

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 14, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CV-17-743](#). Lewis M. Yancy, Jr. v. Eugene Hunt, from Jefferson County Circuit Court. Reversed and remanded. Whiteaker and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-17-807](#). Rex L. Houston, Jr.; Kelton R. Brown, Jr.; John G. Homatas; and Jim West, Individually and on Behalf of Themselves and All Others Similarly Situated; Collectively Known as Opponents of Ordinance 6121 v. City of Hot Springs, Arkansas, from Garland County Circuit Court. Affirmed. Glover and Murphy, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-17-633](#). Donna Swangel v. Arkansas Department of Human Services and Minor Children, from Marion County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

[CV-17-666](#). Kristal L. Thompson v. Luke B. Brunck and Amber M. Brunck, from Washington County Circuit Court. Reversed. Gruber, C.J., and Glover, J., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-17-661](#). Rodney Antonio Willis v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Virden and Murphy, JJ., agree.

[CV-17-726](#). Kathy Frazier Mays v. Jacqueline Mullins, from Pulaski County Circuit Court, Thirteenth Division. Affirmed. Harrison and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-16-879](#). Anne O'Hara Bynum v. State of Arkansas, from Drew County Circuit Court. Reversed and remanded. Gruber, C.J., agrees. Harrison, J., concurs.

[CV-17-701](#). Curtis Motley, Jr., as Special Administrator of the Estate of Laura Motley, Deceased v. Michael Sifford, M.D., from Craighead County Circuit Court, Western District. Affirmed. Abramson and Murphy, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 14, 2018

DAVID M. GLOVER, JUDGE: (Continued)

[CV-17-779](#). Brookewood, Limited Partnership v. DeQueen Physical Therapy and Occupational Therapy, Inc., from Sevier County Circuit Court. Affirmed in part and reversed in part on direct appeal; remittitur granted; reversed and remanded on cross-appeal. Abramson and Murphy, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-17-354](#). Roddrick Larnell Smith v. State of Arkansas, from Columbia County Circuit Court. Affirmed; motion to withdraw granted. Gruber, C.J., and Hixson, J., agree.

LARRY D. VAUGHT, JUDGE:

[CV-17-765](#). Herbert Ayers v. Tyson Poultry, Inc., and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Gladwin, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-17-735](#). AT&T Corporation v. Clark County, Arkansas, *ex rel.* Honorable Troy Tucker, in His Official Capacity as County Judge of Clark County, Arkansas, Individually and o/b/o Class of Similarly Situated Parties, from Clark County Circuit Court. Affirmed. Gruber, C.J., and Whiteaker, J., agree.

MIKE MURPHY, JUDGE:

[CV-17-838](#). Kristin Chelstrom v. Brandy Chelstrom and Randall Chelstrom, from Montgomery County Circuit Court. Dismissed with prejudice. Abramson and Glover, JJ., agree.

WAYMOND BROWN, JUDGE:

[CV-17-786](#). Robert C. Goldtrap, D.D.S.; and Robert C. Goldtrap, D.D.S., P.A., an Arkansas Dental Corporation v. Bold Dental Management, LLC, a Delaware Limited Liability Company; and Bold Dental Partners, PLLC, an Arkansas Professional Limited Liability Company, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison and Klappenbach, JJ., agree.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 14, 2018

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-17-440. Donna Smith v. Director et al.

E-17-441. Donna Smith v. Director et al.

E-17-442. Donna Smith v. Director et al.

E-17-443. Donna Smith v. Director et al.

E-17-451. Melissa Davis v. Director et al.

E-17-452. DeMarcus Paxton v. Director et al.

E-17-453. Scotty Ray v. Director et al.

E-17-454. Robin Vargas v. Director et al.

E-17-455. Steven Sparr v. Director et al.

E-17-456. Trina Garcia v. Director et al.

E-17-457. Michael Berry v. Director et al.

E-17-459. Katrina Williams v. Director et al.

E-17-460. Marilyn Price v. Director et al.

E-17-461. Brian Carter v. Director et al.

E-17-462. Winnie Gillespie v. Director et al.

E-17-463. Floyd Story v. Director et al.

E-17-464. Floyd Story v. Director et al.

E-17-465. Angela Wells v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 14, 2018

E-17-466. Lucinda Pemberton v. Director et al.

E-17-467. Steven Forshee v. Director et al.

E-17-468. William Anderson v. Director et al.

E-17-469. Robert Gray v. Director et al.

E-17-470. Veronica Delph v. Director et al.

E-17-471. Henry Rasulallah v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 14, 2018
PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

CR-16-712. Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court.

CR-17-339. Hunter John Drexler v. State of Arkansas, from Faulkner County Circuit Court.

