

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF APRIL 4, 2018

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

[CR-17-755](#). Andrew Lee Jackson v. State of Arkansas, from Garland County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

[CV-17-730](#). Misty Lawrence v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

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

[CV-16-739](#). Farm Credit Midsouth, PCA v. Fred Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court. Affirmed in part and reversed in part on direct appeal; affirmed on cross-appeal. Gladwin and Vaught, JJ., agree.

[CV-17-635](#). Kenneth J. Clark, as Trustee of the Clark Revocable Trust v. Melva Jean Summers, from Carroll County Circuit Court, Eastern District. Dismissed without prejudice. Abramson and Whiteaker, JJ., agree.

[CV-17-746](#). In the Matter of the Estate of Lois Jean Edens, Deceased, from White County Circuit Court. Reversed and remanded. Gladwin and Vaught, JJ., agree.

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

[CV-17-836](#). Jason Hargis v. Jim Lovett d/b/a Lovett Logging, from the Arkansas Workers' Compensation Commission. Affirmed. Murphy and Brown, JJ., agree.

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

[CR-17-804](#). Sonny A. Byrum v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Gruber, C.J., and Vaught, J., agree.

[CV-17-479](#). National Transit Staffing, Inc. and Triangle Insurance Company v. Mark Joseph Norris, from the Arkansas Workers' Compensation Commission. Affirmed. Klappenbach, Whiteaker, and Brown, JJ., agree. Virden and Hixson, JJ., dissent.

[CV-17-808](#). Connie Burke v. Arkansas Department of Correction and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber, C.J., and Vaught, J., agree.

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

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 4, 2018

[CR-17-812](#). Kevin Dunhoo v. State of Arkansas, from Poinsett County Circuit Court. Affirmed. Glover and Hixson, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CV-17-905](#). Lea Candace Bradley v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court, Eastern District. Affirmed; motion to withdraw granted. Klappenbach and Hixson, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CV-17-363](#). Brian Skender v. Union Pacific Railroad Company, from Jefferson County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-17-612](#). Angela Hewett v. Kelly Hewett, from Benton County Circuit Court. Reversed and remanded. Gruber, C.J., and Harrison, J., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-17-538](#). Brady Williamson v. John J. Williamson, from Searcy County Circuit Court. Affirmed in part; reversed and remanded in part. Klappenbach and Glover, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-17-738](#). Elvis Middleton and Brittney Middleton v. Jennifer Middleton, Administratrix of the Estate of Joshua Middleton, Deceased, from Newton County Circuit Court. Affirmed. Abramson, Harrison, and Glover, JJ., agree. Klappenbach and Murphy, JJ., dissent.

[CV-17-810](#). Alice McCutchen v. Human Development Center and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Murphy, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2018**

**PER CURIAM ORDERS**

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

CR-16-1092. Dorian Lacy v. State of Arkansas, from Clark County Circuit Court.

CR-17-199. Vernyell Yarquis Mosby v. State of Arkansas, from Desha County Circuit Court, Arkansas City District.

CV-16-733. Terry Larue Wyatt v. Joyce Lorene Wyatt, from Faulkner County Circuit Court.

CV-17-272. Teresa A. Griffith, as Executrix of the Estate of Dorothy J. Grable, Deceased v. Rick Griffith, from Pulaski County Circuit Court, Seventeenth Division.

CV-17-345. Sherry Lynne Glover v. Main Street Wholesale Furniture, LLC, and Bryan William McPike, from Jefferson County Circuit Court.

CV-17-403. Absolute Care Management and Guarantee Insurance Company v. Letha Stacy and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-17-460. Shrokrollah Eliasnik (a/k/a Shawn Nik) v. Y & S Pine Bluff, LLC, and Shahrokh Javidzad (a/k/a Steve Javidzad), from Jefferson County Circuit Court.

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CR-17-133. Marvin Joe Starks v. State of Arkansas, from Washington County Circuit Court. Motion of Eric Moore for award of attorney's fees is granted. Allowed \$1,600.00. Harrison, J., not participating.

CR-17-286. Norman Ray Bullock v. State of Arkansas, from Prairie County Circuit Court, Northern District. Motion of Sharon Kiel for award of attorney's fees is granted. Allowed \$1,800.00.

CR-17-581. C.C.F. v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to dismiss is denied. Appellant's brief is due in thirty days (May 4, 2018).

CR-17-650. Tommy L. Wood, Jr. v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellee's motion to dismiss is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2018**

**PER CURIAM ORDERS**

CR-17-685. Anfernee Xavier Wells v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Meagan Burns to withdraw is granted. Dusti Standridge is appointed to represent the appellant.

CR-17-772. Ryan James Kirkland v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to file belated brief and motion to file corrected brief is granted. Appellant's tendered brief filed this date.

