

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 26, 2020**

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

[CR-19-534](#). Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

[CV-19-444](#). Tasha Renee Wade and Kevin Knight v. Bruce Bartley, from Pulaski County Circuit Court, Seventeenth Division. Reversed and remanded. Virden and Klappenbach, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-19-294](#). Jerry Nutt v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Gladwin and Brown, JJ., agree.

[E-19-254](#). Betty Dillinger v. Director, Department of Workforce Services, and Belk, from the Arkansas Board of Review. Reversed and remanded. Gladwin and Brown, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-19-601](#). Kaleb Trey Benson v. State of Arkansas, from Saline County Circuit Court. Affirmed. Gruber, C.J., and Klappenbach, J., agree.

[CV-18-585](#). Wynne-Ark., Inc., d/b/a Kelley's Restaurant v. Richard Baughn Construction, from Cross County Circuit Court. Reversed. Harrison, Switzer, Murphy, and Brown, JJ., agree. Gruber, C.J., and Vaught, J., dissent.

**ROBERT J. GLADWIN, JUDGE:**

[CR-19-607](#). Scotty Joe Scaggs v. State of Arkansas, from Marion County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-19-678](#). Corey Turner v. State of Arkansas, from Clark County Circuit Court. Appeal dismissed. Gruber, C.J., and Virden, J., agree.

**MEREDITH B. SWITZER, JUDGE:**

[CV-19-468](#). Keith Mack d/b/a Mack's Rice Hull Service v. David Ivy d/b/a Ivy Farms, from Arkansas County Circuit Court, Northern District. Reversed and remanded. Harrison and Vaught, JJ., agree.

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**LARRY D. VAUGHT, JUDGE:**

[CR-19-577](#). Angelia Lauck v. State of Arkansas, from Saline County Circuit Court. Affirmed. Gruber, C.J., and Harrison, J., agree.

[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. Affirmed. Harrison and Switzer, JJ., agree.

[CV-19-620](#). Josue Tovias v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Harrison and Switzer, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[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. Appeal dismissed without prejudice. Whiteaker and Murphy, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-19-802](#). Searcy School District and Arkansas School Boards Association v. Bobby Allen, from the Arkansas Workers’ Compensation Commission. Affirmed. Whiteaker and Hixson, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-19-832](#). Allura Ring and Carl Ring v. Arkansas Department of Human Services and Minor Child, from Sharp County Circuit Court. Affirmed. Abramson and Gladwin, 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-19-249. Miguel Choate v. Director et al.

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

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

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E-19-253. Conmesha Dyson 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.

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

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

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**PER CURIAM ORDERS**

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CR-19-602. J.B.G. v. State of Arkansas, from Washington County Circuit Court. Harrison, J., not participating.

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CR-18-849. Timothy Lee Miller v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,600.00.

CR-18-850. Timothy Lee Miller v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,600.00.

CR-19-67. Terrell Deshawn Thomas v. State of Arkansas, from Garland County Circuit Court. Motion for extension of time to file appellant's rebrief is moot. Switzer, J., not participating.

CR-19-67. Terrell Deshawn Thomas v. State of Arkansas, from Garland County Circuit Court. Second motion for extension of time to file appellant's rebrief is granted. Switzer, J., not participating.

CR-19-245. Andre Leonard Flowers v. State of Arkansas, from Garland County Circuit Court. Motion of Natalie S. King for costs and attorney fees is granted. Allowed \$1,600.00. Switzer, J., not participating.

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. Appellant's second pro se motion for appointment of counsel is denied. Appellant's counsel is ordered to tender the appellant's brief by March 17, 2020.

CR-19-358. Nathan Reed Rowland v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough for attorney fees and costs is granted. Allowed \$1,800.00.

CR-19-412. Evelyn Faye Seamster v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough for attorney fees and costs is granted. Allowed \$1,600.00.

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**PER CURIAM ORDERS**

CR-19-462. Timothy J. Worrall v. State of Arkansas, from Benton County Circuit Court. Motion of W. Whitfield Hyman for costs and attorney fees is granted. Allowed \$1,600.00. Switzer, J., not participating.

