

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 22, 2019

RITA W. GRUBER, CHIEF JUDGE:

[CR-18-780](#). Sirome Jerrell Dorsey v. State of Arkansas, from Washington County Circuit Court. Affirmed. Abramson and Harrison, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-19-95](#). Rashad Williams v. Arkansas Department of Human Services and Minor Child, from Crittenden County Circuit Court. Affirmed. Gruber, C.J., and Harrison, J., agree.

BART F. VIRDEN, JUDGE:

[CV-17-1040](#). Larry Williams; Gregory Peck; and Karen Netzel, Trustee of the Netzel Joint Trust 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. Affirmed. Murphy and Brown, JJ., agree.

[CV-18-904](#). A Time For You, LLC, and Cheryl Musticchi v. Park H Properties, LLC, from Pulaski County Circuit Court, Sixth Division. Appeal dismissed without prejudice. Murphy and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-18-1042](#). Stephanie Meisch v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court. Affirmed; motion to withdraw granted. Switzer and Hixson, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-18-787](#). Phillip Granville Pace v. Jill Coburn Pace, from Miller County Circuit Court. Affirmed on direct appeal; affirmed on cross-appeal. Switzer, Whiteaker, Vaught, and Hixson, JJ., agree. Abramson, Virden, Gladwin, and Brown, JJ., dissent.

[CV-19-48](#). Charity Allen-Grace v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Abramson, J., agree.

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N. MARK KLAPPENBACH, JUDGE:

[CV-17-619](#). Dee Blakely v. Arkansas Children’s Hospital; Pulaski County, Arkansas; and Jane Duke, from Pulaski County Circuit Court, Sixth Division. Rebriefing ordered. Whiteaker and Vaught, JJ., agree.

[E-19-29](#). Randall Teague v. Director, Department of Workforce Services; and SubTeachUSA, Inc., from the Arkansas Board of Review. Reversed and remanded. Whiteaker and Vaught, JJ., agree.

MEREDITH B. SWITZER, JUDGE:

[CV-18-919](#). Teakqwanda Reed v. First Step, Inc., and ATA WC Trust/Risk Management Resources, from the Arkansas Workers’ Compensation Commission. Affirmed in part; reversed and remanded in part. Gladwin and Hixson, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-18-579](#). David Mondy v. State of Arkansas, from Johnson County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

[CR-18-1031](#). James Edward Crippen v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-18-316](#). Joshua Rigsby v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Virden and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-18-766](#). O’Tear Shartae Graves v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Virden and Murphy, JJ., agree.

[CV-18-892](#). EB Management Company, LLC; Ernie of Little Rock, Inc., d/b/a Ernie Biggs; and Brandon Griffin v. Houston Specialty Insurance Company and Michael Scott Tice, from Pulaski County Circuit Court, Fifth Division. Affirmed. Gladwin, Harrison, Switzer, and Vaught, JJ., agree. Abramson, Virden, Whiteaker, and Hixson, JJ., dissent.

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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-19-22. Jimmy Burks v. Director et al.

E-19-23. Djuana Thrash v. Director et al.

E-19-25. Marcus Johnson v. Director et al.

E-19-26. Jose Rodriguez v. Director et al.

E-19-27. Roy Tucker v. Director et al.

E-19-28. Velvia Williams v. Director et al.

E-19-30. Oree Todd v. Director et al.

E-19-31. David Fillmore v. Director et al.

E-19-32. Betty Thomas v. Director et al.

E-19-33. Archie Bynum v. Director et al.

E-19-34. Natasha Brooks v. Director et al.

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PER CURIAM ORDERS

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

CR-18-750. Roy Treat v. State of Arkansas, from White County Circuit Court. Virden, J., not participating.

CV-18-594. Lakshminarayana Chekuri v. Madhuri Nekkalapudi, from Pulaski County Circuit Court, Fifteenth Division. Gladwin and Murphy, JJ., not participating.

CV-18-688. Jill Grimsley v. Pine Drewyor, from Benton County Circuit Court. Abramson and Gladwin, JJ., not participating.

CV-18-1024. Minor Children v. Arkansas Department of Human Services and Jacklyn Gabbard, from Perry County Circuit Court. Gruber, C.J., not participating.

CR-17-1031. Shawn Paul Vail v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney's fees is granted. Allowed \$1,600.00.

CR-17-1078. Michael Dye 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-18-857. Joseph Bowman v. State of Arkansas, from Little River County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$1,800.00.

