

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF DECEMBER 6, 2017

RITA W. GRUBER, CHIEF JUDGE:

[CV-17-287](#). Earvin Davis, Jr. v. Shelter Insurance a/k/a Shelter Mutual Insurance Company, a/k/a Shelter General Insurance Company, from Washington County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-17-401](#). Arkansas Center for Physical Medicine and Rehabilitation v. Gloria Magee, from Pulaski County Circuit Court, Sixth Division. Affirmed. Murphy and Brown, JJ., agree.

BART F. VIRDEN, JUDGE

[CV-17-79](#). JMAC Farms, LLC v. G & C Generator, LLC, from Benton County Circuit Court. Reversed. Glover and Murphy, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-17-88](#). Brandon L. Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Glover and Hixson, JJ., agree.

[CV-17-36](#). William A. Buckingham, Jr. v. Clarissa Gochner (formerly Buckingham), from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Glover and Hixson, JJ., agree.

[CV-17-139](#). Mike Ellis v. Denee Ellis, from Randolph County Circuit Court. Affirmed in part and reversed and remanded in part on direct appeal; reversed and remanded on cross-appeal. Glover and Hixson, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-17-383](#). Tiffany Wingate v. Arkansas Department of Human Services and Minor Child, from Mississippi County Circuit Court, Chickasawba District. Affirmed; motion to withdraw granted. Gruber, C.J., and Virden, J., agree.

N. MARK KLAPPENBACH, JUDGE:

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[CR-17-70](#). Jordan Williams v. State of Arkansas, from Hempstead County Circuit Court. Rebriefing ordered. Whiteaker and Vaught, JJ., agree.

N. MARK KLAPPENBACH, JUDGE: (Continued)

[CV-17-283](#). David Hill and Dana Hill v. Brooksie Felty Hartness and Image Realty LLC, from Craighead County Circuit Court, Western District. Affirmed. Gladwin, Vaught, and Brown, JJ., agree. Virden and Harrison, JJ., concur in part and dissent in part.

[CV-17-398](#). Marla Shook v. Love's Travel Stops & Country Stores, Inc., from St. Francis County Circuit Court. Reversed and remanded. Whiteaker and Vaught, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-17-367](#). Jeffery Caldwell Russell v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin and Hixson, JJ., agree.

[CV-17-47](#). Gary Marks and Kristin Marks v. Beckie Saville, Guardian of the Estate of Willa Dean Jackson, from Pope County Circuit Court. Affirmed. Harrison and Vaught, JJ., agree.

[CV-17-671](#). Robin Holloway and Nathan Warren v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Affirmed. Gladwin and Hixson, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-17-153](#). Jimmy Lee Crews v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

[CV-17-62](#). Baptist Health Medical Center v. First Community Bank of Batesville and Estate of William Scott Mueller, from Pope County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

[CV-17-621](#). Lori Elliott v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CR-17-517](#). Giovanni Vasquez-Sanchez v. State of Arkansas, from Washington County Circuit Court. Affirmed. Gladwin and Glover, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-17-629](#). Jasmine Tatum v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-17-380](#). Raheem Lindsey v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Abramson and Murphy, 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).

E-17-324. Antoine Perkins v. Director et al.

E-17-325. Steven Hirst v. Director et al.

E-17-326. N'ell Jones v. Director et al.

E-17-327. Sandra Brown v. Director et al.

E-17-328. Deborah Whitaker v. Director et al.

E-17-329. Eric Johnson v. Director et al.

E-17-330. Pamela Briggs v. Director et al.

E-17-331. Pamela Briggs v. Director et al.

E-17-332. Lisa Calk v. Director et al.

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- E-17-333. Melanie Perkins v. Director et al.
- E-17-334. William Rogers v. Director et al.
- E-17-335. Royce Graves v. Director et al.
- E-17-336. Marie Briggs v. Director et al.
- E-17-337. Marie Briggs v. Director et al.
- E-17-338. Dwayne Jones v. Director et al.
- E-17-339. Reginald Miller v. Director et al.
- E-17-340. Reginald Miller v. Director et al.
- E-17-341. Tom Ferguson v. Director et al.
- E-17-342. Daphne McCoy v. Director et al.
- E-17-343. Jeffery LuRue v. Director et al.
- E-17-344. Patrick Mapp v. Director et al.
- E-17-345. Larry Turentine, Sr. v. Director et al.
- E-17-346. Julie Weaver v. Director et al.
- E-17-347. Mitchell Futrell v. Director et al.