CR-19-512. Roy Videll Graham v. State of Arkansas, from Logan County Circuit Court, Northern District. Motion of Robert Jeffrey for attorney's fees is moot.

CR-19-512. Roy Videll Graham v. State of Arkansas, from Logan County Circuit Court, Northern District. Amended motion of Robert Jeffrey for attorney's fees is granted. Allowed \$1,600.00.

CR-19-537. Keraig House v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for oral argument is denied. Virden and Harrison, JJ., would grant.

CR-19-585. Jermaine Bohanon v. State of Arkansas, from Crittenden County Circuit Court. Motion of Bart Ziegenhorn for attorney fees is granted. Allowed \$1,800.00.

CR-19-778. Pearlie Pope v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for permission to file a nonconforming brief is denied.

CR-20-14. Joey D. Watts v. State of Arkansas, from Grant County Circuit Court. Appellant's motion for extension of time to comply with writ of certiorari is granted.

CR-20-94. Kevin Deshaun Everett v. State of Arkansas, from Garland County Circuit Court. Appellant's petition for leave to proceed in forma pauperis is denied. Switzer, J., not participating.

CV-19-788. Arthur Joyce v. Northeast Arkansas Community Mental Health Center, Inc., d/b/a Mid-South Health Systems, Inc.; Alliance of Nonprofits for Insurance, Risk Retention Group; John Doe I, John Doe II, and John Doe III; and Steven D. Billups, from Crittenden County Circuit Court. Second motion of separate appellees Northeast Arkansas Community Health Center, Inc., d/b/a Mid-South Health Systems, Inc.; and Alliance of Nonprofits for Insurance, Risk Retention Group to dismiss appeal and motion for costs is denied.

CV-19-788. Arthur Joyce v. Northeast Arkansas Community Mental Health Center, Inc., d/b/a Mid-South Health Systems, Inc.; Alliance of Nonprofits for Insurance, Risk Retention Group; John Doe I, John Doe II, and John Doe III; and Steven D. Billups, from Crittenden County Circuit Court. Appellees' motion to stay briefing and for extension of time to file appellees' brief is granted.

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CV-19-963. Joy Corp and Nazir U. Sardar, Individually v. John Roberts d/b/a Roberts Roofing, from Pope County Circuit Court. Appellee's motion to dismiss appeal is granted.

CV-20-1. Kevin J. Pennington v. Arkansas Game and Fish Commission, from Pulaski County Circuit Court, Twelfth Division. Appellant's pro se notice of motion and motion to vacate judgment for fraud on the court is denied.

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**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CV-19-627. Franklin Peterson and Rachel Peterson v. Arkansas Department of Human Services and Minor Child, from Jackson County Circuit Court.

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CR-18-1019. Gerald Lee Groomes v. State of Arkansas, from Garland County Circuit Court. Motion of Ben Motal for attorney’s fees.

CR-19-250. Jose Gonzales v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Michael Kiel Kaiser for fees.

CR-19-251. Markell Jimmerson v. State of Arkansas, from St. Francis County Circuit Court. Motion of William O. “Bill” James, Jr., for fees.

CR-19-480. Chad Allen Jernigan v. State of Arkansas, from Miller County Circuit Court. Motion of Joseph Self for payment of fees.

CR-19-830. William Heath French v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant’s pro se motion for permission to file a belated brief.

CV-19-818. Malvern Operations, LLC, d/b/a Arbor Oaks Healthcare and Rehabilitation Center v. Anita Moss, Individually and as Special Administratrix of the Estate of Ruby Muhammad, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Ruby Muhammad; Sub-Ten Holdings, LLC; JEJ Investments, LLC; John Ponthie; Ross Ponthie; Mark Thompson; and John and Jane Does A–Z, from Hot Spring County Circuit Court. Appellants’ motion to correct record.

CV-19-838. Evelyn Chism v. James R. Chism, from Conway County Circuit Court. Appellant’s motion to supplement the record.

