

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF OCTOBER 25, 2017

#### **RITA W. GRUBER, CHIEF JUDGE:**

[CR-17-14](#). Steven Wayne Wheeler v. State of Arkansas, from Saline County Circuit Court. Affirmed. Whiteaker and Brown, JJ., agree.

[CV-17-18](#). Mary Christine Haggard v. Brian Edward Haggard, from Washington County Circuit Court. Affirmed on appeal and on cross-appeal. Whiteaker and Brown, JJ., agree.

[CV-17-174](#). OPT, LLC v. City of Springdale, Arkansas, and Doug Sprouse, Mayor, from Washington County Circuit Court. Reversed and remanded. Hixson and Murphy, JJ., agree.

[CV-17-518](#). Tiffany Chandler-Sivage v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Hixson and Murphy, JJ., agree.

[E-17-218](#). Crystal Tyler v. Director, Department of Workforce Services, and Saint Jean Industries, Inc., from the Arkansas Board of Review. Reversed and remanded for an award of benefits. Hixson and Murphy, JJ., agree.

#### **RAYMOND R. ABRAMSON, JUDGE:**

[CR-17-13](#). James Moe v. State of Arkansas, from Benton County Circuit Court. Affirmed. Vaught and Hixson, JJ., agree.

[CV-17-19](#). Jeff Thomas v. Clear Investigative Advantage, LLC d/b/a Sentrylink, from Pulaski County Circuit Court, Second Division. Affirmed. Vaught and Hixson, JJ., agree.

[CV-17-65](#). James Andrew Marshall v. Seth Robert Rubright and Minor Child, from Logan County Circuit Court, Northern District. Affirmed. Vaught and Hixson, JJ., agree.

#### **BART F. VIRDEN, JUDGE:**

[E-17-229](#). Harvest Rice, Inc. v. Director, Department of Workforce Services, and Patricia Oswald, from the Arkansas Board of Review. Appeal dismissed. Klappenbach and Brown, JJ., agree.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF OCTOBER 25, 2017

#### **ROBERT J. GLADWIN, JUDGE:**

[CR-17-17](#). Darryl Vincent Talley, Jr. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed and remanded for correction. Harrison and Klappenbach, JJ., agree.

[CV-17-38](#). Harold L. Foxx v. Bill's Superfoods, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Harrison and Klappenbach, JJ., agree.

[CV-17-322](#). Traci Parish v. Arkansas Department of Human Services and Minor Child, from Scott County Circuit Court. Affirmed. Abramson and Whiteaker, JJ., agree.

#### **BRANDON J. HARRISON, JUDGE:**

[CV-17-204](#). Regina Wilson v. State of Arkansas and Arkansas Governor's Developmental Disabilities Council, from Pulaski County Circuit Court, Fifth Division. Affirmed. Glover and Vaught, JJ., agree.

#### **N. MARK KLAPPENBACH, JUDGE:**

[CV-17-539](#). Annette Hughes v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed. Virden and Brown, JJ., agree.

#### **PHILLIP T. WHITEAKER, JUDGE:**

[CR-17-99](#). Trent A. Kimbrell v. State of Arkansas, from Polk County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

[CV-16-1028](#). Heather Kirby f/k/a Heather Semeyn v. Jeffrey Semeyn, from Stone County Circuit Court. Affirmed on direct appeal; reversed and remanded on cross-appeal. Abramson and Gladwin, JJ., agree.

#### **LARRY D. VAUGHT, JUDGE:**

[CV-16-815](#). Fayetteville Express Pipeline, LLC v. Arkansas Public Service Commission, from Pulaski County Circuit Court, Fifth Division. Affirmed. Virden, Harrison, Klappenbach, Glover, and Brown, JJ., agree.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF OCTOBER 25, 2017

#### **KENNETH S. HIXSON, JUDGE:**

[CV-17-176](#). Lisa Webster v. Arkansas Department of Correction and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber, C.J., and Murphy, J., agree.

[CV-17-490](#). Kelvin Rasheed Willis and Jonathan Merchand Harris v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gruber, C.J., and Murphy, J., agree.

#### **MIKE MURPHY, JUDGE:**

[CV-16-1133](#). Katherine Brantley (now Sipes) v. Dustin Brantley, from Garland County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

[CV-17-58](#). Russellville Holdings, LLC, d/b/a Saint Mary's Regional Medical Center d/b/a Turning Point Behavioral Health v. James Robertson Peters, as Personal Representative of the Estate of John D. Peters, Jr., Deceased, and on Behalf of the Estate and Its Statutory Beneficiaries; John D. Peters III; James Robertson Peters, Individually; and Kathleen Stingley, from Pope County Circuit Court. Affirmed. Virden, J., agrees. Glover, J., concurs.

