson and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-16-660](#). Patrick Malloy and John Callaghan v. Bruce Smith and Jan Smith, from Cleburne County Circuit Court. Affirmed. Whiteaker, J., agrees. Gruber, C.J., concurs.

[E-17-19](#). Paul Zenaro v. Director, Department of Workforce Services, and Entertainment (L), from the Arkansas Board of Review. Reversed and remanded. Harrison and Glover, JJ., agree.

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### ROBERT J. GLADWIN, JUDGE:

[CR-16-825](#). Christopher Shawn Williams v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Gruber, C.J., and Vaught, J., agree.

[CV-16-1023](#). William Whitfield Hyman v. Bill Sadler, in His Official Capacity as Public Information Officer for the Arkansas State Police, and the Arkansas State Police, Director, Colonel Bill Bryant, from Pulaski County Circuit Court, Ninth Division. Affirmed. Gruber, C.J., and Vaught, J., agree.

### BRANDON J. HARRISON, JUDGE:

[CV-15-974](#). Simon Pockrus v. Victoria Morris, from Benton County Circuit Court. Dismissed without prejudice. Gladwin and Murphy, JJ., agree.

[CV-17-43](#). Arkansas Department of Human Services v. April and Ricky Hellyer and Minor Child, from Madison County Circuit Court. Affirmed. Virden and Glover, JJ., agree.

### DAVID M. GLOVER, JUDGE:

[CR-16-787](#). Myrickki J. McClendon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Virden and Harrison, JJ., agree.

### PHILLIP T. WHITEAKER, JUDGE:

[CV-16-816](#). Breanna Nicole Madore v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Reversed. Klappenbach and Brown, JJ., agree.

[CV-16-885](#). American Gamebird Research Education and Development Foundation, Inc. v. Thomas Burton and Cindy Burton, from Lafayette County Circuit Court. Reversed and remanded. Gladwin and Brown, JJ., agree. Hixson and Murphy, JJ., concur. Gruber, C.J., and Virden, Harrison, and Glover, JJ., dissent.

### LARRY D. VAUGHT, JUDGE:

[CR-16-807](#). Tearbrey Rashad Anderson and Zayzhon Thompson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Gruber, C.J., and Gladwin, J., agree.

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LARRY D. VAUGHT, JUDGE: (Continued)

[CV-16-691](#). Qiana Allmon-Lipscomb v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division. Affirmed. Gruber, C.J., and Gladwin, J., agree.

KENNETH S. HIXSON, JUDGE:

[CR-16-722](#). Cody Alan Boose v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

[CV-16-1046](#). Khaleelah Brown v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Affirmed; motion to withdraw granted. Abramson and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-16-808](#). John Wesley Slayton v. Windstream Communications, Inc., and Windstream Holdings, Inc., from Pulaski County Circuit Court, Sixth Division. Dismissed without prejudice. Abramson and Hixson, JJ., agree.

[CV-17-20](#). Ronald Del Grosso v. Arkansas Department of Human Services and Minor Child, from Pope County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-16-514](#). Angela Moody v. Edward Moody, from Pulaski County Circuit Court, Fourteenth Division. Supplementation of the record and supplementation of the addendum ordered. Klappenbach and Whiteaker, JJ., agree.

[CV-16-982](#). City of El Dorado v. Rickey L. Smith, from the Arkansas Workers' Compensation Commission. Affirmed. Virden, Gladwin, Whiteaker, and Vaught, JJ., agree. Klappenbach, J., dissents.

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-17-13. Rubi Gregory v. Director et al.

E-17-14. Todd Harvey v. Director et al.

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E-17-15. Lora Green v. Director et al.

E-17-16. Patricia Hare v. Director et al.

E-17-17. Rocky Hall v. Director et al.

E-17-18. Rhonda Shirley v. Director et al.

E-17-20. Gary Lafferty v. Director et al.

E-17-21. Paul Miller v. Director et al.

E-17-22. Charles Thompson v. Director et al.

E-17-23. Chad Smith v. Director et al.

E-17-24. Shane Downs v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 10, 2017**

**PER CURIAM ORDERS**

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

CV-16-189. June Bradshaw v. Fort Smith School District and Fort Smith Public Schools Board of Education, from Sebastian County Circuit Court, Fort Smith District.

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.

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CR-16-169. Donnie Ray Slater v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Appellant's pro se motion for extension of time to file reply brief is granted.

CV-16-164. City of Tontitown, Arkansas v. First Security Bank, from Washington County Circuit Court. Appellant's motion to hold appeal in abeyance is denied. Gladwin, J., not participating.

CV-16-616. Terry Haney v. Comfort Inn and Continental Western Insurance Company, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss the appeal is granted.

CV-16-754. JPMorgan Chase Bank, N.A. v. Forlanda A. Scott and Pelvin L. Scott III, from Jackson County Circuit Court. Appellant's motion for permission for out-of-state counsel to participate in oral argument is granted.

CV-16-802. City of Tontitown, Arkansas v. First Security Bank, from Washington County Circuit Court. Appellant's motion to hold appeal in abeyance is denied. Gladwin, J., not participating.

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 for oral argument is denied.

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**PROCEEDINGS OF MAY 10, 2017**

**PER CURIAM ORDERS**

CV-16-1035. Joyce Harris v. Gregory Harris, from Pulaski County Circuit Court, Thirteenth Division. Appellant's pro se motion to file a nonconforming brief is denied.