CR-17-926. Douglas Alan Anderson v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to supplement record is granted. Tendered supplemental record filed this date. Appellant's tendered brief filed this date.

CR-17-961. J.L.W. v. State of Arkansas, from Yell County Circuit Court, Northern District. Motion to compel the Yell County Circuit Court clerk to settle the record is remanded to the circuit court to settle the record in fifteen days (April 19, 2018). Appellant's substituted brief is due fifteen days after the supplemental record is lodged.

CR-18-31. Doriane Clentail Norton v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of time to file pro se points is denied.

CR-18-239. Otis Daniels v. State of Arkansas, from Jefferson County Circuit Court. Motion of Leonardo Monterrey to withdraw as attorney on direct appeal is granted. Robert M. "Robby" Golden is appointed to represent the appellant. Appellant's brief is due in forty days (May 14, 2018).

CV-16-1130. Wanda J. Hartley v. Vendor Resource Management, from Pulaski County Circuit Court, Second Division. Appellee's motion to dismiss is granted.

CV-17-52. Windsong Enterprises, Inc. v. Red Apple Enterprises Limited Partnership; Richard Upton; Propco Limited Partnership No. 1; Propco, Inc.; United Resorts, Inc.; and UDC, LLC, from Cleburne County Circuit Court. Motion on behalf of appellees for taxation of costs and for costs and attorneys' fees for insufficiency of appellant's addendum. Motion for ordinary costs is moot. Motion for extraordinary costs is denied. Motion for attorneys' fees is denied.

CV-17-280. Dashunda R. Johnson v. NPC International, Inc., d/b/a Pizza Hut and Old Republic Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to recall mandate in first impression is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2018**

**PER CURIAM ORDERS**

CV-17-280. Dashunda R. Johnson v. NPC International, Inc., d/b/a Pizza Hut and Old Republic Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's revised pro se motion to recall mandate in first impression is denied.

CV-17-626. John Roach v. Joe Roach and James Roach, from Marion County Circuit Court. Appellees' motion to dismiss appeal is granted.

CV-17-727. Larry Hamilton v. Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division. Appellee's motion to supplement the record on appeal is granted. Tendered supplemental record filed this date.

CV-17-727. Larry Hamilton v. Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division. Appellant's pro se motion to extend time to file reply brief is granted. Appellant's reply brief is due in fifteen days (April 19, 2018).

CV-17-844. Jason Reynolds v. Stacy Reynolds (now Thomas), from Garland County Circuit Court. Appellant's motion to supplement the record is denied.

CV-17-884. Betty Guenther v. Glynn Guenther, Aric Guenther, and Estate of James Guenther, an Incapacitated Person, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to supplement the record is granted. Tendered supplemental record filed this date. Appellant's tendered brief filed this date.

CV-17-884. Betty Guenther v. Glynn Guenther, Aric Guenther, and Estate of James Guenther, an Incapacitated Person, from Pulaski County Circuit Court, Seventeenth Division. Appellees' motion to dismiss is moot.

CV-17-884. Betty Guenther v. Glynn Guenther, Aric Guenther, and Estate of James Guenther, an Incapacitated Person, from Pulaski County Circuit Court, Seventeenth Division. Appellees' amended motion to dismiss and motion to extend time for response brief if motion to dismiss is denied. Appellees' amended motion to dismiss is passed until the case is submitted. Appellees' brief is due in thirty days (May 4, 2018).

CV-17-970. Gen-Kal Pipe & Steel Corporation and Eugene Kalsky v. M.S. Wholesale Plumbing, Inc., from Pope County Circuit Court. Motion for substitution of appellants' counsel is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2018**

**PER CURIAM ORDERS**

CV-17-1066. Carrie Michelle Lucas v. Adam Henry Nutt and Tami Michelle Nutt, from White County Circuit Court. Appellant's motion for extension and to supplement the record is moot.

CV-17-1066. Carrie Michelle Lucas v. Adam Henry Nutt and Tami Michelle Nutt, from White County Circuit Court. Appellant's amended unopposed motion for extension and to supplement the record is granted. Supplemental record is due in twenty days (April 24, 2018). Appellant's brief is due forty days after the supplemental record is lodged.

CV-18-25. Ryan Bryant v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Appellant's motion for permission to file belated brief due to clerical error is granted. Appellant's tendered brief filed this date.

CV-18-65. C.D. Andreasen and Kathleen Andreasen v. South Mountain Estates Property Owners' Association, Inc., et al., from Benton County Circuit Court. Appellants' motion to consolidate cases is granted. Gladwin and Brown, JJ., would deny.

CV-18-66. C. D. Andreasen and Kathleen Andreasen v. South Mountain Estates Property Owners' Association, Inc., et al., from Benton County Circuit Court. Appellants' motion to consolidate cases is granted. Gladwin and Brown, JJ., would deny.

