

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 20, 2019**

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

[CR-19-260](#). Arthur Gray v. State of Arkansas, from Pulaski County Circuit Court, First Division. Reversed and remanded. Virden and Harrison, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-18-511](#). Carroll “Don” Johnson v. Pope Emergency Group, LLC, from Pope County Circuit Court. Affirmed. Gladwin and Klappenbach, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-18-509](#). Carroll “Don” Johnson v. Schumacher Group of Arkansas, Inc.; Pope Emergency Group, LLC; and Russellville Holdings, LLC, d/b/a St. Mary’s Regional Medical Center, from Pope County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-19-506](#). Robert Gautreaux v. State of Arkansas, from Garland County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

**MEREDITH B. SWITZER, JUDGE:**

[CR-19-135](#). Charles Dade v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Vaught and Murphy, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-19-253](#). John Johnson v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Rebriefing ordered. Hixson and Brown, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-18-747](#). Green Investment Group, LLC v. Martin Elzey; The Hagan Company, LLC, d/b/a Re/Max Real Estate Results; Whitney Koenigseder; Matt Kelly; and Kim Minor, from Benton County Circuit Court. Dismissed without prejudice. Switzer and Murphy, JJ., agree.

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**LARRY D. VAUGHT, JUDGE: (Continued)**

[CV-19-406](#). Cody Wadley v. Katie Wadley, from Pulaski County Circuit Court, Fourteenth Division. Affirmed in part; reversed and dismissed in part. Gruber, C.J., and Murphy and Harrison, JJ., agree. Virden and Switzer, JJ., dissent.

**KENNETH S. HIXSON, JUDGE:**

[CV-19-437](#). Greene County Judge and Association of Arkansas Counties Risk Management Services v. Rick L. Penny, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Brown, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-19-457](#). Shirley Hines v. Central Arkansas Transit Authority and Risk Management Services, from the Arkansas Workers' Compensation Commission. Affirmed. Switzer and Vaught, JJ., agree.

[CV-19-568](#). Pamela Mixon v. Arkansas Department of Human Services and Minor Children, from Jefferson County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

[E-19-171](#). Super 8 Motel v. Director, Department of Workforce Services, and Hannah Young, from the Arkansas Board of Review. Dismissed. Switzer and Vaught, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-19-110](#). Randy W. Duck v. State of Arkansas, from Union County Circuit Court. Dismissed with instructions. Whiteaker and Hixson, 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).

E-19-162. Vu Le v. Director et al.

E-19-164. Kristi Vostatek v. Director et al.

E-19-165. LaShalle Graham v. Director et al.

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E-19-166. Andrew Johnson v. Director et al.

E-19-167. Marthelius Green v. Director et al.

E-19-168. Carolyn Brasher v. Director et al.

E-19-169. Tamika Murray v. Director et al.

E-19-170. Christopher Sharpe v. Director et al.

E-19-172. Vickie Emery v. Director et al.

E-19-173. Joslynn Fisher v. Director et al.

E-19-174. Charles McCoy v. Director et al.

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**PER CURIAM ORDERS**

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

CR-18-1019. Gerald Lee Grooms v. State of Arkansas, from Garland County Circuit Court. Switzer, J., not participating.

CR-19-140. Chavell Terrell Jemison v. State of Arkansas, from Miller County Circuit Court.

CR-19-191. Jamal Akram v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CV-18-17. Vicki Kline v. PHH Mortgage Corporation, from Benton County Circuit Court.

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CR-19-44. Tanisha Gillard v. State of Arkansas, from Crittenden County Circuit Court. Motion of Dusti Standridge for attorney’s fees and expenses is granted. Allowed \$1,800.00. Switzer, J., not participating.

CR-19-67. Terrell Deshawn Thomas v. State of Arkansas, from Garland County Circuit Court. Appellant’s motion for extension of time to file rebrief is granted.

CR-19-253. John Johnson v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant’s pro se motion to consider evidence is denied. Switzer, J., not participating.

CR-19-852. Oscar Cecilo Perez v. State of Arkansas, from Benton County Circuit Court. Motion of Robert M. “Robby” Golden to substitute as counsel is granted.

CV-19-163. Mark Courtney Williams v. Amy Minton Williams, from Baxter County Circuit Court. Appellee’s motion to file amended brief and supplemental abstract is granted.

CV-19-305. Michelle Howard v. Arkansas Department of Human Services and Minor Child, from Miller County Circuit Court. Appellant’s pro se motion to amend judgment and file written objections is denied.

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**PER CURIAM ORDERS**

CV-19-702. Alan Frazier and Edward D. Jones & Co., a Limited Partnership v. Charles Michael Lewis, Individually and as Personal Representative of the Estate of Charley Lewis, Deceased; Lauren Lewis; Andrea Lewis; Margaret Ann Lewis; Donna Scruggs; and Stephanie Evans, from Jefferson County Circuit Court. Appellants' motion to correct opening brief is granted.

CV-19-721. Jimmy Ames-Lovett v. Tony Foshe and Rachel Foshe, from Washington County Circuit Court. Appellees' motion to dismiss is passed until the case is submitted.

CV-19-796. Sara Pyle v. Tiffany Stinnett; Michael Shay Stout; CBW Group, LLC; Jonathan Dobbins; Korry Garrett d/b/a Sandstone Real Estate Group; and John Does 1–5, from Faulkner County Circuit Court. Appellees' joint motion to strike appellant's appeal is denied. See *O'Fallon v. O'Fallon*, 335 Ark. 229, 231, 980 S.W.2d 246, 247 (1998).

