

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 12, 2020**

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

[CR-19-435](#). Patrick Clater v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Abramson and Murphy, JJ., agree.

[CV-19-630](#). Sears Roebuck & Co.; Ace American Insurance Co.; and Sedgwick CMS v. Dale Brown, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Murphy, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-19-28](#). Paul Minze v. City of Eureka Springs, Arkansas, and the Eureka Springs Historic District Commission, from Carroll County Circuit Court, Western District. Dismissed without prejudice. Gruber, C.J., and Murphy, J., agree.

[CV-19-740](#). Cassidy Jackson v. Arkansas Department of Human Services and Minor Child, from Madison County Circuit Court. Affirmed. Gruber, C.J., and Murphy, J., agree.

**BART F. VIRDEN, JUDGE:**

[CR-19-456](#). Contrell Henderson v. State of Arkansas, from Saline County Circuit Court. Affirmed. Switzer and Brown, JJ., agree.

[CR-19-735](#). John A. Buffington v. State of Arkansas, from Ouachita County Circuit Court. Affirmed. Switzer and Brown, JJ., agree.

[CV-19-280](#). Hickory Heights Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton v. Delores Taylor, as Attorney-in-Fact for Mary Young, from Pulaski County Circuit Court, Fifth Division. Affirmed. Switzer and Brown, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-19-692](#). Carlton Shutes v. State of Arkansas, from Union County Circuit Court. Affirmed. Harrison and Whiteaker, JJ., agree.

[CV-19-349](#). United Services Automobile Association v. Mary Norton, from Pulaski County Circuit Court, Fifth Division. Reversed and remanded. Harrison and Whiteaker, JJ., agree.

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**BRANDON J. HARRISON, JUDGE:**

[CR-19-492](#). Mark Garner v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed in part; reversed and dismissed in part. Gladwin and Whiteaker, JJ., agree.

[CR-19-634](#). Mark A. Watts v. State of Arkansas, from Yell County Circuit Court, Northern District. Supplemental addendum ordered. Gladwin and Whiteaker, JJ., agree.

[CV-19-350](#). Travis Thomas v. Phyllis Robinson and Sylvester Robinson, from Jefferson County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

**MEREDITH B. SWITZER, JUDGE:**

[CR-19-580](#). Brian Lane Pond v. State of Arkansas, from Miller County Circuit Court. Affirmed. Virden and Brown, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-18-198](#). C & R Construction Co., Inc.; and David Smith, Individually and as Personal Representative of the Estate of Jennifer Smith v. Woods Masonry & Repair, LLC, from Craighead County Circuit Court, Western District. Affirmed. Klappenbach and Hixson, JJ., agree.

[CV-19-365](#). David Grant v. Westar Refrigerated Transportation and Midwestern Insurance Alliance, LLC, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Klappenbach and Hixson, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-19-502](#). Kevin R. Adams v. State of Arkansas, from Benton County Circuit Court. Affirmed. Klappenbach and Vaught, JJ., agree.

[CV-19-213](#). David A. Couch, PLLC v. Grayson and Grayson, P.A., from Cleburne County Circuit Court. Reversed and remanded. Klappenbach and Vaught, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-19-523](#). Nicholas Hernandez-Lopez v. State of Arkansas, from Pope County Circuit Court. Affirmed. Gruber, C.J., and Abramson, J., agree.

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**MIKE MURPHY, JUDGE: (Continued)**

[CV-19-291](#). Demontie Cross v. Erika Cross, from Garland County Circuit Court. Reversed and remanded. Gruber, C.J., and Abramson, J., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-19-273](#). Melissa Bray (now Barnes) v. Devin Bray, from Saline County Circuit Court. Affirmed in part; reversed in part. Virden and Switzer, JJ., agree.

[CV-19-490](#). Lula Marshall v. Arkansas Department of Correction; and Arkansas Insurance Department, Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Switzer, 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-19-109. Floyd Smith v. Director et al.

E-19-226. Gloria Minor v. Director et al.

E-19-227. Gloria Minor v. Director et al.

E-19-228. Chadwick Howell v. Director et al.

E-19-229. Betty Hernandez v. Director et al.

E-19-230. James Smith v. Director et al.

