

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 13, 2019

RITA W. GRUBER, CHIEF JUDGE:

[CV-17-727](#). (In the Matter of the Hamilton Living Trust Dated September 22, 2003) Larry Hamilton v. Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division. Affirmed. Hixson and Brown, JJ., agree.

[CV-18-682](#). Shela Lybyer v. Springdale School District and Arkansas School Boards Association, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal and on cross-appeal. Hixson and Brown, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-18-480](#). Matthew Sitzmann v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Harrison and Murphy, JJ., agree.

[CR-18-683](#). Rodney Rayburn v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Affirmed. Harrison and Murphy, JJ., agree.

[CV-18-534](#). Lonoke Exceptional School, Inc., and Risk Management Resources v. Don Coffman, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin, Klappenbach, Whiteaker, Vaught, and Murphy, JJ., agree. Virden, Hixson, and Brown, JJ., dissent.

BART F. VIRDEN, JUDGE:

[CV-18-589](#). Hope Medical Park Hospital d/b/a Medical Park Doctors Group v. Carrie Varner and Thomas Varner, from Hempstead County Circuit Court. Reversed and dismissed. Klappenbach and Whiteaker, JJ., agree.

[CV-18-642](#). Tambre Qualheim v. April Roush and Jason Roush, from Craighead County Circuit Court, Western District. Affirmed. Klappenbach and Whiteaker, JJ., agree.

[E-18-259](#). Tamica Hopkins v. Director, Department of Workforce Services; and Wynne School District, from the Arkansas Board of Review. Reversed and remanded. Klappenbach and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-18-600](#). Richard Shreck v. State of Arkansas, from Faulkner County Circuit Court. Reversed and remanded. Glover and Vaught, JJ., agree.

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ROBERT J. GLADWIN, JUDGE: (Continued)

[CV-18-655](#). Juanita Noble v. Earl L. Neal, Jr., Individually and as Administrator of the Estate of Earl Leon Neal, Deceased, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Glover and Vaught, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-18-441](#). Malachi Muhammad v. State of Arkansas, from Monroe County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

[CR-18-628](#). Chad Everette Graham v. State of Arkansas, from Washington County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-18-703](#). Ulrick Hillman v. State of Arkansas, from Miller County Circuit Court. Affirmed. Viriden and Whiteaker, JJ., agree.

[CV-17-1049](#). Carolyn Moore v. Jewell Sullivan, Executrix of the Estate of Charles Sullivan; Charlene Swaims; Rhonda Clegg; and Toni Hyatt, from Faulkner County Circuit Court. Affirmed. Viriden and Whiteaker, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-18-574](#). Juan Cruz v. State of Arkansas, from Monroe County Circuit Court. Reversed and remanded. Gladwin and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-18-696](#). Arkansas State Military Department, Public Employee Claims Division v. Allen Jackson, from the Arkansas Workers' Compensation Commission. Affirmed. Viriden and Klappenbach, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-18-570](#). Jaylen Lamarvin Farmer v. State of Arkansas, from Crittenden County Circuit Court. Supplemental abstract and addendum ordered. Gladwin and Glover, JJ., agree.

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[CR-18-624](#). Eric Tremain Smith v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Affirmed. Gladwin and Glover, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-17-397](#). Vicky Bass (now Haynes) v. Benton Ned Bass, from Garland County Circuit Court. Motion to dismiss granted; motion for attorney's fees denied. Gruber, C.J., and Brown, J., agree.

[CV-18-307](#). J. David John v. Megan Marie Bolinder, from Benton County Circuit Court. Affirmed as modified. Gruber, C.J., and Brown, J., agree.

[CV-18-854](#). Anita Middleton v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Forth Smith District. Affirmed. Gruber, C.J., and Brown, J., agree.

MIKE MURPHY, JUDGE:

[CR-18-537](#). Bobby John Lawson v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Abramson and Harrison, JJ., agree.