CV-18-67. C.D. Andreasen and Kathleen Andreasen v. South Mountain Estates Property Owners' Association, Inc., et al., from Benton County Circuit Court. Appellants' motion to consolidate cases is granted. Gladwin and Brown, JJ., would deny.

CV-18-95. City of Bryant, Arkansas v. Boone Trust Dated December 22, 1997, from Saline County Circuit Court. Appellant's motion to correct the record is granted. Tendered supplemental record filed this date. Appellant's tendered brief filed this date.

CV-18-117. Travis Johnston v. Virgil Jones and First Student, Inc., from Pulaski County Circuit Court, Sixth Division. Appellant's motion to correct the record on appeal is granted. Supplemental record is due in fifteen days (April 19, 2018).

CV-18-117. Travis Johnston v. Virgil Jones and First Student, Inc., from Pulaski County Circuit Court, Sixth Division. Appellant's motion for extension of time to file brief is granted. Appellant's brief is due fifteen days after the supplemental record is lodged.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2018**

**PER CURIAM ORDERS**

CV-18-121. Shelby Murphy v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court. Appellant's motion to stay briefing schedule is granted. Appellant's brief is due in fourteen days (April 18, 2018).

E-18-78. Reginald Meeks v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2018**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-17-368. Christopher Stephen Patterson and Rebecca Lynn Patterson, as the Special Co-Administrators of the Estate of Micayla Anne Patterson, Deceased; and Daniela Salamo v. Southern Farm Bureau Casualty Insurance Company, from Washington County Circuit Court.

CV-17-778. Peregrine Trading, LLC v. Steve Rowe and Stacy Rowe, from Lafayette County Circuit Court.

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CR-17-85. Ronald Anthony Antonello v. State of Arkansas, from Miller County Circuit Court. Motion of Gregg A. Knutson for attorney fees and costs.

CR-16-777. Aaron Dewayne Watson v. State of Arkansas, from Woodruff County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees and costs.

CR-17-503. Ronnie Bruce Martinez v. State of Arkansas, from Grant County Circuit Court. Motion of Philip C. Wilson for attorney fees.

CR-17-686. Bruce Richard Sampson v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Motion of Dusti Standridge for attorney's fees and expenses.

CR-17-751. Tony Jefferson, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-18-219. Maurice Bey v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion to stay the briefing schedule.

CV-17-254. Luther F. Graves and First Comp Insurance Company v. Timothy W. Hopper, from the Arkansas Workers' Compensation Commission. Appellee's motion for attorney's fees.

CV-18-160. Kaitlyn McCool v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Appellant's motion for enlargement of time to file brief.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2018**

**MOTIONS SUBMITTED**

CV-18-160. Kaitlyn McCool v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Appellant's motion to dismiss appeal.

CV-18-184. David Fraser v. Arkansas Department of Human Services and Minor Child, from Polk County Circuit Court. Appellant's motion to strike the record and to stay briefing schedule.

CV-18-225. Arkansas Health Center and Arkansas Insurance Department, Public Employee Claims Division v. Stephanie Burnett, from the Arkansas Workers' Compensation Commission. Appellants' motion for writ of certiorari to correct the record.

E-18-91. Joy McFarland v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

E-18-92. Tammy Bitzer v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2018**

**CASES SUBMITTED**

CR-17-455. James Larail Sharp, Jr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-17-595. Brian Antonio Smith v. State of Arkansas, from Faulkner County Circuit Court.

CR-17-708. Eric Bernard Rounds v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CR-17-900. Sherry Woods v. State of Arkansas, from Miller County Circuit Court.

CR-17-1010. Kenneth Stuart v. State of Arkansas, from Hempstead County Circuit Court.

CV-17-405. Roger D. Pleasant; Information and Discovery, Inc.; PSG Investigation, LLC; Accident Claim Service, LLC; Physician 1st Marketing Group, LLC; Network Collision Group, LLC v. State of Arkansas, *ex rel.* Dustin McDaniel, Attorney General, from Pulaski County Circuit Court, Sixth Division.

CV-17-580. John V. Glenn v. Mike Bubbus, from Pope County Circuit Court.

CV-17-605. David Petty, Mary C. Petty, and Mary C. Petty Family Trust v. Robert Louton, from Hot Spring County Circuit Court.

CV-17-741. David L. McKim v. Jack B. Sullivan, from Faulkner County Circuit Court.

CV-17-828. Richard C. Srygley v. Laquita Srygley Parker and Internal Revenue Service, from Sebastian County Circuit Court, Fort Smith District.

CV-17-864. Brittani Young v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division.

CV-17-876. Denan Cagle v. Van Buren School District, from Crawford County Circuit Court.