

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 13, 2019

RITA W. GRUBER, CHIEF JUDGE:

[CR-18-429](#). Steven Swanigan v. State of Arkansas, from Garland County Circuit Court. Rebriefing ordered. Whiteaker and Vaught, JJ., agree.

[CV-18-587](#). Tina Damron v. Stewart Damron, from Benton County Circuit Court. Affirmed. Glover, Vaught, and Brown, JJ., agree. Gladwin and Hixson, JJ., dissent.

RAYMOND R. ABRAMSON, JUDGE:

[CR-17-985](#). Robert Jamar Fields v. State of Arkansas, from Union County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

[CR-18-556](#). Jared Harper v. State of Arkansas, from Miller County Circuit Court. Affirmed in part; remanded for further proceedings. Virden, J., agrees. Hixson, J., concurs.

[CV-18-238](#). Freeman Holdings of Arkansas, LLC, and Francis B. Freeman, Jr. v. FNBC Bancorp, Inc., from Baxter County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-18-658](#). Stanley Banks v. Barbara Banks, from Dallas County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-18-645](#). Josh M. Barrett v. State of Arkansas, from Pike County Circuit Court. Affirmed. Klappenbach and Glover, JJ., agree.

[CV-18-790](#). Eagle Bank & Trust Company and Bid Central, Inc., d/b/a BCI Management Company v. Raynor Manufacturing Company, from Faulkner County Circuit Court. Affirmed. Klappenbach and Glover, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-17-784](#). Irene Murphy, as Personal Representative of Alton Murphy, Deceased v. Union Pacific Railroad Company, from Jefferson County Circuit Court. Reversed and remanded. Harrison and Klappenbach, JJ., agree.

[CV-18-794](#). Kiesha Childress v. Kemra Greer, from Pulaski County Circuit Court, Fifteenth Division. Affirmed. Harrison and Klappenbach, JJ., agree.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 13, 2019

PHILLIP T. WHITEAKER, JUDGE:

[CV-18-770](#). (In the Matter of the GNB III Trust) Jerita Wylie and Doug Bobo v. Cheryl Shaw, from Hempstead County Circuit Court. Reversed in part; affirmed in part. Gruber, C.J., and Vaught, J., agree.

KENNETH S. HIXSON, JUDGE:

[CV-18-737](#). Betty Rorie v. Clay Maxey Ford, LLC, d/b/a Clay Maxey and Ford Motor Company, from Boone County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

MIKE MURPHY, JUDGE:

[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 Cotrustee 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 Cotrustee 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. Affirmed. Gladwin and Brown, JJ., agree.

[CV-18-734](#). David L. Barnes v. Robert Wagoner and Rhonda Wagoner, from Marion County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-18-653](#). Lawrence Ralston v. State of Arkansas, from Benton County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

[CV-18-833](#). ABF Freight System, Inc., and ArcBest Corporation v. Byron Dugger and Arkansas Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Reversed. Gladwin and Murphy, 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).

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 13, 2019

- E-18-308. Janice Hamilton v. Director et al.

- E-18-309. Nathan Carter v. Director et al.

- E-18-310. Ada Stanley v. Director et al.

- E-18-312. Jarrett Wilson v. Director et al.

- E-18-313. James Johnson v. Director et al.

- E-18-314. Jane Harper v. Director et al.

- E-18-315. Darryl Jarvies v. Director et al.

- E-18-316. Vanessa Cerda v. Director et al.

- E-18-318. David King v. Director et al.

- E-18-319. Lisa Cheek v. Director et al.

- E-18-320. Michael Bradshaw v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 13, 2019

PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

CR-18-224. Adam Patton v. State of Arkansas, from Desha 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.

CR-17-934. Jarmall Kelley v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-18-220. Jamari Kashard Moten v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney fees is granted. Allowed \$1,600.00.

CR-18-383. Roy Jacob Justus v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee and expenses is granted. Allowed \$1,800.00.

CR-18-537. Bobby John Lawson v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee and expenses is granted. Allowed \$1,800.00. Virden, J., not participating.

CR-18-624. Eric Tremain Smith v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Motion of Joseph C. Self for payment of fees is granted. Allowed \$1,800.00.

CR-18-703. Ulrick Hillman v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$1,800.00.

CR-18-762. Freddie Lee Jones v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for copy of record or brief is denied. Attorney is directed to provide a copy of the brief to the appellant.

CR-18-820. Damion Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to clarify is denied. See formal order issued in this case on January 16, 2019.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 13, 2019

PER CURIAM ORDERS

CR-18-840. Larry Hawkins, Sr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for reconsideration is denied.

CR-18-950. Kreag Duane Voris v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to dismiss is granted.

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for extension of time to file brief is denied.

CV-18-283. Wilson S. Clark, by and through His Attorney-In-Fact, Jason Clark v. Jimmy H. Eubanks and Marsha A. Eubanks, from Madison County Circuit Court. Appellant's motion for extension of time to file a petition for rehearing is granted. Tendered petition for rehearing filed this date.

CV-18-344. Delmar Management, Inc. v. George Mackey; Arkansas Direct Auto, LLC, d/b/a Arkansas Direct Auto Sales; and Joshua White, from Faulkner County Circuit Court. Appellant's motion to extend time to file appellant's brief is denied. Virden and Murphy, JJ., not participating.

CV-18-625. Hilaria Onofre Ramirez v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Motion of Michael Harmon, Deputy Director, Office of Professional Conduct, for access to sealed record is granted.

CV-18-825. Todd Armstrong v. Hayley Armstrong, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion for attorney's fees and costs is passed until the case is submitted.