[CV-18-13](#). Donna J. Milde Bennett, as Special Administratrix for Leslie Leon Bennett, Individually and on Behalf of All Heirs and Beneficiaries of Leslie Leon Bennett v. Graves & Associates, Inc.; John Does I–V; and Mobley Contractors, Inc., from Lincoln County Circuit Court. Reversed and remanded. Abramson and Harrison, JJ., agree.

[CV-18-370](#). Demontie Cross v. Erika Cross, from Garland County Circuit Court. Affirmed as modified. Abramson and Harrison, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-18-885](#). Donald Adams v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. 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-18-282. Linda Morrison v. Director et al.

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E-18-283. Kim Burks v. Director et al.

E-18-285. Tommy Clowers v. Director et al.

E-18-286. Angela McGraw v. Director et al.

E-18-287. Florene Johnson v. Director et al.

E-18-288. James Isenhour v. Director et al.

E-18-289. Terry Hooper v. Director et al.

E-18-290. Christine Studebaker v. Director et al.

E-18-291. Bessie Travis v. Director et al.

E-18-292. Rhoda Barber v. Director et al.

E-18-293. David Tope v. Director et al.

E-18-294. Clayton Williams v. Director et al.

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PER CURIAM ORDERS

CR-18-416. J.L. v. State of Arkansas, from Benton County Circuit Court. Motion of Katalina Wyninger for award of attorney's fees is granted. Allowed \$1,800.00.

CR-18-506. Colby Bullington v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion for extension of brief time is granted. Appellee's brief is due March 18, 2019.

CR-18-556. Jared Harper v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for permission to file substituted reply brief is granted. Appellant's tendered substituted reply brief filed this date.

CR-18-849. Timothy Miller v. State of Arkansas, from Ashley County Circuit Court. Appellant's motion to file substituted brief is granted. Clerk directed to reset the briefing schedule.

CR-18-849. Timothy Miller v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion for brief time is granted.

CR-18-850. Timothy Miller v. State of Arkansas, from Ashley County Circuit Court. Appellant's motion to file substituted brief is granted. Clerk directed to reset the briefing schedule.

[CR-18-1005](#). Edward L. Cave v. State of Arkansas, from Grant County Circuit Court. Appellee's motion to dismiss. Motion granted; appeal dismissed. See **per curiam** this date.

CV-11-1205. Farris E. Holliman; Sheila D. Holliman; Corlis D. Holliman; Altis C. Holliman; and Leon Holliman, in His Individual Capacity as Trustee of the Zoe Holliman Revocable Trust v. Linda Johnson, in Her Individual Capacity and as Successor Trustee of the Zoe Holliman Revocable Trust; James E. Johnson; Brent Johnson; and Garry W. Holliman, in His Individual Capacity as Trustee of the Zoe Holliman Revocable Trust, from Cleburne County Circuit Court. Appellees' motion to compel entry of satisfaction is granted.

CV-18-572. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's motion for leave to file appellant's reply brief out of time is granted. Appellant's tendered reply brief filed this date.

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CV-18-699. Carolyn Magrans, as General Personal Representative of the Estate of Ramon Magrans, Deceased; on Behalf of the Estate of Ramon Magrans, Deceased; and the Wrongful-Death Beneficiaries of Ramon Magrans, Deceased v. Capella Healthcare, Inc., d/b/a Saint Mary's Regional Medical Center; Saint Mary's Regional Medical Center; River Valley Emergency Physicians, P.A.; Radiologists of Russellville, P.A.; Millard-Henry Clinic, P.A.; Edward Lucas Andrada, M.D.; Sarah Robertson, M.D.; and Sarah Robertson, M.D., P.A., from Pope County Circuit Court. Appellants' combined motion to lift stay and motion to supplement record or for writ of certiorari to complete the record. Motion to lift stay is granted. Motion to supplement record or for writ of certiorari to complete the record is remanded to the circuit court to settle the record within thirty days (March 15, 2019). Clerk directed to reset the briefing schedule when the supplemental record is lodged. Glover and Murphy, JJ., not participating.

