

ARKANSAS COURT OF APPEALS

No. CA09-1326

KRISTIN KUELBS, DONALD HILL,
AND EDWARDENA HILL
APPELLANTS

V.

KIMBERLY HILL
APPELLEE

Opinion Delivered December 1, 2010

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT,
[NO. P-07-610-2]

HONORABLE VICKI SHAW COOK,
JUDGE

MOTION TO DISMISS GRANTED IN
PART, DENIED IN PART; MOTION
FOR SANCTIONS DENIED

PER CURIAM

Appellee Kimberly Hill seeks dismissal of this appeal, No. CA09-1326, and sanctions against appellants. She primarily argues that appellants have simply re-asserted the same arguments in this appeal that they raised in a related appeal. We grant the motion to dismiss in part and deny it in part, and we deny the motion for sanctions.

Today, we hand down our opinion in a related appeal, *Kuelbs v. Hill*, 2010 Ark. App. 793, 379 S.W.3d 716. The opinion addresses two issues (and related sub-issues) that are identical to arguments designated as Points I and II in CA09-1326: whether the circuit court had the authority to hold further proceedings while an appeal was pending in this guardianship case; and whether the circuit court erred in appointing appellee as guardian of

Cite as 2010 Ark. App. 830

Kristin Kuelbs, despite appellee's alleged conflict of interest with Ms. Kuelbs. We have decided both of those points in favor of appellee. Accordingly, we grant appellee's motion to dismiss as to Points I and II in CA09-1326.

Appellants' remaining argument, designated as Point III, is that the circuit court violated due-process guarantees by entering certain orders without notice or a hearing. We have not yet addressed this argument in any related appeal. We therefore deny appellee's motion to dismiss as to appellants' Point III in CA09-1326.

Appellee must file a brief in CA09-1326 no later than thirty days from today if she wishes to respond to appellants' Point III. Appellee is free to re-assert any arguments made in her motion to dismiss regarding the timeliness of appellants' appeal or other procedural bars.

Having denied appellee's motion to dismiss in part, we also deny her motion for sanctions.

Motion to dismiss granted in part, denied in part; motion for sanctions denied.

PITTMAN, J., not participating.