

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 6, 2018**

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

[CR-17-774](#). Patrick Lee McElroy v. State of Arkansas, from Garland County Circuit Court. Affirmed. Harrison and Brown, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-16-83](#). Carolyn Lawson v. Simmons Sporting Goods, Inc., from Ashley County Circuit Court. Affirmed. Virden, Glover, and Hixson, JJ., agree. Vaught and Murphy, JJ., dissent.

[CV-17-1072](#). R.W. Distributors, Inc. v. Texarkana Tractor Company, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Virden and Hixson, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-17-717](#). W.N. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Affirmed. Harrison and Klappenbach, JJ., agree.

[CV-18-130](#). Michael Scott v. Arkansas Department of Human Services and Minor Children, from Logan County Circuit Court, Northern District. Affirmed. Abramson and Hixson, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-17-556](#). Shawn Harris v. James Parrish, from Pope County Circuit Court. Affirmed. Glover and Whiteaker, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CR-17-446](#). Frederick Allan Williams v. State of Arkansas, from Pulaski County Circuit Court, First Division. Reversed and dismissed in part; reversed and remanded in part. Gruber, C.J., and Abramson, Virden, and Whiteaker, JJ., agree. Vaught, J., dissents.

[CV-18-156](#). Katlyn Bales v. Arkansas Department of Human Services and Minor Children, from Scott County Circuit Court. Affirmed. Gruber, C.J., and Brown, J., agree.

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

[CV-17-802](#). Lisa E. Law v. Wal-Mart Stores, Inc., from Benton County Circuit Court. Affirmed. Vaught and Murphy, JJ., agree.

#### **DAVID M. GLOVER, JUDGE:**

[CV-18-116](#). Kenneth Vann v. FedEx Freight, Inc.; Sedgwick Claims Management Services, Inc.; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed in part; remanded in part. Gladwin and Whiteaker, JJ., agree.

[CV-18-137](#). Jessica Brown v. Arkansas Department of Human Services and Minor Children, from Saline County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

#### **PHILLIP T. WHITEAKER, JUDGE:**

[CV-18-140](#). Latoya Thomas v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Gladwin and Glover, JJ., agree.

#### **LARRY D. VAUGHT, JUDGE:**

[CR-17-870](#). Nathan C. Longeway v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Klappenbach and Murphy, JJ., agree.

#### **KENNETH S. HIXSON, JUDGE:**

[CV-17-416](#). Blackwood's Island, J.V.; Michael D. Wilkins; and Moore Broadway, LLC v. Mark Stodola, Mayor of the City of Little Rock, Arkansas; the City of Little Rock; Barry Hyde, County Judge of Pulaski County, Arkansas; and the County of Pulaski, from Pulaski County Circuit Court, Second Division. Affirmed. Abramson and Virden, JJ., agree.

#### **MIKE MURPHY, JUDGE:**

[CV-18-62](#). Agility Financial Credit Union v. Gayla Largent and Western Arkansas Title Services, LLC, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Klappenbach and Vaught, JJ., agree.

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#### **WAYMOND M. BROWN, JUDGE:**

[CV-17-1030](#). Jonathan Goodman v. Misty Goodman, from Union County Circuit Court. Remanded to settle the record and rebriefing ordered. Gruber, C.J., and Harrison, J., 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-18-57. Brandon Mullens v. Director et al.

E-18-58. Grindyl ONeal v. Director et al.

E-18-59. Siobhan Taylor v. Director et al.

E-18-60. Martha Cooksey v. Director et al.

E-18-61. Albert Muldrew v. Director et al.

E-18-62. Edson Jones v. Director et al.

E-18-63. Earl Brown v. Director et al.

E-18-64. Christopher Richard v. Director et al.

E-18-65. Ernest Fryer v. Director et al.

E-18-67. Harial Smith v. Director et al.

E-18-68. Tristan Lee v. Director et al.

E-18-69. Ulysses Davis v. Director et al.



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**PER CURIAM ORDERS**

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

CV-16-1131. DWB, LLC, et al. v. D&T Pure Trust et al., from Pulaski County Circuit Court, Seventeenth Division.

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.

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.

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CR-17-70. Jordan Navarr Williams v. State of Arkansas, from Hempstead County Circuit Court. Motion of Dana Stone for attorney fees is granted. Allowed \$1,800.00.

CR-17-632. Rodney Rayburn v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Motion of Eric Moore to withdraw as appellate counsel is granted. Harrison, J., not participating.

CR-17-632. Rodney Rayburn v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Motion of Eric Moore for award of attorney’s fees is denied. Harrison, J., not participating.

CR-17-648. Richard Louis Bertrand v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney’s fee is granted. Allowed \$1,800.00.

CR-18-316. Joshua Rigsby v. State of Arkansas, from Miller County Circuit Court. Appellant’s pro se motion for appointment of counsel is denied.