[CV-17-524](#). Ashley Garner (Conrad) v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

#### **WAYMOND M. BROWN, JUDGE:**

[CR-17-191](#). Matthew Dewayne Scantling v. State of Arkansas, from Benton County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

[CV-17-552](#). Patrice Oliver v. Arkansas Department of Human Services and Minor Child, from Craighead County Circuit Court, Western District. Affirmed. Virden and Klappenbach, 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).

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF OCTOBER 25, 2017**

- E-17-208. Joshua Carter v. Director et al.
- E-17-209. Guy Holliman v. Director et al.
  
- E-17-210. Donald Ellison v. Director et al.
  
- E-17-211. Anthony Harrell v. Director et al.
  
- E-17-212. James Turner v. Director et al.
  
- E-17-213. Lajeane McCullough v. Director et al.
  
- E-17-214. Jai-len Joyner v. Director et al.
  
- E-17-217. Tracy Tate v. Director et al.
  
- E-17-219. Betty Tyler v. Director et al.
  
- E-17-220. Christopher Cokeley v. Director et al.
  
- E-17-221. Michael Cowling v. Director et al.
  
- E-17-222. Blake Jones v. Director et al.
  
- E-17-223. Jimmy Lackey II v. Director et al.
  
- E-17-224. Julie Maples v. Director et al.
  
- E-17-225. Margaret Hammonds v. Director et al.
  
- E-17-226. Jerrol Maxwell v. Director et al.
  
- E-17-227. Eugene Carroll v. Director et al.
  
- E-17-230. Dianna McCallie v. Director et al.
  
- E-17-231. Eric Miller v. Director et al.
  
- E-17-232. Leeta Luebbert v. Director et al.
  
- E-17-233. Stacey Pahlmann v. Director et al.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF OCTOBER 25, 2017**

E-17-234. Rodney White v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 25, 2017**

**PER CURIAM ORDERS**

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

CR-16-830. James Elijah West v. State of Arkansas, from Garland County Circuit Court.

CR-16-924. Roger Herman Zemel v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-16-1057. Max Douglas Bishop v. State of Arkansas, from Benton County Circuit Court.

CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court.

CV-17-151. Stacy Don Rider and Pam Rider v. Longbow Ranch, LLC, from Stone County Circuit Court.

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CR-16-108. James Lee McPherson v. State of Arkansas, from Faulkner County Circuit Court. Motion of Joseph C. Self for payment of fees is granted. Allowed \$1,600.00.

CR-16-712. Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se notification to court and motion for rule on clerk is denied.

CR-16-1071. C.J.M. v. State of Arkansas, from Garland County Circuit Court. Motion of Seth Bowman for costs and attorney's fees is granted. Allowed \$1,800.00.

CR-16-1073. K.B. v. State of Arkansas, from Garland County Circuit Court. Motion of Lawrence Walker for costs and attorney's fees is granted. Allowed \$1,800.00.

CR-16-1105. Matthew Reagan Coger v. State of Arkansas, from Madison County Circuit Court. Motion of Grace Casteel for award of attorney's fees is granted. Allowed \$1,800.00.

CR-16-1140. Byron Jamarr Flowers v. State of Arkansas, from Miller County Circuit Court. Motion of Jack D. Burns for attorney fees and expenses is granted. Allowed \$1,800.00.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF OCTOBER 25, 2017

### PER CURIAM ORDERS

CR-16-1150. D.S. v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees and expenses is granted. Allowed \$1,800.00.

CR-17-1. Jesse Emanuel Harris v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Joseph Karl Luebke to withdraw as counsel of record and for allowance of attorney's fees and expenses is granted. Allowed \$1,800.00. Harrison, J., not participating.

CR-17-85. Ronald Anthony Antonello v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for excusal from copying child pornography is granted.

CV-16-16. David A. Stebbins v. David D. Stebbins, from Boone County Circuit Court. Appellant's pro se motion and brief to enforce mandate is denied.

CV-16-895. Ocwen Loan Servicing, LLC, and Federal Home Loan Mortgage Corporation v. Jamie T. Mickna, from Washington County Circuit Court. Appellee's motion for attorneys' fees and costs is denied.

CV-16-895. Ocwen Loan Servicing, LLC, and Federal Home Loan Mortgage Corporation v. Jamie T. Mickna, from Washington County Circuit Court. Appellee's amended motion for attorneys' fees and costs is denied.

CV-16-917. Tami Thomas Darr v. Francis Jean Billeaudeau, from Pulaski County Circuit Court, Fifteenth Division. Appellee's motion to strike appellant's substituted brief and dismiss appeal treated as motion to respond to substituted brief is granted.

