

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 23, 2019**

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

[CR-18-498](#). Royal Martin v. State of Arkansas, from Grant County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

[CV-18-741](#). Sierra Hegi v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-18-543](#). Jaylon Holmes v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Harrison and Murphy, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-18-220](#). Jamari Kashard Moten v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Whiteaker, JJ., agree.

[CV-17-866](#). Dominika Szwedo v. Arthur Cyrus, from Pulaski County Circuit Court, Fourteenth Division. Affirmed in part; reversed and remanded in part. Klappenbach and Whiteaker, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-18-554](#). Lowe's Home Centers, Inc., and Sedgwick Claims Management v. Bobby J. Robertson, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Vaught, JJ., agree.

[CV-18-727](#). Stephanie Smith-McLeod and Gregory McLeod v. Arkansas Department of Human Services and I.M., Minor Child, from Columbia County Circuit Court. Affirmed. Virden, J., agrees. Whiteaker, J., concurs.

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**BRANDON J. HARRISON, JUDGE:**

[CV-17-983](#). Jefferson Hospital Association, Inc., d/b/a Jefferson Regional Medical Center; Continental Casualty Company, an Insurer of Jefferson Hospital Association, Inc., d/b/a Jefferson Regional Medical Center; Jefferson Regional Medical Center Preferred Provider Organization; Pine Bluff Radiologists, LTD.; Edward Elmer Chua Angtuaco, M.D.; Edward E. Angtuaco, M.D.; Nancy Williams, M.D.; Charles Mabry, M.D.; Jeff Ballard, CT Technologist; John/Jane Does 1–5; John/Jane Doe M.D.s 1–5; John Doe Direct Action Insurers, Carriers, and Companies v. Whitney Nicole Smith, Individually and as Special Administratrix of the Estate of Doris Laree Moss Smith, Deceased; and on Behalf of All Wrongful Death Beneficiaries and Heirs at Law, from Jefferson County Circuit Court. Reversed and remanded. Klappenbach and Glover, JJ., agree.

[CV-18-331](#). Rhonda McCauley and McCauley Law Firm, PLLC v. Amilcar Cornejo and Douglas Hall, from Sebastian County Circuit Court, Fort Smith District. Dismissed. Hixson and Murphy, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-18-497](#). Fred Albert Kauffeld v. State of Arkansas, from Johnson County Circuit Court. Reversed and remanded in part; affirmed in part. Virden and Whiteaker, JJ., agree.

[CV-17-903](#). Jason F. Folkers v. Brandi Boley Buchy, from Pope County Circuit Court. Affirmed. Gruber, C.J., and Gladwin, Glover, and Vaught, JJ., agree. Abramson, Virden, Harrison, and Hixson, JJ., dissent.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-18-612](#). Donald A. Warren v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Virden and Klappenbach, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-17-141](#). Donnie Joe Roach v. Karen Roach, from Craighead County Circuit Court, Western District. Dismissed without prejudice. Gladwin and Glover, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

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[CR-18-219](#). Maurice Bey v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed; motion to withdraw granted. Harrison and Murphy, JJ., agree.

#### **KENNETH S. HIXSON, JUDGE: (Continued)**

[CR-18-448](#). Donald Lee Brown v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Gruber, C.J., and Brown, J., agree.

[CV-18-693](#). Niesha Moore v. Arkansas Department of Human Services and Minor Child, from Hot Spring County Circuit Court. Affirmed. Harrison and Murphy, JJ., agree.

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

[CR-18-674](#). Shawn Newman v. State of Arkansas, from Pope County Circuit Court. Affirmed. Abramson and Harrison, JJ., agree.

[CV-18-736](#). Avonis Fisher v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Affirmed. Abramson and Harrison, JJ., agree.

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

[CR-17-961](#). J.L.W. v. State of Arkansas, from Yell County Circuit Court, Northern District. Affirmed. Abramson and Glover, JJ., agree.

[CR-18-315](#). James Caple v. State of Arkansas, from Baxter County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

[CV-18-217](#). Tabitha Loving v. Shawn Loving, from Baxter County Circuit Court. Dismissed without prejudice. Gruber, C.J., and Hixson, 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-18-246. Jerry Lawson v. Director et al.

E-18-247. Brenda Laird v. Director et al.

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E-18-248. Chester Butler v. Director et al.

E-18-249. Irecia Brooks v. Director et al.