CV-19-910. Lillian Morris Reichert and Brent D. Morris v. William Colwell, from Izard County Circuit Court. Separate appellant Lillian Morris Reichert’s suggestion of death of party.

CV-19-949. EBF Partners, LLC, a Delaware Limited Liability Company, d/b/a Everest Business Funding v. Letha’s Pies, LLC, an Arkansas Limited Liability Company; Rhonda

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Glenn, an Individual; Timothy Glenn, an Individual; John Does 1–10; and John Does 11–20, from Washington County Circuit Court. Appellant’s motion for stay pending appeal. CV-20-18. Bronco Industrial Services, LLC; Gray Insurance Company; and Cannon Cochran Management Services v. James Brooks, from the Arkansas Workers’ Compensation Commission. Appellee’s motion to remand appeal for entry of joint petition order.

CV-20-24. (In the Matter of the Implementation of Act 464 of 2019 and the Modification of Net Metering Tariffs) Entergy Arkansas, LLC; and Leslie Rutledge, Attorney General v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Appellee’s motion to dismiss, motion to stay filing of complete record.

CV-20-24. (In the Matter of the Implementation of Act 464 of 2019 and the Modification of Net Metering Tariffs) Entergy Arkansas, LLC; and Leslie Rutledge, Attorney General v. Arkansas Public Service Commission. Motion of William A. Waddell, Jr., and Joshua C. Ashley for leave to withdraw as counsel.

CV-20-96. (In the Matter of P.Q.W., Minor Child) Tyler Samples v. David Lee Ward and Christine Renee Ward, from Clay County Circuit Court, Eastern District. Appellant’s motion to seal record.

CV-20-108. Amorelle Best and John Best v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Appellants’ joint motion for extension of time to lodge the appellate record.

CV-20-111. Kristy Schneider and Erik Schneider v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Appellants’ petition for writ of certiorari to complete the record.

E-20-39. William Lloyd v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.



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### CASES SUBMITTED

CR-19-532. Michael Shock v. State of Arkansas, from Cleburne County Circuit Court. Orally argued.

CR-19-498. Donald Baugh v. State of Arkansas, from Polk County Circuit Court.

CR-19-507. Shirley Clements v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-19-736. Angela Hewitt v. State of Arkansas, from Crawford County Circuit Court.

CR-19-826. Robert Draft v. State of Arkansas, from White County Circuit Court.

CV-18-724. SAM Group, LLC v. CR Crawford Construction, LLC, from Washington County Circuit Court.

CV-18-846. Progressive Eldercare Services-Chicot, Inc., d/b/a Lake Village Rehabilitation and Care Center; Progressive Eldercare Services, Inc.; K'iedra Tamar Kirk, Individually; Southern Administrative Services, LLC; ProCare Therapy Services, LLC; Professional Nursing Solutions, LLC; Columbia Assets, LLC; John Ponthie; Ross Ponthie; and Mark Thompson v. Carrie Lang and Carrie Mae Hillard, as Co-Personal Representatives of the Estate of Lula Bell Glass Pugh, Deceased; and on Behalf of All Wrongful Death Beneficiaries of Lula Bell Glass Pugh, from Chicot County Circuit Court.

CV-19-398. Town of Springtown, Arkansas v. Michael M. Evans; Lisa Taylor, Trustee of the Elnora Kay Taylor Revocable Trust; Paul I. Lemke; and Johnny Ray Taylor, Trustee of the Taylor Living Trust U/A Dated April 20, 2018, from Benton County Circuit Court.

CV-19-489. Summers Drilling & Blasting, Inc., a/k/a Summers Drilling, Inc. v. Goodwin & Goodwin, Inc., from Sebastian County Circuit Court, Fort Smith District.

CV-19-673. Arkansas Department of Health and Public Employee Claims Division v. Jeffrey W. Lockhart, from the Arkansas Workers' Compensation Commission.

CV-19-773. Brooklyn Holt v. Arkansas Department of Human Services and Minor Child, from Johnson County Circuit Court.

CV-19-887. Shelby Phillips v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court.

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