CV-17-60. James Tony Hollis v. National Office of the NAACP, National Association for the Advancement of Colored People, State Conference President Dale Chales, and Local Unit 6020 Officers James Welspom, Dorothy Daniels, and Mary Sue Jeffers, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for reconsideration to extend time to file brief, or the alternative, file a belated brief is denied.

CV-17-207. David Box v. J.B. Hunt Transport, Inc., from Benton County Circuit Court. Motion of Thomas J. Piskorski for leave to participate in oral argument is granted.

CV-17-343. Sherman Hiatt v. Sheila Hiatt, from Sebastian County Circuit Court, Greenwood District. Appellant's motion to reinstate alimony is denied. *See Arkansas Dep't of Human Servs. v. Collier*, 351 Ark. 506, 516, 95 S.W.3d 772, 777 (2003). Harrison and Vaught, JJ., not participating.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 25, 2017**

**PER CURIAM ORDERS**

CV-17-406. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Randy Hopkins and Chris Lane, from Pulaski County Circuit Court, Ninth Division. Appellant's motion for stay of order and filing of supersedeas bond is denied.

CV-17-406. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Randy Hopkins and Chris Lane, from Pulaski County Circuit Court, Ninth Division. Appellant's motion to supplement the record is denied.

CV-17-406. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Randy Hopkins and Chris Lane, from Pulaski County Circuit Court, Ninth Division. Appellant's motion for leave to file a supplemental brief is moot.

CV-17-480. Janann Johnson v. Windstream Communications, Inc., from Pulaski County Circuit Court, Sixth Division. Appellant's motion to file belated reply brief is granted. Appellant's reply brief is due in ten days (November 4, 2017). Virden, J., not participating.

CV-17-529. Dean Goodson v. Sharon Bennett, from Pulaski County Circuit Court, Seventeenth Division. Motion of Katherine Blackmon Carroll to withdraw as counsel is granted. Gruber, C.J., not participating.

CV-17-609. Alicia Michelle Morris v. Jannell Marie Clark, from Jefferson County Circuit Court. Motion of Thomas E. Brown to be relieved as counsel is granted. Appellee's brief is due in thirty days (November 24, 2017).



**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF OCTOBER 25, 2017**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CV-17-110. Ronald Shelton Tidwell v. Lauren Madison Rosenbaum, from Hempstead County Circuit Court.

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CR-12-950. Thomas Rainey v. State of Arkansas, from Dallas County Circuit Court. Motion of Jonathan Streit for attorney's fees.

CR-16-857. Billy Joe Davis v. State of Arkansas, from Jefferson County Circuit Court. Motion and request of Lee D. Short for attorney's fees.

CR-17-478. Jeremiah T. Green v. State of Arkansas, from Union County Circuit Court. Appellant's motion to supplement the record.

CR-17-478. Jeremiah T. Green v. State of Arkansas, from Union County Circuit Court. Appellant's motion to withdraw motion to supplement the record.

CR-17-715. Timmy Jester v. State of Arkansas, from Nevada County Circuit Court. Appellant's motion to stay briefing schedule and request for permission to supplement the record.

CR-17-804. Sonny Byrum v. State of Arkansas, from Faulkner County Circuit Court. Motion of Cheryl K. Maples to be relieved.

CR-17-832. Ryan Joseph Whitaker v. State of Arkansas, from Faulkner County Circuit Court. Motion of Greg Robinson to be relieved as counsel.

CV-16-836. Steven Wait v. Spencer Elmen; Jackie, LLC; and Sokakco, LLC, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to submit and expedite decision.

CV-17-499. Lynn B. Hargis v. Allen Hargis, from Garland County Circuit Court. Appellant's motion to stay briefing schedule, or, in the alternative, for extension of time to file abstract and brief.

CV-17-602. Skyridge Estates, LLC v. Julie Ellis, from Benton County Circuit Court. Appellee's motion to dismiss.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 25, 2017**

**MOTIONS SUBMITTED**

CV-17-619. Dee Blakely v. Arkansas Children's Hospital; Pulaski County, Arkansas; and Jane Duke, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to settle the record.

CV-17-624. Donnie Wayne Gee v. Debra Jean Gee, from Polk County Circuit Court. Motion of Rosemarie Boyd to withdraw.

CV-17-652. Miranda Thomas v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Appellant's motion to stay briefing schedule.

CV-17-727. Larry Hamilton v. Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division. Appellant's pro se motion to supplement the record.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF OCTOBER 25, 2017

### CASES SUBMITTED

CV-16-657. Ashley Bancstock Company v. Paul Meredith, Richard Meredith, and John Posey, from Ashley County Circuit Court. Orally argued.