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PER CURIAM ORDERS

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

CV-15-731. Gene Garner and Linda Narug v. Board of Directors, Hot Springs Village Property Owners Association, and Hot Springs Village Property Owners Association, from Garland County Circuit Court.

CV-16-514. Angela Moody v. Edward Moody, from Pulaski County Circuit Court, Fourteenth Division. Gruber, C.J., not participating.

CV-17-65. James Andrew Marshall v. Seth Robert Rubright and Minor Child, from Benton County Circuit Court.

CR-16-830. James Elijah West v. State of Arkansas, from Garland County Circuit Court. Motion of Sharon Kiel for award of attorney's fees is granted. Allowed \$1800.00.

CR-16-980. James Christopher Geeslin v. State of Arkansas, from Faulkner County Circuit Court. Motion of Tim Cullen for attorney's fees and costs is granted. Allowed \$1800.00. Vaught, J., not participating.

CR-17-185. David Hanley v. State of Arkansas, from Jefferson County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees is granted. Allowed \$1800.00.

CR-17-501. Bobby Lee Robertson v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion to dismiss is granted.

CR-17-650. Tommy L. Wood, Jr. v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for an extension of time to file brief. Granted twenty days final extension.

CR-17-688. Howard T. Wood, Jr. v. State of Arkansas, from Scott County Circuit Court. Appellee's motion to dismiss is granted.

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PER CURIAM ORDERS

CR-17-720. Leslie Anna Crowell v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's petition for writ of certiorari to complete the record is granted. Harrison, J., not participating.

CR-17-752. Tristan Lajuan Mosley v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's combined motion to remand to correct the record or alternative petition for certiorari to complete the record, and motion to extend time or stay the briefing schedule is granted.

CR-17-848. Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion for enlargement of time in which to file brief. Granted thirty days final extension.

CR-17-887. Derrick Leon Johnson v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to hold counsel responsible for first appeal is denied.

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

CV-17-257. Jennifer Anne Henderson v. Shane Johnston, from Pulaski County Circuit Court, Fourteenth Division. Motion of Jonathan Streit for attorney's fees and taxation of costs is denied.

CV-17-417. Danny Burrow v. J.T. White Hardware and Lumber Company, LLC, from Craighead County Circuit Court, Western District. Appellant's motion for oral argument is denied. Virden and Harrison, JJ., would grant.

CV-17-458. Natasha Holland v. James Holland, from Craighead County Circuit Court, Western District. Motion for extension of time for circuit clerk to respond to writ of certiorari is granted. Harrison, J., not participating.

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 for extension of time to file brief. Granted thirty days. Gruber, C.J., and Virden, J., not participating.

CV-17-627. Donna M. Reed v. Jacquelin R. Smith, William E. Smith III, and Diana M. Sharp, from Garland County Circuit Court. Appellant's motion for certiorari to complete

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the record, or in the alternative to settle the record, to remand, and to stay briefing schedule is denied.

CV-17-717. W.N. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to extend length of argument is moot.

CV-17-717. W.N. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Appellant's amended motion to extend length of argument. Granted ten pages.

CV-17-721. Jordan Shaw v. Arkansas Department of Human Services, from Jefferson County Circuit Court. Joint motion to remand to settle the record and to stay briefing schedule is granted.

CV-17-847. Hassan Ali "Mahmoud" Abdi v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion for appointment of interpreter is denied. *See* Ark. Code Ann. § 16-10-1102.

CV-17-852. Frank Pettus v. Joe William Gordon and Jerry L. Childers d/b/a Jerry Childers Trucking, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to dismiss appeal is granted.

CV-17-864. Brittani Young v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Appellant's motion to remand and to correct the record and to stay the briefing schedule is granted.

CV-17-880. James E. Gooch and Betsy Gooch v. Leslie J. Davis, Landhawg, LLC, Gerald Wilson, and Jason Aultman, from Faulkner County Circuit Court. Joint motion to supplement the record and extension for deadlines in briefing schedule is granted.

CV-17-950. U.S. Bank National, Association Successor by Merger to U.S. Bank National Association, N.D. v. Rodney Greenwood and Jock Adam Greenwood, from Saline County Circuit Court. Appellant's motion for supersedeas is granted. Bond to be signed by the principal.

E-17-444. Lakhraj Manohar v. Director et al., from the Arkansas Board of Review. Motion to file belated appeal is denied.

