

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 2, 2018**

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

[CR-17-861](#). Adrian Clinkscale v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Abramson and Gladwin, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-17-648](#). Richard Louis Bertrand v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Gruber, C.J., and Gladwin, J., agree.

**BART F. VIRDEN, JUDGE:**

[CV-17-917](#). Heather Gann v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-17-991](#). Christopher Lynn Elder v. Kerri June Elder, from Pulaski County Circuit Court, Thirteenth Division. Reversed on direct appeal; affirmed on cross-appeal. Gruber, C.J., and Abramson, J., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-17-70](#). Jordan Williams v. State of Arkansas, from Hempstead County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

[CR-17-675](#). Sherita M. King v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division. Reversed and dismissed. Virden and Harrison, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CV-17-681](#). Kent Douglas McCoy v. Ronald D. Robertson, M.D.; Mario Rueda, M.D.; Christopher W. Fowler, D.O.; Mary Katherine Kimbrough, M.D.; John Does 1–3; and Jane Does 1–3, from Pulaski County Circuit Court, Fifth Division. Affirmed. Vaught and Brown, JJ., agree.

[CV-18-30](#). Cakoshia Easter v. Arkansas Department of Human Services and Minor Children, from Columbia County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

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**PHILLIP T. WHITEAKER, JUDGE:**

[CR-17-659](#). Melchizedek Shabazz v. State of Arkansas, from Howard County Circuit Court. Reversed and remanded. Hixson and Murphy, JJ., agree.

[CV-17-760](#). Rachel Cooper v. Chris Merwether, from Woodruff County Circuit Court. Affirmed. Hixson and Murphy, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-16-1131](#). DWB, LLC, et al. v. D&T Pure Trust et al., from Pulaski County Circuit Court, Seventeenth Division. Affirmed in part; reversed in part. Glover and Brown, JJ., agree.

[CV-17-839](#). White River Health System, Inc., d/b/a White River Medical Center, et al. v. Madeline Long, as Special Administratrix of the Estate of Danielle Toth, Deceased, from Independence County Circuit Court. Dismissed without prejudice. Gruber, C.J., and Abramson and Virden, JJ., agree. Harrison and Whiteaker, JJ., dissent.

[CV-17-1041](#). Northwest Arkansas Community College and Public Employee Claims Division v. Heidi Marie Migliori, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Brown, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-17-796](#). Megan E. Jones v. Arkansas Local Police and Fire Retirement System, Board of Trustees, et al., from Pulaski County Circuit Court, Sixth Division. Reversed and remanded. Whiteaker and Murphy, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-18-48](#). Kayla Danielle Picinich v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Hixson, J., agrees. Whiteaker, J., concurs.

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**PROCEEDINGS OF MAY 2, 2018**

**WAYMOND M. BROWN, JUDGE:**

[CV-17-950](#). U.S. Bank National, Association Successor by Merger to U.S. Bank National Association, N.D. v. Unknown Heirs of Ronald T. Greenwood; Linda Greenwood; Joseph N. Carter; Rodney Clark; Jock Adam Greenwood; Tenants of 512 Greenwood Road, Bauxite, Arkansas (if any); and Rodney Greenwood, from Saline County Circuit Court. Dismissed. Glover and Vaught, 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-18-19. James Evans v. Director et al.

E-18-20. William Beegle v. Director et al.

E-18-21. Miki Brooks v. Director et al.

E-18-22. Angelica Cummings v. Director et al.

E-18-23. Melinda Honea v. Director et al.

E-18-24. Paul Braithwaite v. Director et al.

E-18-25. Donald Tolerson v. Director et al.

E-18-26. Monica Western v. Director et al.

E-18-28. Norman Bean v. Director et al.

E-18-29. Rhonda Thatcher v. Director et al.

E-18-30. Melinda Doaks v. Director et al.

E-18-31. Sarah Thompson v. Director et al.

# ARKANSAS COURT OF APPEALS

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## PER CURIAM ORDERS

CR-17-559. Herschel L. Brigance 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-17-985. Robert Jamar Fields v. State of Arkansas, from Union County Circuit Court. Appellant's status report is granted. Appeal stayed. Appellant's status report is due in thirty days (June 1, 2018). Klappenbach, J., not participating.

CR-17-1050. Jamal D. Akram v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion to supplement the record and stay briefing schedule is remanded to the circuit court to settle the record within fourteen days (May 16, 2018). Appellant's brief is due five days after the supplemental record is filed.