CV-18-724. S.A.M. Group, LLC; and Adam Waldron, Individually, a Minority Shareholder v. CR Crawford Construction, LLC, from Washington County Circuit Court. Status report of separate appellant S.A.M. Group, LLC, is accepted. Status report is due in ninety days (May 15, 2019).

CV-18-724. S.A.M. Group, LLC; and Adam Waldron, Individually, a Minority Shareholder v. CR Crawford Construction, LLC, from Washington County Circuit Court. Status report of separate appellant Adam Waldron is accepted. Status report is due in ninety days (May 15, 2019).

CV-18-880. Fredrick R. Potter, Individually and as Trustee of the Fred R. Potter Revocable Trust Established September 10, 2004; and as Trustee of the Fred Potter Revocable Trust Established July 10, 2013 v. Cassaundra Holmes, Individually and as Trustee of the Betty L. Potter Revocable Trust Established September 10, 2004; Thomas Wright; and Kevin Wright, from Scott County Circuit Court. Appellant's motion for leave to file copy of supplemental record is granted. Tendered supplemental record filed this date. Appellant's tendered brief filed this date.

CV-18-1043. Josue Tovas v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's motion to correct addendum is granted. Appellant's corrected addendum is due in seven days (February 20, 2019).

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CV-18-1060. Dawnisha Covin v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to correct abstract and citations in brief treated as a motion to file substituted brief and granted. Appellant's substituted brief is due in seven days (February 20, 2019). Appellees' brief is due twenty days after the filing of the appellant's substituted brief. Harrison, J., not participating.

CV-19-39. Katherine Parker v. Arkansas Department of Human Services and Minor Child, from Miller County Circuit Court. Appellant's motion to supplement the record and stay briefing schedule is remanded to the circuit court to settle the record within fifteen days (February 28, 2019). Appellant's brief is due fifteen days after the supplemental record is lodged.

CV-19-45. Stephanie Yelvington v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's motion for extension of time to file brief due to extraordinary circumstances and to stay briefing time is granted. Appellant's brief is due in thirty days (March 15, 2019). Final extension.

CV-19-47. Linda Williams v. City of Little Rock and Risk Management Services, from the Arkansas Workers' Compensation Commission. Appellant's petition for leave to proceed in forma pauperis is denied.

CV-19-49. Jessica Davis and Nathan Arnold v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court. Motion of separate appellant Jessica Davis for extension of time to file brief due to extraordinary circumstances and to stay briefing time is granted. Appellant's brief is due in thirty days (March 16, 2019). Final extension.

E-18-311. Alicia Dillon v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to grant benefits treated as a motion to add additional evidence and is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-18-397. (In the Matter of the Guardianship of Vivian Howard) Vivian Howard v. Sarah Howard Jenkins, from Jefferson County Circuit Court.

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.

CR-17-713. LaFrances Angelo Sanford, Jr. v. State of Arkansas, from Benton County Circuit Court. Motion of Jason Hutcheson for attorney fees and expenses.

CR-17-925. Justin Bray v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Clinton W. Lancaster for attorney's fees and costs.

CR-17-961. J.L.W. v. State of Arkansas, from Yell County Circuit Court, Northern District. Motion and request of Toney Brasuell for attorney's fees.

CR-17-1038. Lonnie Davidson v. State of Arkansas, from Garland County Circuit Court. Motion of Sharon Kiel for award of attorney's fees.

CR-17-1056. Kevin Lamont Stuckey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Natalie S. King for costs and attorney fees.

CR-18-90. Anthony Beare v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Tyson K. Spradlin for attorney fees.

CR-18-241. Shawn Daniel Drake v. State of Arkansas, from Washington County Circuit Court. Motion of Joseph C. Self for payment of fees.

CR-18-315. James Caple v. State of Arkansas, from Baxter County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-18-498. Royal Martin v. State of Arkansas, from Grant County Circuit Court. Motion of Philip Wilson for attorney fees.