CV-16-1035. Joyce Harris v. Gregory Harris, from Pulaski County Circuit Court, Thirteenth Division. Appellee's motion to dismiss nonconforming brief is granted.

CV-17-60. James Tony Hollis v. National Office of the NAACP et al., from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion of limine-to include evidence is denied.

CV-17-251. Francesca Mercado v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to stay briefing schedule is granted.

CV-17-321. Anthony Forest Products Company, LLC, f/k/a Anthony Forest Products Company v. Tinsley Consulting Group, LLC; CP&P Construction, LLC; American Fire Protection Group, Inc. d/b/a Fire Pro; and Crawford Plumbing, LLC, from Union County Circuit Court. Appellant's motion to substitute counsel is granted.

E-17-149. Marie Brewer 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-16-373. Michael R. Morris v. Nickolas Knopick and Marie Hadzima, from Baxter County Circuit Court.

CV-16-598. Bill G. Brown, Individually, and as Special Administrator for 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-16-612. Tabitha McCrillis v. Sarah Hicks, from Pulaski County Circuit Court, Third Division.

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CR-16-266. Rashune Raglon v. State of Arkansas, from Jefferson County Circuit Court. Motion of Clinton W. Lancaster for attorney's fees.

CR-16-717. Curtis Colston v. State of Arkansas, from Miller County Circuit Court. Motion and request of Lee D. Short for attorney's fees.

CR-16-753. Richard Raymond Ressler v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CR-16-948. Monty James Payne v. State of Arkansas, from Boone County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees.

CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court. Appellant/cross-appellee's motion to dismiss cross-appeal.

CV-15-883. Meegan Wingate-Mickles v. Marquita Harris, from Pulaski County Circuit Court, Ninth Division. Appellee's motion to advance and affirm on account of delay.

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

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

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**PROCEEDINGS OF MAY 10, 2017**

**MOTIONS SUBMITTED**

CV-17-201. Larry L. Harrison v. Street & Performance, Inc., and Liberty Mutual Group, from the Arkansas Workers' Compensation Commission. Appellant's pro se motions to file nonconforming brief.

CV-17-201. Larry L. Harrison v. Street & Performance, Inc., and Liberty Mutual Group, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to admit evidence.

E-17-142. Melissa Ann Adamson v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.



# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF MAY 10, 2017

### CASES SUBMITTED

CV-16-139. Daniel Greenberg v. Horizon Arkansas Publications, Inc., and Kristal Kuykendall, from Saline County Circuit Court. Orally argued.

CR-15-229. Kenyon Taylor v. State of Arkansas, from Garland County Circuit Court.

CR-16-734. Christopher Eddie Lee Brewer v. State of Arkansas, from Arkansas County Circuit Court, Northern District.

CR-16-893. Charles H. Campbell, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-16-931. Lance W. Harjo v. State of Arkansas, from Polk County Circuit Court.

CR-16-964. James Edward Whitney v. State of Arkansas, from Washington County Circuit Court.

CR-16-1032. Christopher L. Owens, Jr. v. State of Arkansas, from Grant County Circuit Court.

CR-16-1050. Jacob Taylor Springs v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-16-1110. Thomas Ellis Stuart v. State of Arkansas, from Drew County Circuit Court.

CV-16-869. Harold Foster v. Arkansas Department of Human Services, Division of Aging and Adult Services, from Logan County Circuit Court, Northern District.

CV-16-946. Sherry Miesner v. Estate of Joyce Edna Priest Allred, Deceased; Relyance Bank; Belinda Allred; and Janice Herring, from Cleveland County Circuit Court.

CV-16-1025. John D. Klever v. Kimberly A. Klever, from Lonoke County Circuit Court.

CV-16-1031. Patricia Derrick v. Ruth Ellen Haynie, from White County Circuit Court.

CV-16-1084. Adrienne O'Neal v. Ethel Love, from Pulaski County Circuit Court, Sixth Division.

CV-16-1114. Lisa Stassi v. Gary Isom, Director, Arkansas Real Estate Commission, from Pulaski County Circuit Court, Thirteenth Division.

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## CASES SUBMITTED

CV-16-1118. James Coleman and Rhonda Coleman v. Wilmington Savings Fund Society FSB, Not in Its Individual Capacity, but Solely as Trustee of the Primestar-H Fund I Trust, from Jefferson County Circuit Court.

CV-16-1141. Arkansas Department of Human Services v. Jonathan Jones, Sr., from Clark County Circuit Court.

CV-17-21. Jerry Michael Self v. Stephen C. Husted and Ruth L. Husted, from Washington County Circuit Court.

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

E-16-314. Meredith Lamkin v. Director et al.

E-17-37. Mark Holland v. Director et al.

E-17-38. Linda Farr v. Director et al.

E-17-39. Robert Jones, Jr v. Director et al.

E-17-40. Dan Hollingsworth v. Director et al.

E-17-41. Stanley Bunch v. Director et al.

E-17-42. Kavona Harvey v. Director et al.

E-17-43. Kavona Harvey v. Director et al.

E-17-44. Gerald Storbakken v. Director et al.

E-17-45. Shellie Franklin v. Director et al.

E-17-46. Markeesa Williamson v. Director et al.

E-17-47. Angelica Cummings v. Director et al.