E-18-250. Angela Kirkwood-Hall v. Director et al.

E-18-251. Kimberly Spangler v. Director et al.

E-18-252. Keith Cunningham v. Director et al.

E-18-253. Zoila Flores v. Director et al.

E-18-254. Cynthia Mitchell v. Director et al.

E-18-255. James Freeman v. Director et al.

E-18-256. Elizabeth Butler v. Director et al.

E-18-257. Cherry Miller v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 23, 2019**

**PER CURIAM ORDERS**

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CV-17-880. James E. Gooch and Betsy Gooch v. Leslie J. Davis and Landhawg, LLC, from Faulkner County Circuit Court.

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CR-17-955. Jared Wayne Jeffers v. State of Arkansas, from Ashley County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,800.00.

CR-18-729. Tereginald Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion to file nonconforming brief is denied.

CR-18-729. Tereginald Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion deprivation of appeal motion is denied.

CR-18-1031. James Edward Crippen v. State of Arkansas, from Crawford County Circuit Court. Appellant's pro se motion for continuance and extension of time is granted. Appellant's brief is due February 5, 2019.

CV-18-117. Travis Johnston v. Virgil Jones and First Student, Inc., from Pulaski County Circuit Court, Sixth Division. Appellees' motion to dismiss appeal is granted.

CV-18-594. Lakshminarayana Chekuri v. Madhuri Nekkhalapudi, from Pulaski County Circuit Court, Fifteenth Division. Appellant's motion for permission to file a supplemental abstract with appellant's reply brief and alternative motion for extension of time is denied. Corrected reply brief is due in ten days (February 2, 2019). Gladwin and Murphy, JJ., not participating.

CV-18-641. Tyrone Smith v. City of Earle and Carolyn Jones, in Her Individual and Official Capacity, from Crittenden County Circuit Court. Appellant's motion for an extension of time for filing his brief is denied. Gruber, C.J., and Abramson, J., would grant.

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**PER CURIAM ORDERS**

CV-18-995. JS Arkansas Five Healthcare, LLC; JS ARK Management Group, LLC; Joseph Schwartz; and John Does 1–20 v. Amy Gilbreath, as Special Personal Representative of the Estate of Janie Ann Parker, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Janie Ann Parker, from IZARD County Circuit Court. Appellants' motion to supplement the record and extend briefing time is granted. Writ issued; returnable in fifteen days (February 7, 2019).

CV-18-995. JS Arkansas Five Healthcare, LLC; JS ARK Management Group, LLC; Joseph Schwartz; and John Does 1–20 v. Amy Gilbreath, as Special Personal Representative of the Estate of Janie Ann Parker, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Janie Ann Parker, from IZARD County Circuit Court. Appellants' motion for extension of time to file brief is granted. Appellants' brief is due thirty days after the writ is returned and the supplemental record is lodged.

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## PROCEEDINGS OF JANUARY 23, 2019

### MOTIONS SUBMITTED

CR-18-149. Bryan Porras v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin for attorney's fee.

CR-18-489. Ashton Clark v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's motion for belated reply brief.

CR-18-604. Laqueena Nicole Cox v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to supplement the record.

CR-18-820. Damion Durflinger v. State of Arkansas, from Benton County Circuit Court. Motion of Tara Schmutzler to be relieved as counsel.

CR-18-820. Damion Durflinger v. State of Arkansas, from Benton County Circuit Court. Motion of Tara Schmutzler for costs and attorney's fee.

CR-18-1061. Joshua Dulle v. State of Arkansas, from Boone County Circuit Court. Appellant's motion for permission to exclude certain exhibit pages from addendum.

CR-18-1061. Joshua Dulle v. State of Arkansas, from Boone County Circuit Court. Appellant's motion for extension of time to file appellant's abstract, brief, and addendum.

CR-19-57. Gregory Dwayne Lewis III v. State of Arkansas, from Miller County Circuit Court. Motion of Jeff Harrelson to withdraw and motion to stay appellate deadlines pending ruling on motion to withdraw.

CV-18-277. Julie Henderling v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court. Appellees' joint motion to dismiss.

CV-18-472. Arkansas Highway and Transportation Department and Arkansas Insurance Department, Public Employee Claims Division v. Joseph Work, from the Arkansas' Workers Compensation Commission. Appellee's motion for an award of attorney's fees.

