

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 9, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CV-17-689](#). April Michelle Major v. Michael David Penney, from Faulkner County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-17-752](#). Tristan Lajuan Mosley v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gruber, C.J., and Gladwin, J., agree.

BART F. VIRDEN, JUDGE:

[CV-17-344](#). William Ray McJunkins, Angie McJunkins, Paula Knight, and Garland F. “Kip” McJunkins, Jr., Deceased v. Phillip R. McJunkins and Virginia E. McJunkins, from Grant County Circuit Court. Affirmed in part; reversed and remanded in part. Abramson and Whiteaker, JJ., agree.

[CV-17-868](#). Nicole R. Killingsworth v. Jeremiah Anthony Dittmar, from Sharp County Circuit Court. Affirmed. Harrison and Klappenbach, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-17-953](#). David Matthew Evans v. Joseph Evans and Camille Bennett, from Pulaski County Circuit Court, Third Division. Affirmed. Virden and Klappenbach, JJ., agree.

[CV-17-1025](#). Kiswire Pine Bluff, Inc., and Travelers Indemnity Company v. Marion Segars, from the Arkansas Workers’ Compensation Commission. Affirmed. Virden and Klappenbach, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-17-1024](#). White County Judge and the Association of Arkansas Counties Risk Management Services v. Bruce Menser, from the Arkansas Workers’ Compensation Commission. Reversed and remanded. Virden and Harrison, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-17-892](#). Rick Holman v. Anna Marie Flores, Kenneth Cummings, and Allstate Property and Casualty Insurance Company, from Crawford County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

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LARRY D. VAUGHT, JUDGE:

[CR-17-934](#). Jarmall Kelley v. State of Arkansas, from Jefferson County Circuit Court. Rebriefing ordered. Glover and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-17-803](#). Jerry Joseph Oliver v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Whiteaker and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-17-945](#). David L. Barnes and Arkansawyer Sawmill, Inc. v. Robert Wagoner and Rhonda Wagoner, from Marion County Circuit Court. Dismissed without prejudice. Whiteaker and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-17-968](#). Bradley Wiseman and the Estate of Patsy Joann Malenke v. Teresa Joann Keeter et al., from Marion County Circuit Court. Affirmed. 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-18-32. Terry Hensley v. Director et al.

E-18-33. Shirley Blount v. Director et al.

E-18-34. Michael Hartsfield v. Director et al.

E-18-35. Laura Day v. Director et al.

E-18-36. Jeffery Taylor v. Director et al.

E-18-37. Thomas Pettis v. Director et al.

E-18-38. Jeffery Taylor v. Director et al.

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E-18-39. Shakita White v. Director et al.

E-18-40. Raul Ramirez v. Director et al.

E-18-41. Mary Brunk v. Director et al.

E-18-42. Rita Thomas v. Director et al.

E-18-43. Daniel Bartel v. Director et al.

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REHEARINGS DENIED: Petitions for rehearing have been denied in the following cases.

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. Hixson, J., would grant.

CR-17-334. Tommy Lee Radford v. State of Arkansas, from Ouachita County Circuit Court. Motion of William O. "Bill" James, Jr., for fees is granted. Allowed \$1,800.00. Klappenbach, J., not participating.

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

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 is granted. Appellant's pro se points for reversal are due in thirty days (June 8, 2018).

CR-17-755. Andrew Lee Jackson v. State of Arkansas, from Garland County Circuit Court. Motion of C. Shane Ethridge for attorney's fees is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00. Virden, J., not participating.

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 is granted. Allowed \$1,800.00.

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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. Appellant's motion for the court to take judicial notice is denied. Appellant's alternative motion for an extension of time to file a supplemental brief is granted. Appellant's supplemental brief is due in fifteen days (May 24, 2018).

CR-18-219. Maurice Bey v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion requesting clarification is granted. Motion to stay is granted until the mandate issues in *Jones v. State*, 218 Ark. 211.

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 is granted.

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 is granted. Substituted pages are due in five days (May 14, 2018). Gruber, C.J., not participating.

CV-17-1075. Jennifer Jones v. Shonn Jones, from Benton County Circuit Court. Appellant's motion for oral argument is denied. Virden, Harrison, Whiteaker, and Vaught, JJ., would grant.

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 is moot.

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 is granted. Appellants' corrected addendum is due in thirty days (June 8, 2018). Appellees' briefs are due thirty days after the appellants' corrected addendum is filed.

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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 is moot.

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 is granted. Appellants' brief is due in sixty days (July 8, 2018).

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 is noted.

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 is moot.

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 is granted. Appellant's tendered brief filed this date.

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 is granted.

CV-18-357. Charles Elliott v. Arkansas Department of Human Services and Minor Child, from Columbia County Circuit Court. Agreed substitution of counsel is granted. Klappenbach, J., not participating.

Pursuant to Rule 4-3(g) and Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following appeals have been dismissed for failure to file an appellant's brief.

CR-17-669. Albert Burton v. Town of St. Charles, Arkansas, from Arkansas County Circuit Court, Southern District.

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CV-17-60. James Hollis v. National Office of the NAACP et al., from Mississippi County Circuit Court, Chickasawba District.

CV-17-190. Joseph Adams v. City of Little Rock, from Pulaski County Circuit Court, Ninth Division.