CR-18-127. Zebarious Hawkins v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's motion to correct record is granted. Tendered supplement to the record filed this date.

CV-17-110. Ronald Shelton Tidwell v. Lauren Madison Rosenbaum, from Hempstead County Circuit Court. Appellant's motion for taxation of costs pursuant to Rule 6-7(b) of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas is moot.

CV-17-110. Ronald Shelton Tidwell v. Lauren Madison Rosenbaum, from Hempstead County Circuit Court. Appellee's motion for attorney's fees pursuant to Rule 4-2(b)(1) of the Rules of the Arkansas Supreme Court and Court of Appeals is granted. Allowed \$1,000.00. Whiteaker and Brown, JJ., would deny.

CV-17-278. \$4,076.00 in U.S. Currency and Nathaniel Adam Walters v. State of Arkansas, from Washington County Circuit Court. Pro se motion of appellant Nathaniel Adam Walters for belated brief is granted. Appellant's tendered brief filed this date.

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 reconsider the recall of mandate in first impression 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 emergency motion to recall mandate is denied.

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## 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 pro se emergency motion for relief from judgment 60(b)(2), (3), (4), and (6) is moot.

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 withdraw appellant's emergency motion to recall mandate and appellant's emergency motion for relief from judgment 60(b), (2), (3), (4), and (6) is granted.

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 vacate a judgement pursuant to A.R.C.P. 60 with supporting affidavits is denied.

CV-17-376. David Tribble and Danny Tribble v. First Security Bank, Jason Tribble, and Jennifer Tribble, from Baxter County Circuit Court. Appellants' motion to vacate partial mandate and partial order adjudicating fewer than all the claims or the rights and liabilities of fewer than all the parties pursuant to Rule 5-3 of the Arkansas Rules of the Supreme Court and Court of Appeals and Brief is denied. Gladwin and Glover, JJ., not participating.

CV-17-950. U.S. Bank National Association Successor by Merger to U.S. Bank National Association, N.D. v. Unknown Heirs of Ronald T. Greenwood; Linda Greenwood; Joseph N. Carter; Rodney Clark; Jock Adam Greenwood; Tenants of 512 Greenwood Road, Bauxite, AR (if any); and Rodney Greenwood, from Saline County Circuit Court. U.S. Bank National Association's motion to dismiss is denied.

CV-18-243. Michael Wolnik v. Superior Industries and ESIS, Inc., from the Arkansas Workers' Compensation Commission. Joint motion to remand is granted. Status report is due in forty-five days (June 16, 2018).

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 2, 2018**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-16-739. Farm Credit Midsouth, PCA v. Fred Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court.

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

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CR-17-581. C.C.F. v. State of Arkansas, from Saline County Circuit Court. Appellant's motion to extend brief time.

CR-17-713. LaFrances Sanford, Jr. v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file points for reversal.

CR-17-755. Andrew Lee Jackson v. State of Arkansas, from Garland County Circuit Court. Motion of C. Shane Ethridge for attorney's fees.

CR-17-764. Duan Harris v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Benjamin W. Bristow for attorney's fee.

CR-17-804. Sonny A. Byrum v. State of Arkansas, from Faulkner County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees.

CR-17-961. J.L.W. v. State of Arkansas, from Yell County Circuit Court, Northern District. Appellant's motion for the court to take notice and include the attached exhibits as part of appellant's original brief or in the alternative for an extension to file a supplemental brief.

CR-18-74. Robert Glenn Brown v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Resubmission of appellant's motion to substitute counsel and for brief time.

CR-18-219. Maurice Bey v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion requesting clarification.

CV-17-844. Jason Reynolds v. Stacy Reynolds (now Thomas), from Garland County Circuit Court. Appellant's motion for extension of time to tender supplemental record.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 2, 2018**

**MOTIONS SUBMITTED**

CV-17-924. Victor Bernard Williams, M.D. v. Baptist Health d/b/a Baptist Health Medical Center; and John Hearnberger, M.D., from Pulaski County Circuit Court, Sixth Division. Motion of Adam D. Franks to withdraw.

CV-17-996. Greg Holmes v. Michael Wilhelm and Erin Wilhelm, from Benton County Circuit Court. Appellant's motion for permission to substitute preliminary pages and jurisdictional statement and points on appeal.