E-19-231. Courtney Thomas v. Director et al.

E-19-232. Paula Owen v. Director et al.

E-19-233. Megan Waldron v. Director et al.

E-19-234. Christopher Hattenhauer v. Director et al.

E-19-235. Marlene Fulmer v. Director et al.

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E-19-236.                      June              Spriggs              v.              Director              et              al.

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**PER CURIAM ORDERS**

CR-19-258. Derrick Heard v. State of Arkansas, from Jackson County Circuit Court. Motion of Ronald L. Davis, Jr., for attorney's fees is granted. Allowed \$1,800.00.

CR-20-41. Robert Martin v. State of Arkansas, from Calhoun County Circuit Court. Appellant's motion for rule on clerk is granted. Klappenbach, J., not participating.

CR-20-41. Robert Martin v. State of Arkansas, from Calhoun County Circuit Court. Motion of Craig Lambert to be relieved is granted. Klappenbach, J., not participating.

CR-20-49. Jaqualeyn Demond Goodwin v. State of Arkansas, from Faulkner County Circuit Court. Motion of Otto R. Fry to be relieved and for substitution as counsel of record is granted.

CV-19-28. Paul Minze v. City of Eureka Springs, Arkansas, and the Eureka Springs Historic District Commission, from Carroll County Circuit Court, Western District. Motion of Tim Parker to withdraw is granted.

CV-19-603. David Tribble and Danny Tribble v. First Security Bank, Jason Tribble, and Jennifer Tribble, from Baxter County Circuit Court. Appellants' motion for order granting leave to file belated appellants' brief is moot. Gladwin and Switzer, JJ., not participating.

CV-19-603. David Tribble and Danny Tribble v. First Security Bank, Jason Tribble, and Jennifer Tribble, from Baxter County Circuit Court. Appellant's supplement to motion for order granting leave to file belated appellants' brief is denied. Gladwin and Switzer, JJ., not participating.

CV-19-752. David Brian Holcomb v. Diha Marie Middlebrook, from Saline County Circuit Court. Appellant's unopposed motion to suspend briefing schedule due to pending settlement is granted.

CV-19-977. Elizabeth Garner v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to stay and extend brief deadline is granted.

CV-19-977. Elizabeth Garner v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Tentative agreed substitution of counsel is moot.

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**PER CURIAM ORDERS**

CV-19-977. Elizabeth Garner v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Conditional agreed substitution of counsel is granted.

CV-20-40. Peggy Ann Kilpatrick v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Appellant's motion for belated appeal is granted.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-18-630. Industrial Iron Works, Inc.; and Industrial Iron Works Construction, Inc., d/b/a Adams Fertilizer Equipment v. Larry Hodge, Connie Hodge, John Does 1–10, and Sentry Insurance, from Mississippi County Circuit Court, Osceola District.

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

CV-19-593. Lisa Dominguez v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

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CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Lee D. Short for attorney fees.

CR-19-140. Chavell Terrell Jemison v. State of Arkansas, from Miller County Circuit Court. Motion of Lee D. Short for attorney fees.

CR-19-300. Steven Deloney v. State of Arkansas, from Little River County Circuit Court. Appellant’s second pro se motion for appointment of counsel or order counsel to tender appeal.

CR-19-409. Janet Young v. State of Arkansas, from Crawford County Circuit Court. Motion of Tyson K. Spradlin to be relieved as counsel.

CR-19-724. Bryant Adams v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant’s motion to supplement the record on appeal and to stay briefing schedule.

CR-19-758. Michelle Lawrence v. State of Arkansas, from Grant County Circuit Court. Appellant’s pro se motion for extension of time to file brief.

CR-19-871. Joe Raymond Mallard v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion for extension of time to file brief.

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**MOTIONS SUBMITTED**

CR-19-945. Boyce Williams v. State of Arkansas, from Saline County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CV-19-402. Lockhard & Williams Insurance Services, Inc. v. Luther Waldrip, Administrator for the Estate of Timothy Waldrip, Deceased, from Benton County Circuit Court. Motion of attorney J. William Manuel to withdraw as counsel.