CV-17-568. Kindell Whisenant v. Robert M. McKamie, Personal Representative of the Estate of Robert Samuel McKamie, Deceased, from Hempstead County Circuit Court.

CV-17-582. Doug Riley v. Welcometotulum Investment Properties, LLC, from Garland County Circuit Court.

CR-16-852. Fredrick Leon Wilson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to expand page limit is denied. Appellant's brief is due in seven days (March 21, 2018).

CR-16-1092. Dorian Lacy v. State of Arkansas, from Clark County Circuit Court. Motion of Jacob Worlow to stay proceedings and for appointment of counsel is granted. Dusti Standridge is appointed to represent the appellant. Tendered petition for rehearing filed this date.

CR-17-186. Lucan Dhru Worsham v. State of Arkansas, from Faulkner County Circuit Court. Motion of Brian G. Brooks for attorney fees and costs is granted. Allowed \$1,800.00.

CR-17-241. Frankie Dwayne Vonholt v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,800.00.

CR-17-521. Matthew Arnold v. State of Arkansas, from Fulton County Circuit Court. Motion and request of Joe A. Denton for attorney's fees is granted. Allowed \$1,800.00.

CR-17-527. Adam Lee Furo v. State of Arkansas, from Garland County Circuit Court. Motion of Matthew A. Kezhaya for attorney's fees is granted. Allowed \$1,600.00.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 14, 2018

PER CURIAM ORDERS

CR-17-668. Rodney Chambers v. State of Arkansas, from Washington County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,800.00.

CR-17-850. Marlin Steen v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-18-148. William Heath French v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin to withdraw as counsel and have an attorney appointed is granted. Joseph Self is appointed to represent the appellant. Appellant's brief is due in thirty days (April 13, 2018).

CV-17-200. John Adams and Marie Adams v. Bill Moody, from Baxter County Circuit Court. Appellants' pro se motion for extension of substituted brief time is granted. Appellants' substituted brief is due in thirty days (April 13, 2018). Final extension.

CV-17-619. Dee Blakely v. Arkansas Children's Hospital; Pulaski County, Arkansas; and Jane Duke, from Pulaski County Circuit Court, Sixth Division. Motion of Jane Duke to withdraw as counsel of record is granted. Gruber, C.J., not participating.

CV-17-652. Miranda Thomas v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Appellees' motion to stay briefing schedule and dismiss appeal is granted. Appeal dismissed.

CV-17-893. Margaret Ellis v. Roger Thompson and Frances Thompson, from Cross County Circuit Court. Appellant's motion for remand to correct the record or, in the alternative, petition for certiorari to complete the record and motion to stay the briefing schedule is granted. Writ issued; returnable in thirty days (April 13, 2018). Appellant's brief is due thirty days after the supplemental record is lodged.

CV-17-911. Victor B. Williams v. Tiffany Lofton-Greenfield, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to supplement trial court record is granted. Tendered supplement to the record filed this date. Appellant's tendered brief filed this date.

CV-17-997. Brian Keith Morgan v. Kacie Lynn Morgan (now Myers), from Benton County Circuit Court. Motion of Christine Horwart to withdraw as attorney of record is granted.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 14, 2018

PER CURIAM ORDERS

CV-18-14. Boston Mountain Regional Solid Waste Management District v. Benton County Regional Solid Waste Management District, from Benton County Circuit Court. Appellant's motion for enlargement of time to file brief is granted. Appellant's brief is due in thirty days (April 13, 2018).

CV-18-14. Boston Mountain Regional Solid Waste Management District v. Benton County Regional Solid Waste Management District, from Benton County Circuit Court. Appellant's motion for waiver of addendum obligation is granted.

CV-18-17. Vicki Kline v. PHH Mortgage Corporation, from Benton County Circuit Court. Appellant's suggestion of bankruptcy is noted. Status report is due in ninety days (June 12, 2018).

CV-18-83. Jason Hearst v. Robert Alston Newcomb, from Pulaski County Circuit Court, Fifth Division. Appellant's petition for certiorari to complete the record is remanded to the circuit court to settle the record within fifteen days (March 29, 2018). Appellant's brief is due fifteen days after the supplemental record is lodged. Gruber, C.J., not participating.

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court, Western District. Separate appellant Laura Lancaster's pro se motion for new counsel is denied.

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court. Motion of Terry Goodwin Jones to withdraw and substitution of counsel for separate appellant Laura Lancaster is denied.

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court, Western District. Motion of separate appellant Laura Lancaster to toll time is granted. Appellant's brief is due in fourteen days (March 28, 2018).

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court, Western District. Motion of separate appellant Christopher Lancaster to stay briefing schedule is granted. Appellant's brief is due in fourteen days (March 28, 2018).