In Re Retirement of Chief Staff Attorney Rita Cunningham. See **per curiam** this date

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-17-12. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court.

CV-17-171. Deanna Baker v. John Selig, Director, Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division.

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

CR-17-75. Jerrick London v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Motion of Gregg A. Knutson for attorney fees and costs.

CR-17-451. Roscoe Fletcher v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for substitution of counsel.

CR-17-487. Charles Randall Davis v. State of Arkansas, from Poinsett County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CR-17-574. Charles Randall Davis v. State of Arkansas, from Poinsett County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CR-17-833. James Edward Whitney v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion to duplicate at state expense.

CR-17-900. Sherry Lashay Woods v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to complete and/or supplement the record.

CV-17-626. John Roach v. Joe Roach and James Roach, from Marion County Circuit Court. Motion of James A. Roach to dismiss appeal and for sanction.

E-17-446. Jaime Hinojosa v. Director et al., from the Arkansas Board of Review. Motion to file belated appeal.

E-17-458. Connie Harris v. Director et al., from the Arkansas Board of Review. Motion for belated appeal.

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CASES SUBMITTED

CV-16-441. Park Plaza Mall CMBS, LLC, and ERMC, L.P. v. Kimberly Marie Powell, Individually and as Special Administratrix of the Estate of Christian Ellis Hayes, Deceased, from Pulaski County Circuit Court, Thirteenth Division. Orally argued.

CR-16-1103. Costello Devonte Byrd v. State of Arkansas, from Miller County Circuit Court.

CR-17-166. Richard Leroy Turner v. State of Arkansas, from Washington County Circuit Court.

CR-17-186. Lucan Dhru Worsham v. State of Arkansas, from Faulkner County Circuit Court.

CR-17-264. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court.

CR-17-413. Phillip Anthony Herren, Jr. v. State of Arkansas, from Cleveland County Circuit Court.

CR-17-470. De’Kota Despain v. State of Arkansas, from Columbia County Circuit Court.

CR-17-471. Terrell Antonio Harrell v. State of Arkansas, from Mississippi County Circuit Court, Osceola District.

CV-17-274. Black, Inc., and Deborah Dunklin Tipton v. George H. Dunklin, Jr., from Arkansas County Circuit Court, Northern District.

CV-17-452. Charles Fuller v. Pope County Judge and AAC Risk Management Services, from the Arkansas Workers’ Compensation Commission.

CV-17-453. Robert J. VanMatre and Tina L. VanMatre v. Larry Owen Davenport and Jason Davenport, from Marion County Circuit Court.

CV-17-457. Deran Ford, as Administrator of the Estate of Herman P. Ford, Deceased; and as Next Friend on Behalf of I.F., a Minor v. Natasha Milojkovic, M.D.; Matthew Steliga, M.D.; and Kyle Kalkwarf, M.D.; and Angela Pennisi, M.D., from Pulaski County Circuit Court, Sixth Division.

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CASES SUBMITTED

CV-17-479. National Transit Staffing, Inc., and Triangle Insurance Company v. Mark Joseph Norris, from the Arkansas Workers' Compensation Commission.

CV-17-485. Marie Katelynn White v. Butterball, LLC, and Sedgwick Claim Services, from the Arkansas Workers' Compensation Commission.

CV-17-510. William Schernikau and Bettie Schernikau v. Beau Williamson, Angela Williamson, and Jeremiah Pearson, from Benton County Circuit Court.

CV-17-523. Charles Nathan Harrelson, Lesley Harrelson and Margaret Harrelson v. Dee King, from Washington County Circuit Court.

CV-17-698. Tiffany McLemore v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division.

CV-17-718. Jacquelyn L. Hall v. Arkansas Department of Human Services and Minor Children, from Poinsett County Circuit Court.

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

E-17-348. Geraldine Collins v. Director et al.

E-17-349. Dorothea Treece v. Director et al.

E-17-350. David Hilliard v. Director et al.

E-17-351. Justin Foster v. Director et al.

E-17-352. Keith Woodell v. Director et al.

E-17-353. Isaac Henderson v. Director et al.

E-17-354. Syreeta Clay v. Director et al.

E-17-355. Francis Wagner v. Director et al.

E-17-357. Jessica Anson v. Director et al.

E-17-358. Michelle Galburth v. Director et al.

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E-17-359. Sharonde Stokes v. Director et al.

E-17-361. Henry Lee v. Director et al.