CR-18-316. Joshua Rigsby v. State of Arkansas, from Miller County Circuit Court. Appellant’s pro se motion for extension of time to file pro se points is granted. Appellant’s pro se points are due in thirty days (July 6, 2018).

CV-16-692. Terry Larue Wyatt v. Joyce Lorene Wyatt, from Faulkner County Circuit Court. Appellee's motion for attorney's fees is denied. Vaught, J., not participating.

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CV-16-733. Terry Larue Wyatt v. Joyce Lorene Wyatt, from Faulkner County Circuit Court. Appellee's motion for attorney's fees is denied. Vaught, J., not participating.

CV-17-488. Walter Farris v. Express Services, Inc., and New Hampshire Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's motion for costs and attorney's fees is denied without prejudice.

CV-17-827. Jim R. Nash v. Norma Nash, Individually and as Trustee of the Norma F. Nash Living Trust; John Nash, Jr., Individually and for Norma Nash, Deceased, as Co-trustee of the Norma F. Nash Living Trust, and as Co-administrator of the Norma Nash Estate; Pam Nash Glover, Individually and for Norma Nash, Deceased, as Co-trustee of the Norma F. Nash Living Trust, and as Co-administrator of the Norma Nash Estate; Susan Nash Lyle, Individually and for Norma Nash, Deceased; Perry Nash, Individually and for Norma Nash, Deceased; and Gaylen McClanahan, from Pulaski County Circuit Court, Second Division. Appellant's motion for oral argument is denied. Harrison, J., would grant. Gruber, C.J., not participating.

CV-17-970. Gen-Kal Pipe & Steel Corporation and Eugene Kalsky v. M.S. Wholesale Plumbing, Inc., from Pope County Circuit Court. Appellants' motion to stay enforcement of judgment is denied.

CV-17-992. Rhonda Canerday-Banks and Donald Banks v. David Barton, Rebecca Barton, Minor Child, and Arkansas Department of Human Services, from Pope County Circuit Court. Motion of separate appellees David Barton and Rebecca Barton adopting and incorporating ad litem's brief is denied.

CV-17-992. Rhonda Canerday-Banks and Donald Banks v. David Barton, Rebecca Barton, Minor Child, and Arkansas Department of Human Services, from Pope County Circuit Court. Motion of separate appellees David Barton and Rebecca Barton to strike brief filed by Arkansas Department of Human Services is passed to panel.

CV-17-1040. Larry Williams, Gregory Peck, and Pete Netzel v. Bank of the Ozarks as the Trustee for the Registered Owners of the \$4,400,000.00 Benton County Property Owners' Improvement District No. 7 Special Assessment Bonds, from Benton County Circuit Court. Motion for substitution of parties is denied without prejudice.

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**PER CURIAM ORDERS**

CV-18-117. Travis Johnston v. Virgil Jones and First Student, Inc., from Pulaski County Circuit Court, Sixth Division. Motion to be relieved as attorneys of record and stay of briefing schedule and to file brief and exhibits under seal is granted. Appellant's brief is due in thirty days (July 6, 2018).

CV-18-203. Kevin Phillips v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Appellees' motion for extension of time to file brief and to stay the briefing schedule is granted. Appellees' brief is due in seven days (June 13, 2018).

CV-18-423. Abdul Maalik Muhammad v. Danny Burl, from Jefferson County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-17-659. Melchizedek Shabazz v. State of Arkansas, from Howard County Circuit Court.

CV-17-968. Bradley Wiseman and the Estate of Patsy Joann Malenke v. Teresa Joann Keeter et al., from Marion County Circuit Court.

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CR-17-752. Tristan Lajuan Mosley v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Brian G. Brooks for attorney fees.

CR-17-803. Jerry Joseph Oliver v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee.

CR-17-985. Robert Jamar Fields v. State of Arkansas, from Union County Circuit Court. Appellant's status report.

CR-18-41. Markevious K. King v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to further supplement the record.

CR-18-85. Sergio Gabriel Garza v. State of Arkansas, from Montgomery County Circuit Court. Appellant's motion to strike extension or to recall order.

CR-18-85. Sergio Gabriel Garza v. State of Arkansas, from Montgomery County Circuit Court. Appellant's motion to withdraw motion to strike extension or to recall order.

CR-18-347. Larry David Davis v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CV-18-300. Robert E. Bamburg v. Joan R. Zumwalt and Lisa J. Bamburg, Individually and on Behalf of Minor Children, from Pulaski County Circuit Court, Ninth Division. Appellant's motion for extension of time and to supplement the record.

CV-18-354. Gary Phillips v. De Lage Landen Financial Services Company, from Mississippi County Circuit Court, Chickasawba District. Appellee's motion to dismiss.