CV-17-207. David Box v. J.B. Hunt Transport, Inc., from Benton County Circuit Court. Orally argued.

CR-17-75. Jerrick London v. State of Arkansas, from Arkansas County Circuit Court, Southern District.

CR-17-109. Garland Trice v. City of Pine Bluff, from Jefferson County Circuit Court.

CR-17-185. David Hanley v. State of Arkansas, from Jefferson County Circuit Court.

CR-17-323. L.J. v. State of Arkansas, from Pulaski County Circuit Court, Tenth Division.

CV-16-992. Luetta Dawson v. Ray Dawson, Jr., from Phillips County Circuit Court.

CV-17-24. Alton Darren Barnett and Karen Barnett, Husband and Wife, Next Friend and Natural Parents of Morgan Taylor Barnett; and Morgan Taylor Barnett, Individually v. Damon Eric Cleghorn, Purcell Tire and Rubber Company, Purcell Tire and Service Center, and Purcell Tire Company of Arkansas, from Grant County Circuit Court.

CV-17-47. Gary Alan Marks and Kristin Marie Marks v. Beckie Jean Saville, from Pope County Circuit Court.

CV-17-173. Janefer Ogborn v. Arkansas Department of Human Services, from Benton County Circuit Court.

CV-17-225. Cheri Stoker v. Thomas Randal Fowler, Inc., and Protective Insurance Company/Baldwin and Lyons, Inc., from the Arkansas Workers' Compensation Commission.

CV-17-232. Sebastian County Sheriff and AAC Risk Management Services v. Victoria Hardy, from the Arkansas Workers' Compensation Commission.

CV-17-266. Michael Wayland Tipton, Sr. v. Pamela Kay Tipton, from Perry County Circuit Court.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF OCTOBER 25, 2017

### CASES SUBMITTED

CV-17-283. David Hill and Dana Hill v. Brooksie Felty-Hartness and Image Realty LLC, from Craighead County Circuit Court, Western District.

CV-17-305. R.E.C. Enterprises, LLC, d/b/a Stan Excavating Co. v. Gaillard Builders, Inc., from Miller County Circuit Court.

CV-17-310. Ken Swindle v. State Farm Mutual Insurance Company, from Benton County Circuit Court.

CV-17-415. Andrea Nicole Stahl v. Jacob Lee Smith, from Benton County Circuit Court.

CV-17-504. Lisa Beaty v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-17-561. Karesha Horton v. Arkansas Department of Human Services and Minor Child, from Scott County Circuit Court.

CV-17-570. Melissa Parnell and Rodney Laster v. Arkansas Department of Human Services and Minor Children, from Mississippi County Circuit Court, Osceola District.

CV-17-596. Cora Jacobs v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-17-599. Danielle Knight v. Arkansas Department of Human Services and Minor Child, from Clay County Circuit Court, Eastern District.

E-16-527. Alisa Brown v. Director et al., from the Arkansas Board of Review.

E-17-3. Sharon McCuller-Silverman v. Director et al., from the Arkansas Board of Review.

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

E-17-228. William Bogard v. Director et al.

E-17-261. Matthew Watlington v. Director et al.

E-17-262. Matthew Watlington v. Director et al.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF OCTOBER 25, 2017**

**CASES SUBMITTED**

- E-17-264. Tamikia Parker v. Director et al.
- E-17-265. Leshia Book v. Director et al.
- E-17-266. Jeremy Beavers v. Director et al.
- E-17-267. Maria Maldonado v. Director et al.
- E-17-268. Jerry Davis v. Director et al.
- E-17-269. Tikeia Rogers v. Director et al.
- E-17-270. Charles Brown v. Director et al.
- E-17-271. Matthew Prunty v. Director et al.
- E-17-272. James Taylor v. Director et al.
- E-17-273. Gina Townsley v. Director et al.
- E-17-274. Paul Anderson v. Director et al.
- E-17-275. Brad Lackey v. Director et al.
- E-17-276. Tracy Butler v. Director et al.
- E-17-277. Kim Tipton v. Director et al.
- E-17-278. Victor Dukes v. Director et al.
- E-17-279. Rodney Null v. Director et al.
- E-17-280. Donald Warren, Jr. v. Director et al.
- E-17-281. Misty Rusher v. Director et al.
- E-17-282. Nikkie Watts v. Director et al.
- E-17-283. Lashonda Jones v. Director et al.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF OCTOBER 25, 2017**  
**CASES SUBMITTED**

E-17-284. Kejmi Aisen v. Director et al.