CV-19-796. Sara Pyle v. Tiffany Stinnett; Michael Shay Stout; CBW Group, LLC; Jonathan Dobbins; Korry Garrett d/b/a Sandstone Real Estate Group; and John Does 1–5, from Faulkner County Circuit Court. Appellees' motion for leave to file reply is denied.

CV-19-805. Jeffery C. Frazier v. State of Arkansas Office of Child Support Enforcement, Jana L. Bland, and Paige E. Bland, from White County Circuit Court. Appellant's motion to stay briefing schedule and to remand matter to correct the record is granted.

CV-19-805. Jeffery C. Frazier v. State of Arkansas Office of Child Support Enforcement, Jana L. Bland, and Paige E. Bland, from White County Circuit Court. Appellees' motion to dismiss the appellant's motion to stay briefing schedule and to remand matter to correct the record is denied.

CV-19-835. Pilgrim's Pride, Individually and d/b/a Premium Protein Products v. Clay McCall, as Administrator of the Estate of Virginia Peak; Rozan Dollar, as Co-Guardian of the Estate of Virginia Peak; Atkins Trucking International, Inc.; Tammy Peak; Edmond Joe Peak, Jr., d/b/a Peak Crane; and Edmond Joe Peak III, from Pope County Circuit Court. Motion of separate appellee Estate of Virginia Love Peak to dismiss appeal is granted.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-19-89. Stephanie Cordero v. State of Arkansas, from Saline County Circuit Court.

CV-18-994. David L. McKim v. Jack B. Sullivan; Mitchell Collision and Towing Center, Inc., d/b/a Jim Smith Collision and Wrecker, Jim Smith Wrecker Service, and Smith Collision and Wrecker; Samuel Mitchell, Individually; and Sam Mitchell, Individually, from Faulkner County Circuit Court.

CV-19-91. Robert T. Williams, Owen Honeysuckle, Rose White, Wayne Nunnerly, Lela Burns, and Barbara Mitchell Hicks v. City of Sherwood, Arkansas; and Charles Harmon, Kenneth Keplinger, Kevin Lilly, Marina Brooks, Mary Jo Heye, Mike Sanders, Tim McMinn, and Toni Butler, in Their Official Capacities as Aldermen of the City of Sherwood, Arkansas, from Pulaski County Circuit Court, Third Division.

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CR-19-240. Gary Webster v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

CR-19-370. Lentonio Marcell Jenner v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to file substituted no-merit brief.

CR-19-600. Keraig Douglas House v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's belated motion for final extension.

CR-19-650. Damian Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-19-834. Derrick Lamont Booth v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion to supplement the record.

CV-19-752. David Brian Holcomb v. Diha Marie Middlebrook, from Saline County Circuit Court. Appellant's motion for extension of time for filing appellant's brief to allow for writ of certiorari to amend and complete record.

CV-19-752. David Brian Holcomb v. Diha Marie Middlebrook, from Saline County Circuit Court. Appellant's petition for writ of certiorari to the circuit court to amend and complete the record.

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**CASES SUBMITTED**

CR-19-258. Derrick Heard v. State of Arkansas, from Jackson County Circuit Court.

CR-19-394. Jorge Vasquez-Ramirez v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-19-561. D.Q. v. State of Arkansas, from Washington County Circuit Court.

CR-19-581. Cedric D. Williams v. State of Arkansas, from Jefferson County Circuit Court.

CV-18-1058. (In the Matter of O.C., an Alleged Endangered or Impaired Adult) O.C. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Thirteenth Division.

CV-19-13. Arkansas Department of Human Services v. Phoebe Egbosimba, from Pulaski County Circuit Court, Fifth Division.

CV-19-19. Sandra Johnson, Administrator of the Estate of Perry Johnson, Jr.; and Estate of Perry Johnson, Jr. v. Vincent Osric Johnson, Tammy Johnson, Trina Surratt, Shayla Brently Moore, Stacy Rogers, Demarlone Bell, and Kenneth Johnson, from Jefferson County Circuit Court.

CV-19-58. Jessica Baureis v. Nicholas Baureis, from Faulkner County Circuit Court.

CV-19-98. Java's Motorcycle Repair, LLC v. Gary Barth, from Garland County Circuit Court.

CV-19-187. The Fairways at Marion, a Limited Partnership v. Mary Jefferson, from Crittenden County Circuit Court.

CV-19-633. Nathan Fox v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-19-677. Crystal Smallwood v. Arkansas Department of Human Services and Minor Child, from Benton County Circuit Court.

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

E-19-175. Malcolm Washington v. Director et al.

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**CASES SUBMITTED**

E-19-176. Charles McCray v. Director et al.

E-19-177. Michael Wiggins v. Director et al.

E-19-178. Michael Wiggins v. Director et al.

E-19-179. Johnny Morris v. Director et al.

E-19-180. Robby Lowe v. Director et al.

E-19-181. Michael Houston v. Director et al.

E-19-182. George Camp v. Director et al.

E-19-183. Karuthus Plummer v. Director et al.

E-19-184. Robin Beck v. Director et al.

E-19-185. Steven Carrick v. Director et al.

E-19-186. Latoya Childs v. Director et al.