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 14, 2018

PER CURIAM ORDERS

CV-18-120. Keith Karolchyk v. Lisa Karolchyk, from Pulaski County Circuit Court, Fourteenth Division. Appellant's application for leave to file a supersedeas bond is denied.

CV-18-132. Arkansas Children's Hospital v. Dee Blakley, from Pulaski County Circuit Court, Sixth Division. Motion of Jane Duke to withdraw as counsel of record is granted. Gruber, C.J., not participating.

CV-18-137. Jessica Brown v. Arkansas Department of Human Services and Minor Children, from Saline County Circuit Court. Agreed substitution of counsel is granted.

CV-18-140. LaToya Thomas v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Agreed motion to substitute counsel is granted.

CV-18-160. Kaitlyn McCool v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Motion of separate appellee Arkansas Department of Human Services to substitute counsel is granted.

CV-18-178. Holli Ward v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Agreed substitution of counsel is granted.

CV-18-181. Rose Corley and Joey Wade Bilbrey v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Agreed substitution of counsel is granted.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 14, 2018
MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-17-297. Michael Nauman v. Rene Nauman, from Pulaski County Circuit Court, Thirteenth Division.

CV-17-655. Mahmood Ahmad v. Arkansas State Medical Board, from Pulaski County Circuit Court, Sixth Division.

CV-17-754. Amy Villines and Gerrie Parker v. Harrison Housing Authority and the City of Harrison, Arkansas, from Boone County Circuit Court.

CR-17-656. Conrail Lamon Criswell v. State of Arkansas, from Conway County Circuit Court. Motion of Jonathan T. Lane for award of attorney fees.

CR-17-679. James D. Horton v. State of Arkansas, from Lonoke County Circuit Court. Motion of Jonathan T. Lane for award of attorney fees.

CR-17-925. Justin Drew Bray v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Meagan Burns to withdraw.

CV-17-862. J. David John v. Martin T. Faitak, Ph.D., from Washington County Circuit Court. Appellant's motion to seal record and briefs.

CV-17-971. Kenisha Williform v. Arkansas Department of Human Services, from Craighead County Circuit Court, Western District. Appellant's motion to hold oral argument.

CV-17-989. Larry Gene Phifer v. Richard Cowin, Margot Cowin, and SWN Production (Arkansas), LLC, from White County Circuit Court. Appellant's motion to remand for want of a final order and for extension of time.

CV-18-61. Sheila McHughes, David A. Hodges, and Josh McHughes v. Anissa Wayland and Children's Medical Transportation Services, LLC, from Saline County Circuit Court. Appellants' motion to supplement the record.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 14, 2018

MOTIONS SUBMITTED

CV-18-146. James Randall Amason, Sr. v. City of Calion, Arkansas, from Union County Circuit Court. Appellant's motion to remand, or alternatively, motion to dismiss without prejudice, for lack of a final order.

CV-18-185. Meegan Wingate-Mickles, as Administratrix on Behalf of the Estate of Emrich Swonia, Jr. v. Marqueita Lathell Harris, from Pulaski County Circuit Court, Ninth Division. Appellee's motion to dismiss.

E-18-66. Todd Cartwright v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 14, 2018

CASES SUBMITTED

CR-17-755. Andrew Lee Jackson v. State of Arkansas, from Garland County Circuit Court.

CR-17-804. Sonny Byrum v. State of Arkansas, from Faulkner County Circuit Court.

CR-17-812. Kevin Dunhoo v. State of Arkansas, from Poinsett County Circuit Court.

CV-17-249. Daniel R. Goodwin and Goodwin Law Firm, PLLC v. Magness Oil Company, Benny W. Magness, Janie A. Magness, and Jeffrey Magness, from Baxter County Circuit Court.

CV-17-363. Brian Skender v. Union Pacific Railroad Company, from Jefferson County Circuit Court.

CV-17-538. Brady Williamson v. John J. Williamson, from Searcy County Circuit Court.

CV-17-612. Angela Hewett v. Kelly Hewett and Minor Child, from Benton County Circuit Court.

CV-17-635. Kenneth J. Clark and Clark Revocable Trust u/d/t July 23, 1997 v. Melva Jean Summers, from Carroll County Circuit Court, Eastern District.

CV-17-783. Arkansas Department of Human Services and Public Employee Claims Division v. Cindy R. Shields and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-17-810. Alice McCutchen v. Arkansas Human Development Center – Southeast and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission.

CV-17-836. Jason Hargis v. J & C Land & Timber Company a/k/a Jim Lovett, Lovett Logging, and BITCO Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-17-905. Lea Candace Bradley v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court, Eastern District.