CR-19-222. Craytonia Badger v. State of Arkansas, from Columbia County Circuit Court. Appellee's motion for rebriefing for deficient abstract; or, in the alternative, motion for extension of brief time. Appellee's motion for rebriefing for deficient abstract is denied. Appellee's motion for extension of brief time is granted. Klappenbach, J., not participating.

CR-19-397. Rocky Taliaferro v. State of Arkansas, from Saline County Circuit Court. Appellant's motion to seal DVD exhibit is granted.

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PER CURIAM ORDERS

CV-18-620. Joseph Lucas, an Individual; Glen Lucas, an Individual; Robert Lucas, an Individual; Barbara Johnson, an Individual; Thomas Lucas, an Individual; and David Abbott, an Individual v. Pamela Vitko, as Personal Representative and on Behalf of the Laura Lee Broderick Estate; Cecily Lennard Lucas, as Personal Representative and on Behalf of John P. Lucas Estate; Victoria Gilbertie, all in the Matter of the Estate of Carl John Smith, Deceased; In Re Certain Funds Being Held in the Washington County Treasury, from Washington County Circuit Court. Appellees' motion to dismiss is moot. Gladwin, J., not participating.

CV-18-620. Joseph Lucas, an Individual; Glen Lucas, an Individual; Robert Lucas, an Individual; Barbara Johnson, an Individual; Thomas Lucas, an Individual; and David Abbott, an Individual v. Pamela Vitko, as Personal Representative and on Behalf of the Laura Lee Broderick Estate; Cecily Lennard Lucas, as Personal Representative and on Behalf of John P. Lucas Estate; Victoria Gilbertie, all in the Matter of the Estate of Carl John Smith, Deceased; In Re Certain Funds Being Held in the Washington County Treasury, from Washington County Circuit Court. Appellees' amended motion to dismiss is passed until the case is submitted. Gladwin, J., not participating.

CV-18-620. Joseph Lucas, an Individual; Glen Lucas, an Individual; Robert Lucas, an Individual; Barbara Johnson, an Individual; Thomas Lucas, an Individual; and David Abbott, an Individual v. Pamela Vitko, as Personal Representative and on Behalf of the Laura Lee Broderick Estate; Cecily Lennard Lucas, as Personal Representative and on Behalf of John P. Lucas Estate; Victoria Gilbertie, all in the Matter of the Estate of Carl John Smith, Deceased; In Re Certain Funds Being Held in the Washington County Treasury, from Washington County Circuit Court. Appellants' motion to supplement the record is granted. Gladwin, J., not participating.

CV-18-651. Jesse Cureton and Joie Cureton v. Calvin Stout, from Washington County Circuit Court. Appellants' motion to strike is passed until the case is submitted.

CV-18-688. Jill Grimsley v. Pine Drewyor, from Benton County Circuit Court. Appellant's motion and brief in support to stay further enforcement of alimony order pending final issuance of mandate, or in the alternative, to deposit alimony in court's registry. Appellant's motion to stay is denied. Request to deposit alimony in the court's registry is granted. Deposits to begin June 1, 2019. Abramson and Gladwin, JJ., not participating.

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PER CURIAM ORDERS

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.

CV-19-11. Jesse Cureton and Joie Cureton v. Calvin Stout, from Washington County Circuit Court. Appellants' motion to strike is passed until the case is submitted.

CV-19-163. Mark C. Williams v. Amy Minton Williams, from Baxter County Circuit Court. Appellant's motion to seal, for redaction, and for protective order. Motion to seal medical records is granted. Request for protective order is denied. Appellant may file redacted and unredacted briefs pursuant to Administrative Order Number 19.

CV-19-389. 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.

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MOTIONS SUBMITTED

CR-18-221. Andrew Logan Wilson v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney fees.

CR-18-224. Adam Patton v. State of Arkansas, from Desha County Circuit Court. Appellant's motion to recall the mandate.

CR-18-840. Larry Hawkins, Sr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se petition pursuant to Rule 201 of the Arkansas Rules of Evidence.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's second pro se petition pursuant to Rule 201 of the Arkansas Rules of Evidence.

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss.

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for reconsideration.

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion abuse of discretion, affidavit, and evidence added for mistrial.

CV-18-155. Everett Latham Hayes v. Robert Psenka; Jeff Rodd; Ozark Enclave Properties; J&J Development, Inc.; Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust; and the Paul Jeffrey Rodd Trust, from Newton County Circuit Court. Appellees'/Cross-appellants' third report on bankruptcy.