CV-17-421. Renatta Hamilton v. Louisa Bohannon, from Pulaski County Circuit Court, Sixth Division.

CV-17-587. Christopher M. Brannon v. Shane Robert Goodnight, from Lonoke County Circuit Court.

CV-17-624. Donnie Wayne Gee v. Debra Jean Gee, from Polk County Circuit Court.

CV-17-667. Peter Sam Cyphers v. Smackover State Bank, from Union County Circuit Court.

CV-17-1023. Frederick Lee Pitchford v. Eric Cox, from Crittenden County Circuit Court.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-17-875. German Vasquez v. State of Arkansas, from Crawford County Circuit Court.

CV-17-742. David Atherton v. Cynthia Atherton, from Saline County Circuit Court.

CV-17-1032. Kenneth James Clark v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CR-16-1092. Dorian Lacy v. State of Arkansas, from Clark County Circuit Court. Motion of Jacob Worlow for attorney's fees.

CR-16-1092. Dorian Lacy v. State of Arkansas, from Clark County Circuit Court. Motion of Dusti Standridge for attorney's fees.

CR-18-50. Calvin Wallace Terry v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for appointment of counsel.

CV-17-1085. Montie Hobson v. George W. Hobson, from Benton County Circuit Court. Appellee's motion to impose costs and attorney's fees associated with the preparation of the supplemental abstract.

CV-17-1085. Montie Hobson v. George W. Hobson, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file response to appellee's motion for costs.

CV-17-1085. Montie Hobson v. George W. Hobson, from Benton County Circuit Court. Appellant's pro se motion to supplement the record and to request that appellee submit a corrected appellee's brief.

CV-17-1085. Montie Hobson v. George W. Hobson, from Benton County Circuit Court. Appellee's motion to strike.

CV-17-1085. Montie Hobson v. George W. Hobson, from Benton County Circuit Court. Appellant's pro se motion for extension of time to respond to appellee's motion to strike.

CV-17-1085. Montie Hobson v. George W. Hobson, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file reply brief.

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MOTIONS SUBMITTED

CV-17-1085. Montie Hobson v. George W. Hobson, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file reply brief.

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court, Western District. Appellees' motion to stay briefing schedule and remand to circuit court to settle record, or issue writ of certiorari to complete record.

CV-18-128. Jan Thomas, Bryan Ray, Darren Valentine, LaDonna Mendoza, and Chris Valentine v. Earlena Livingston; Bobbie Goff; Patricia Jacob; Doug Eason; David Kelley; Inez Valentine; Terry Gene Valentine; Jarrel Valentine; Mavis Valentine; Christina Newcomb; Jeremy Linn; Jamie Tumbleson; Jason Linn; Jessica Turnbow; James Ray Valentine; Tracy Hazelwood; Renea Valentine; Marlene Kelley; Geral Valentine; Loretta Wiedower; and Southwest Energy, Inc., d/b/a SEECO, from Van Buren County Circuit Court. Motion of separate appellees Earlena Livingston and Bobbie Goff to remand or dismiss for want of a final order and for extension of time.

CV-18-152. Wal-Mart Associates, Inc., and Claims Management, Inc. v. Regina C. Skelton, from the Arkansas Workers' Compensation Commission. Joint motion to remand and stay appellants' appeal to the Arkansas Court of Appeals pending a hearing to approve joint petition.

CV-18-350. Jimmy McGuire v. Jacob Morris, as Guardian and Administrator of the Estate of Elva Jane Deal, Ann McGuire, and Mike McGuire, from Pulaski County Circuit Court, Fifteenth Division. Appellant's motion to correct or modify record on appeal.

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CASES SUBMITTED

CR-17-781. Jonathan Scott Trotter v. State of Arkansas, from Hempstead County Circuit Court.

CR-17-883. Adrian Tyler Ealy v. State of Arkansas, from Crawford County Circuit Court.

CR-17-944. Michael Jackson v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-17-1013. Charles Nelson, Jr. v. State of Arkansas, from Clark County Circuit Court.

CV-17-320. Connie Cantrell v. Toyota Motor Corporation; Toyota Motor Sales U.S.A., Inc.; and Bale Management Company, Inc., from Pulaski County Circuit Court, Fifth Division.

CV-17-327. Davis Nursing Association d/b/a Davis Life Care Center v. Gracie Neal, as Personal Representative of the Estate of Johnny Newborn, and on Behalf of the Wrongful Death Beneficiaries of Johnny Newborn, from Jefferson County Circuit Court.

CV-17-721. Jordan Shaw v. Arkansas Department of Human Services, from Jefferson County Circuit Court.

CV-17-922. Northeast Public Water Authority of the State of Arkansas v. City of Mountain Home, Arkansas, from Baxter County Circuit Court.

CV-18-1. Gerald Stipanuk, M.D. v. Songela Williams, Individually and as the Special Administrator of the Estate of Johnnie Mae Williams, Deceased, from Mississippi County Circuit Court, Chickasawba District.

CV-18-96. Jordan W. Simon v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-18-106. Fred Northcross v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court.

CV-18-138. Max McKinney v. Arkansas Department of Human Services and Minor Child, from Craighead County Circuit Court, Western District.