CV-19-402. Lockhard & Williams Insurance Services, Inc. v. Luther Waldrip, Administrator for the Estate of Timothy Waldrip, Deceased, from Benton County Circuit Court. Unopposed motion of Candice L. Rucker to participate in oral argument.

CV-19-873. Julia McCay Brand v. Michael T. Brand, from Jackson County Circuit Court. Appellee's motion to dismiss for lack of jurisdiction.

CV-19-873. Julia McCay Brand v. Michael T. Brand, from Jackson County Circuit Court. Appellee's motion for extension of time to file brief.



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### CASES SUBMITTED

CR-19-294. Jerry Nutt v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-19-534. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court.

CR-19-577. Angelia Lauck v. State of Arkansas, from Saline County Circuit Court.

CR-19-601. Kaleb Benson v. State of Arkansas, from Saline County Circuit Court.

CR-19-607. Scotty Joe Skaggs v. State of Arkansas, from Marion County Circuit Court.

CR-19-678. Corey Turner v. State of Arkansas, from Clark County Circuit Court.

CV-18-158. Agrifund, LLC, and Hampton Pugh Company, LLC v. Regions Bank; Hill Seed & Elevator, Inc.; Optimum Agriculture, LLC; and Hubbard Brake, LLC, from Desha County Circuit Court.

CV-19-75. Linda Abramson Phillipy and White River Nature Center, Inc., a/k/a Delta Wildlife Management, Inc. v. L.E. “Ed” Thompson and David Steinmetz, from Monroe County Circuit Court.

CV-19-123. Randy Deason v. Angela Deason, from Washington County Circuit Court.

CV-19-348. Russell A. Shonting v. Michael G. Connor, from Faulkner County Circuit Court.

CV-19-357. Camden-Progressive Eldercare Services, Inc., d/b/a Ouachita Nursing and Rehabilitation Center; Progressive Eldercare Services, Inc.; JEJ Investments, LLC; Ponthie Holdings, LLC; Procure Therapy Services, LLC; Southern Administrative Services, LLC; Professional Nursing Solutions, LLC; CarePlus Staffing Services, LLC; Ross Ponthie; John Ponthie; Angela Marlar, in Her Capacity as Administrator of Ouachita Nursing and Rehabilitation Center; and Jeanette Goss, in Her Capacity as Administrator of Ouachita Nursing and Rehabilitation Center v. Gloria Cooper, as Personal Representative of the Estate of Emmer McCord, and On Behalf of the Wrongful Death Beneficiaries of Emmer McCord, from Ouachita County Circuit Court.

CV-19-411. Larry Wayne Tabor and Vira M. Tabor d/b/a K & L Roofing v. Castle Investments, LLC, from Saline County Circuit Court.

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**CASES SUBMITTED**

CV-19-444. Tasha Renee Wade and Kevin Knight v. Bruce Bartley, from Pulaski County Circuit Court, Seventeenth Division.

CV-19-468. Keith Mack d/b/a Mack's Rice Hull Service v. David N. Ivy d/b/a Ivy Farms, from Arkansas County Circuit Court, Northern District.

CV-19-574. (In the Matter of the Adoption of H.G.W., a Minor) Jerry Utley v. Chad Westbrook, from Pulaski County Circuit Court, Thirteenth Division.

CV-19-620. Josue Tovias v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-19-802. Searcy School District and Arkansas School Boards Association v. Bobby Allen, from the Arkansas Workers' Compensation Commission.

CV-19-832. Allura Ring and Carl Ring v. Arkansas Department of Human Services and Minor Child, from Sharp County Circuit Court.

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

E-19-249. Miguel Choate v. Director et al.

E-19-250. Remona Smith v. Director et al.

E-19-251. Tyrae Avery v. Director et al.

E-19-253. Conmesha Dyson v. Director et al.

E-19-254. Betty Dillinger v. Director et al.

E-19-255. Samantha Criss v. Director et al.

E-19-256. Linda Klama v. Director et al.

E-19-257. Donnie Calamese v. Director et al.

E-19-258. Evelyn Akins v. Director et al.

E-19-259. Pindarius Henderson v. Director et al.

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E-19-260. Michael Jones v. Director et al.

E-19-264. Evelyn Akins v. Director et al.