CV-18-484. Mia Ellington v. Bernard Ellington, from Pulaski County Circuit Court, Sixth Division. Appellant's motion for permission to file belated brief.

CV-18-746. Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court. Appellant's second petition for writ of certiorari to complete record.

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**PROCEEDINGS OF JANUARY 23, 2019**

**MOTIONS SUBMITTED**

CV-18-759. Karen and Tim Fitzpatrick, Individually and as Parents to Noah Riley Fitzpatrick; and Karen and Tim Fitzpatrick, as Special Administrators of the Estate of Noah Riley Fitzpatrick, Deceased v. Ndidibuike Nnabundo Ukwe, M.D., from Crittenden County Circuit Court. Combined motion to remand for the entry of a final order, motion to settle the record, and motion to extend time or stay the briefing schedule.

CV-18-949. Karen Hardesty, in Her Official Capacity as Boone County Assessor v. North Arkansas Medical Services, Inc., and North Arkansas Regional Medical Center, Inc., from Boone County Circuit Court. Appellant's motion for permission to supplement the record.

CV-18-1015. Steven Burns v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court. Appellant's motion requesting partial relief from abstracting requirement of Ark. Sup. Ct. R. 4-2(a)(5)(B).



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**CASES SUBMITTED**

CR-18-441. Malachi Muhammad v. State of Arkansas, from Monroe County Circuit Court. Orally argued.

CV-17-970. Gen-Kal Pipe & Steel Corp., Eugene Kalsky, and John Does 1–10 v. M.S. Wholesale Plumbing, Inc., from Pope County Circuit Court. Orally argued.

CR-17-934. Jarmall Kelley v. State of Arkansas, from Jefferson County Circuit Court.

CR-18-224. Adam Patton v. State of Arkansas, from Desha County Circuit Court, Arkansas City District.

CR-18-383. Roy Jacob Justus v. State of Arkansas, from Crawford County Circuit Court.

CR-18-386. Donald Columbus Cagle v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-18-434. Jason Allen Farmer v. State of Arkansas, from Benton County Circuit Court.

CR-18-456. Timothy David v. State of Arkansas, from Faulkner County Circuit Court.

CR-18-482. Ariel Janee McDaniel v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-18-503. Mel Jones, Jr. v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-18-613. Landan J. Worsham v. State of Arkansas, from Pope County Circuit Court.

CR-18-669. Alton Ray Robertson, Jr. v. State of Arkansas, from Garland County Circuit Court.

CR-18-750. Roy Treat v. State of Arkansas, from White County Circuit Court.

CV-17-397. Vicki Bass v. Benton Ned Bass, from Garland County Circuit Court.

CV-17-1030. Jonathan Goodman v. Misty Goodman, from Union County Circuit Court.

CV-18-505. Russell Warner v. Melissa Warner, from Saline County Circuit Court.

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### CASES SUBMITTED

CV-18-566. Heritage Properties, Limited Partnership v. Walt & Lee Keenihan Foundation, Inc., from Pulaski County Circuit Court, Sixth Division.

CV-18-589. Hope Medical Park Hospital, LLC v. Carrie Y. Varner and Thomas Varner, from Hempstead County Circuit Court.

CV-18-592. Paul Noel v. Jim Cox and Larry Busby, as Representatives of Majestic Lake Village POA, from Garland County Circuit Court.

CV-18-643. William Campbell Ash v. First National Bank of Eastern Arkansas, from St. Francis County Circuit Court.

CV-18-773. Secia Salinas v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-18-803. Irasema Arazola v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District.

CV-18-835. Casey Lynn Parnell v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division.

CV-18-854. Anita Middleton v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

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

E-18-270. Barbara Lacy v. Director et al.

E-18-271. Gerald Sanders v. Director et al.

E-18-272. Deidre Banks v. Director et al.

E-18-273. Reginald Fluker v. Director et al.

E-18-274. Fayerita Sills v. Director et al.

E-18-275. Lara Lyons v. Director et al.

E-18-276. Alexandria Raglin v. Director et al.

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**CASES SUBMITTED**

E-18-277. Marvin Jones v. Director et al.

E-18-278. Joseph Trotter v. Director et al.

E-18-279. J.J. Kent v. Director et al.

E-18-280. Joshua Sterling v. Director et al.

E-18-281. Cheryl Windsor (now Varnell) v. Director et al.