CR-18-542. Victor Hugo Alvarez-Real v. State of Arkansas, from Washington County Circuit Court. Appellee's motion to dismiss.

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MOTIONS SUBMITTED

CR-18-558. Tyree Maurice Goins v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs.

CR-18-595. K.O. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CR-18-649. Tyler Antonio King v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's third motion for extension of time to file appellant's brief.

CR-18-673. Cortez Gould v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to dismiss or, in the alternative, for extension of brief time.

CR-18-793. Michael Jenkins v. State of Arkansas, from Phillips County Circuit Court. Appellant's motion for belated brief.

CV-18-651. Jesse Cureton and Joie Cureton v. Calvin Stout, from Washington County Circuit Court. Appellants' status report.

CV-18-732. The Harvest Group, LLC v. Michael Rateliff and Rice's Honey, LLC, from Benton County Circuit Court. Joint status report.

CV-18-743. Elwyn Perser v. Whitney Perser, from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion to dismiss cross-appeal.

CV-18-805. Virginia Christine Norwood v. Phillip Dale Norwood, from Hot Spring County Circuit Court. Motion of David A. Orsini to withdraw as counsel.

CV-18-1024. M.G.1, C.G., K.G., and M.G.2, Minor Children v. Arkansas Department of Human Services and Jacklyn Gabbard, from Perry County Circuit Court. Agreed motion of Media Wilkins and Dusti Standridge for substitution of counsel.

E-18-331. Betty Reyes v. Director et al., from the Arkansas Board of Review. Petitioner's pro se petition for rehearing treated as a motion for reconsideration.

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CASES SUBMITTED

CV-18-633. Lakeside Nursing and Rehabilitation Center, Inc., d/b/a Lakeside Nursing Center; Extendi-Care, Inc.; RHC Operations, Inc.; and Reliance Healthcare, Inc. v. Lourindia Rufkahr and Tiana Haley as Power of Attorney and on Behalf of Billie Jean Haley, from Craighead County Circuit Court, Eastern District. Orally argued.

CR-18-447. A.J. Bradford Lunsford, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CR-18-500. Roderick Devon Montgomery v. State of Arkansas, from Ashley County Circuit Court.

CR-18-508. Roderick Devon Montgomery v. State of Arkansas, from Drew County Circuit Court.

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court.

CR-18-556. Jared Allen Harper v. State of Arkansas, from Miller County Circuit Court.

CR-18-614. Michael David Lee Walker v. State of Arkansas, from Miller County Circuit Court.

CV-17-692. John C. Garrett, as Heir and Nominated Personal Representative of Nancy Lee Garrett's Estate v. George Webb Neece, from Sebastian County Circuit Court, Fort Smith District.

CV-17-784. Irene Murphy, as Personal Representative of Alton Murphy, Deceased v. Union Pacific Railroad Company, from Jefferson County Circuit Court.

CV-18-276. J.C. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division.

CV-18-544. Michelle Davis v. Van Buren School District, from Crawford County Circuit Court.

CV-18-679. Frederick Pitchford v. City of Earle; Mayor Carolyn Jones, Individually and in Her Official Capacity; City Council Members Robert Malone, Bobby Luckett, Sr., Donnie Cheers, Charlie Young, and Jesse Selvy; and Davis Loftin, Individually and in His Official Capacity, from Crittenden County Circuit Court.

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CASES SUBMITTED

CV-18-710. T.S.B., a Minor v. Elizabeth A. Robinson, Christopher Cook, Tammy A. Robinson (now Wright), and B.R.C., a Minor, from Garland County Circuit Court.

CV-18-723. Ray Shepherd v. Casandra Tate, from Lonoke County Circuit Court.

CV-18-887. Alisha Rice v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court.

CV-18-911. Rema Bailey v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-18-932. Cody Byrd v. Arkansas Department of Human Services and Minor Children, from Randolph County Circuit Court.

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

E-18-171. Danny Bugg v. Director et al.