CV-17-1075. Jennifer Jones v. Shonn Jones, from Benton County Circuit Court. Appellant's motion for oral argument.

CV-18-19. The Unknown Heirs of Nathaniel and Emaline Neal v. Dorothy Vaughn, Gail Lynn B. Hamilton, Louis Willis, Homer Willis, Jerry D. Pickett, Judy K. Pickett, and Professional Land Title Company of Arkansas, from Sevier County Circuit Court. Motion of separate appellees Jerry D. Pickett and Judy K. Pickett to correct addendum and for extension of brief time.

CV-18-19. The Unknown Heirs of Nathaniel and Emaline Neal v. Dorothy Vaughn, Gail Lynn B. Hamilton, Louis Willis, Homer Willis, Jerry D. Pickett, Judy K. Pickett, and Professional Land Title Company of Arkansas, from Sevier County Circuit Court. Motion of separate appellee Professional Land Title Company of Arkansas to require appellants to correct the addendum; and alternatively for extension of brief time.

CV-18-19. The Unknown Heirs of Nathaniel and Emaline Neal v. Dorothy Vaughn, Gail Lynn B. Hamilton, Louis Willis, Homer Willis, Jerry D. Pickett, Judy K. Pickett, and Professional Land Title Company of Arkansas, from Sevier County Circuit Court. Motion of separate appellees Homer Willis and Louis Willis to deny request for appellants to correct addendum and time extension to file brief.

CV-18-198. C & R Construction Company, Inc.; David Smith; and Jennifer Smith v. Woods Masonry & Repair, LLC, from Craighead County Circuit Court, Western District. Appellants' motion for extension of time to file brief.

CV-18-198. C & R Construction Company, Inc.; David Smith; and Jennifer Smith v. Woods Masonry & Repair, LLC, from Craighead County Circuit Court, Western District. Suggestion of death of appellant.

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**MOTIONS SUBMITTED**

CV-18-203. Kevin Phillips v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for extension of time to file brief due to extraordinary circumstances and to stay brief time.

CV-18-203. Kevin Phillips v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for leave to file belated brief.

CV-18-336. GM Enterprises, LLC v. SACHS/HAYNES 503, LLC; and HCH Toyota, LLC, from Benton County Circuit Court. Appellant's motion to seal records.

CV-18-357. Charles Elliott v. Arkansas Department of Human Services and Minor Child, from Columbia County Circuit Court. Agreed substitution of counsel.



# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF MAY 2, 2018

### CASES SUBMITTED

CV-16-83. Carolyn Lawson v. Simmons Sporting Goods, Inc., from Ashley County Circuit Court. Orally argued.

CR-17-25. James Edward Crippen, Jr. v. State of Arkansas, from Crawford County Circuit Court.

CR-17-787. Jason Randal Stewart v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-17-894. Alim Shakir Hakim v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-17-956. Kevin Dangiolo Perry v. State of Arkansas, from Faulkner County Circuit Court.

CR-17-1074. Ralph Albert King v. State of Arkansas, from Ashley County Circuit Court.

CV-17-971. Kenisha Williform v. Arkansas Department of Human Services, from Craighead County Circuit Court, Western District.

CV-17-993. Capitol Zoning District Commission v. Marion A. Humphrey and Vernita T. Humphrey, from Pulaski County Circuit Court, Second Division.

CV-17-997. Brian Keith Morgan v. Kacie Lynn Morgan (now Myers), from Benton County Circuit Court.

CV-17-1055. Ryan Chase Gore v. Arkansas Teachers Federal Credit Union, from Lonoke County Circuit Court.

CV-18-20. Phyllis Costea (formerly Johnson) v. Walter L. Johnson, from Garland County Circuit Court.

CV-18-58. Megan Pearson and James Wells v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division.

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

E-18-44. Nakita Scofield v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 2, 2018**

**CASES SUBMITTED**

E-18-45. Safianne Walker-Givans v. Director et al.

E-18-46. Carl Coney v. Director et al.

E-18-47. Christopher Brewer v. Director et al.

E-18-48. Daniel Singleton v. Director et al.

E-18-50. Taurean Lagway v. Director et al.

E-18-51. Pearlie Ratliff v. Director et al.

E-18-52. Lawrence Alexander v. Director et al.

E-18-53. James Knight v. Director et al.

E-18-54. Michael King v. Director et al.

E-18-55. David Cross v. Director et al.

E-18-56. Donald Brinkley v. Director et al.