CV-18-865. Stacy D. Roberts v. Kendra C. Roberts, from Garland County Circuit Court. Appellant's motion to consolidate is denied.

CV-18-1047. Jefferson Hospital Association, Inc.; Walter Johnson; David Nixon, M.D.; Federal Insurance Company; and John Does 2–20 v. Lee Andrew Davis, from Jefferson County Circuit Court. Appellee's petition for writ of certiorari to complete the record or, alternatively, motion to remand to settle and supplement the record is denied. Virden, Harrison, and Hixson, JJ., not participating.

CV-19-11. Jesse Cureton and Joie Cureton v. Calvin Stout, from Washington County Circuit Court. Appellants' motion to cite to the record in related cases or, in the alternative, to supplement the record is granted. Tendered appellants' brief filed this date.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 13, 2019

PER CURIAM ORDERS

CV-19-36. (In the Matter of the Estate of Charles L. “Lem” Turner, Deceased) First State Bank v. Steven Turner, as Administrator and Personal Representative of the Charles L. Turner Estate; and as Trustee of the Charles L. “Lem” Turner Trust Dated May 25, 2005, from White County Circuit Court. Notice treated as motion to withdraw as counsel for the appellee is granted.

CV-19-58. Jessica Drummond v. Nicholas Baureis, from Faulkner County Circuit Court. Appellant’s motion to supplement the record is granted. Supplemental record is due in fifteen days (March 28, 2019).

CV-19-168. Stacy D. Roberts v. Kendra C. Roberts, from Garland County Circuit Court. Appellant’s motion to consolidate is denied. Murphy, J., not participating.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 13, 2019

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-18-628. Chad Everett Graham v. State of Arkansas, from Washington County Circuit Court.

CR-18-683. Rodney Rayburn v. State of Arkansas, from Arkansas County Circuit Court, Northern District.

CV-18-307. J. David John v. Megan Marie Bolinder, from Benton County Circuit Court.

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.

CV-18-618. James Randall Amason, Sr. v. City of Calion, Arkansas, from Union County Circuit Court.

CV-18-642. Tambre Qualheim v. April Roush and Jason Roush, from Craighead County Circuit Court, Western District.

CR-18-654. Donzell Jackson v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss.

CR-18-728. Jermaine Bailey v. State of Arkansas, from Jefferson County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-18-801. Jeremy Louis Huskey v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-18-898. DeJuan Miller v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion to dismiss.

CR-19-108. Rodney B. Hill v. State of Arkansas, from Howard County Circuit Court. Appellant's pro se motion for extension of time.

CV-18-743. Elwyn Perser v. Whitney Perser, from Pulaski County Circuit Court, Sixteenth Division. Appellee's motion for reconsideration.

CV-18-888. Dexter Harmon v. Waymon McDaniel, from Lincoln County Circuit Court. Appellee's motion to dismiss.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 13, 2019

MOTIONS SUBMITTED

CV-18-888. Dexter Harmon v. Waymon McDaniel, from Lincoln County Circuit Court. Appellee's amended motion to dismiss.

CV-18-988. Roderick Choate and Lisa Choate v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Appellants' joint motion to enlarge page limit.

CV-19-47. Linda Williams v. City of Little Rock and Risk Management Services, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion for reconsideration.

CV-19-47. Linda Williams v. City of Little Rock and Risk Management Services, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss.

CV-19-62. Arkansas Department of Human Services, Crimes Against Children Division v. Steven D. Mitchell, from Izard County Circuit Court. Appellee's pro se Rule 4-5 motion to dismiss.

CV-19-63. Arkansas Department of Human Services, Crimes Against Children Division v. Steven D. Mitchell, from Izard County Circuit Court. Appellee's pro se Rule 4-5 motion to dismiss.

CV-19-126. Amber Boomhower and Mark Hosier v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court. Appellants' joint motion to remand to settle and correct record and to stay briefing schedule.

CV-19-147. Melanie Blasingame and Daniel Blasingame v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Separate appellant Daniel Blasingame's motion for extension of time to file brief due to extraordinary circumstances and to stay briefing time.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 13, 2019

CASES SUBMITTED

CV-18-744. Kevin Garrett, as Executor of the Estate of Lottie White, Deceased v. Progressive Eldercare Services-Saline, Inc., d/b/a Heartland Rehabilitation and Care Center; Progressive Eldercare Services, Inc.; Procure Therapy Services, LLC; JEJ Investments, LLC; Ponthie Holdings, LLC; Southern Administrative Services, LLC; CarePlus Staffing Services, LLC; John Ponthie; Ross Ponthie; Mark Thompson; and Ernest Johnson in His Capacity as Administrator of Heartland Rehabilitation and Care Center, from Saline County Circuit Court. Orally argued.

CR-18-524. John Dunn v. State of Arkansas, from Clark County Circuit Court.

CR-18-604. Laqueena Nicole Cox v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-18-648. James Pafford v. State of Arkansas, from Hempstead County Circuit Court.

CR-18-657. Courtney Lowe v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-18-459. Roberto Carrillo v. Nancy Morales Ibarra, from Jefferson County Circuit Court.

CV-18-491. Shannon L. Williams v. Doby L. Williams, from Carroll County Circuit Court, Eastern District.

CV-18-635. Sarah Marie Smith v. Daniel John Brown, from Washington County Circuit Court.

CV-18-808. Patricia Fudge v. Eddie Parks, from Baxter County Circuit Court.

CV-18-825. Todd Armstrong v. Hayley Armstrong, from Pulaski County Circuit Court, Seventeenth Division.

CV-18-1004. Nicole Riggs v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court.

CV-18-1014. Tina Williams v. Arkansas Department of Human Services and Minor Children, from Poinsett County Circuit Court.