CV-18-155. Everett Latham Hayes v. Robert Psenka; Jeff Rodd; Ozark Enclave Properties; J&J Development, Inc.; Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust; and the Paul Jeffrey Rodd Trust, from Newton County Circuit Court. Appellees'/Cross-appellants' motion to dismiss direct appeal and affirm.

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MOTIONS SUBMITTED

CV-18-155 Everett Latham Hayes v. Robert Psenka; Jeff Rodd; Ozark Enclave Properties; J&J Development, Inc.; Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust; and the Paul Jeffrey Rodd Trust, from Newton County Circuit Court. Appellees'/Cross-appellants' motion to set briefing schedule for cross-appeal.

CV-18-702. 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 to supplement record.

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.

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.

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. Separate appellant Adam Waldron's motion to withdraw participation in appeal.

CV-18-1067. Thomason Investments, LLC; and Todd Thomason, Individually and as Manager of Thomason Investments, LLC v. Johnny Huddleston and Brenda Huddleston; TAB Construction of Harrison, LLC; Johnny Huddleston d/b/a TAB Construction; Tabitha Faye (Huddleston) Nolen, as Manager of TAB Construction of Harrison, LLC; TAB Investment, LLC; and Brenda Huddleston, Manager of TAB Investment, LLC, from Boone County Circuit Court. Appellants' motion to correct the record.

CV-19-144. Larry Phifer v. Janet Ouellette, as Personal Representative of the Estate of Ruth Cowin; Richard Cowin; Margot Cowin; BHP Billiton Petroleum (Fayetteville), LLC, a Delaware LLC; BP America Production Company; Chesapeake Exploration, LLC, an Oklahoma LLC; and SWN Production (Arkansas), Inc., d/b/a SEECO, Inc., from White County Circuit Court. Appellant's combined motion to supplement and correct record and for extension of time.

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MOTIONS SUBMITTED

CV-19-184. Adam Waldron, Individually, a Minority Shareholder v. CR Crawford Construction, LLC, and S.A.M. Group, LLC, from Washington County Circuit Court. Appellant's motion to dismiss appeal with prejudice.

CV-19-326. William "Bill" Carson v. Pat Salmon & Sons, Inc., and ACE American Insurance Co./Specialty Claim Services, Inc., from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to accept non-compliant brief.

CV-19-356. Stormy Gipson v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Appellant's motion to remand and to correct the record and to stay the briefing schedule.

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CASES SUBMITTED

CR-18-570. Jaylen Lamarvin Farmer v. State of Arkansas, from Crittenden County Circuit Court.

CR-18-673. Cortez Lamont Gould v. State of Arkansas, from Faulkner County Circuit Court.

CR-18-767. Tiffany Rena Campbell v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-18-836. Donnie Lee Holmes v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-18-942. Joseph L. Nichols v. State of Arkansas, from Mississippi County Circuit Court, Osceola District.

CR-18-956. Victoria Ann Dycus v. State of Arkansas, from Stone County Circuit Court.

CR-18-1050. Steven Anthony Straub v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-18-539. Brianna Jones v. Arkansas Department of Human Services and Minor Children, from Hempstead County Circuit Court.

CV-18-1018. Katelynn Locke v. Patrick Sinclair; State Farm Life Insurance Company; and Amy Locke, Jointly and Severally, from Lonoke County Circuit Court.

CV-18-1053. Larry Crain, Sr., and Crain Automotive Holdings, LLC v. Christopher S. Byrd, from Pulaski County Circuit Court, Fifth Division.

CV-19-8. (In the Matter of the Adoption of K.D.C., a Minor) Andre Jamal Holloway v. William Skyler Edward Carter, from Pulaski County Circuit Court, Thirteenth Division.

CV-19-49. Jessica Davis and Nathan Arnold v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court.

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CASES SUBMITTED

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

E-19-35. Lori Oglesby Beall v. Director et al.

E-19-36. Nicole Boyd v. Director et al.

E-19-37. Keosha Love v. Director et al.

E-19-38. Carmilo Vannucci v. Director et al.

E-19-40. Kyla Brown v. Director et al.

E-19-41. Tammy Short v. Director et al.

E-19-42. Selina Porter v. Director et al.

E-19-43. Lionel Perez v. Director et al.

E-19-44. Bernard Smith v. Director et al.

E-19-45. Danyell Scates v. Director et al.

E-19-46. Stateline Holdings LLC v. Director et al.

E-19-47. Kevin Taylor v. Director et al.