

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 4, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CV-19-779](#). (In the Matter of the Guardianship of the Persons of K.Y. and R.Z.S., Minors) Rolando Cedillo v. Emma Turner, from Pulaski County Circuit Court, Third Division. Dismissed without prejudice. Virden and Klappenbach, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-19-488](#). Margaretta Sue Hayden v. Jason S. Hayden, from Garland County Circuit Court. Reversed and remanded in part; affirmed in part. Gladwin and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-19-431](#). Michael Landon Doll v. State of Arkansas, from Benton County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-19-348](#). Russell A. Shonting v. Michael G. Connor, from Faulkner County Circuit Court. Affirmed in part; reversed in part. Switzer and Vaught, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-19-123](#). Randy Lee Deason v. Angela Deason, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Virden, J., agree.

[CV-19-288](#). Sarah Lee (now Whiting) v. Aaron Childs, from Lonoke County Circuit Court. Affirmed. Gruber, C.J., and Virden, J., agree.

PHILLIP T. WHITEAKER, JUDGE:

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

LARRY D. VAUGHT, JUDGE:

[CR-19-698](#). Roberto Torres v. State of Arkansas, from Crawford County Circuit Court. Remanded to supplement the record; rebriefing ordered. Harrison and Switzer, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CV-19-458](#). Brian Seth Medlen v. April Lynn Medlen, from Clay County Circuit Court, Eastern District. Affirmed. Whiteaker and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-19-868](#). Joel Guerrero, Sr. v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Whiteaker and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-19-110](#). Randy W. Duck v. State of Arkansas, from Union County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

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PER CURIAM ORDERS

REHEARING GRANTED: Petition for rehearing was granted today in the following case.

CR-18-1021. Jesse W. Pettry v. State of Arkansas, from Washington County Circuit Court. See **substituted opinion** on grant of rehearing. Motion to dismiss appeal denied; reversed and dismissed. Gruber, C.J., and Vaught, J., agree. Virden, J., concurs. Switzer and Murphy, JJ., dissent.

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

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

CR-18-1019. Gerald Lee Groomes v. State of Arkansas, from Garland County Circuit Court. Motion of Ben Motal for attorney’s fees is granted. Allowed \$1,800.00. Switzer, J., not participating.

CR-19-250. Jose Gonzales v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$1,800.00.

CR-19-251. Markell Jimmerson v. State of Arkansas, from St. Francis County Circuit Court. Motion of William O. “Bill” James, Jr., for fees is granted. Allowed \$1,800.00.

CR-19-480. Chad Allen Jernigan v. State of Arkansas, from Miller County Circuit Court. Motion of Joseph Self for payment of fees is granted. Allowed \$1,800.00.

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 is denied.

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. Appellant’s motion to correct record is granted.

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CV-19-838. Evelyn Chism v. James R. Chism, from Conway County Circuit Court. Appellant's motion to supplement the record is granted. Virden, J., not participating.

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. Noted.

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 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 is denied.

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 is granted. Status reports are due in ninety days (June 2, 2020).

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. Appellee's motion to dismiss is passed until the case is submitted. Appellee's motion to stay filing of complete record is granted. The complete record is due in thirty days (April 3, 2020). Gruber, C.J., and Abramson, J., not participating.

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 is granted. Gruber, C.J., and Abramson, J., not participating.

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 is granted.

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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 is granted.

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

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-19-397. Rocky Taliaferro v. State of Arkansas, from Saline County Circuit Court.

CR-19-645. Charles Allen v. State of Arkansas, from Crawford County Circuit Court.

CV-18-968. Shane Perry v. Brandie Perry, from Benton County Circuit Court.

CV-19-325. Jessica Glover v. Lance Glover, from Benton County Circuit Court.

CV-19-338. L. Walter Quinn v. Richard D. O'Brien and Simmons Bank, in Its Capacity as Trustee of the Heartland Bank Liquidating Trust U/D/I March 8, 2018, from Pulaski County Circuit Court, Ninth Division.

CR-18-897. Demorcus L. Smith v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-18-985. Frederick Eugene Scott, Jr. v. State of Arkansas, from Garland County Circuit Court. Motion of David M. Littlejohn for attorney fees.

CR-19-353. Clarence Curtis v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion to dismiss.

CR-19-354. Clarence Curtis v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion to dismiss.

CR-19-395. Andrew Childers v. State of Arkansas, from Johnson County Circuit Court. Motion of Samuel F. Eastman for award of attorney's fees.

CR-19-455. Daniel L. Wessels v. State of Arkansas, from Marion County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-19-496. Robert Moten v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Grace Casteel for award of attorney's fees.

CR-19-582. Robert E. Dyas v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

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MOTIONS SUBMITTED

CR-19-623. Gary Chambers v. State of Arkansas, from Clark County Circuit Court. Motion of Joseph C. Self for payment of fees.

CR-19-992. Dion Hogans, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion to supplement counsel of record.

CR-20-55. Scottie Flippo v. State of Arkansas, from Boone County Circuit Court. Appellant's motion to allow late filing of the record.

CR-20-58. Gary Lynn Conley v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to correct the transcript.

CV-18-786. Tyrome Hurst, Special Administrator of the Estate of Deshun Lamont Hurst v. Riceland Foods, Inc., from Crittenden County Circuit Court. Appellant's motion for extension of time to file supplemental record and appellant's brief.

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 for extension of time and for corrected brief.

CV-20-33. LaDonna Humphrey, Individually v. Absolute Pediatric Services, Inc., d/b/a Absolute Pediatric Therapy; and Anthony Christopher, from Benton County Circuit Court. Appellant's motion to stay briefing schedule.

CV-20-124. David C. Stracner v. Stone Bank, Formerly Known as Ozark Heritage Bank, N.A., from Stone County Circuit Court. Joint motion to stay appeal.

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CASES SUBMITTED

CV-19-402. Lockhard & Williams Insurance Services, Inc. v. Luther Waldrip, Administrator for the Estate of Timothy Waldrip, Deceased, from Benton County Circuit Court. Orally argued.

CR-19-482. Spencer Adam Boothe v. State of Arkansas, from Jefferson County Circuit Court.

CR-19-559. Michael T. Fogle v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-19-588. Milton Thomas v. State of Arkansas, from Saline County Circuit Court.

CR-19-605. Krystal V. Peer v. State of Arkansas, from Drew County Circuit Court.

CR-19-624. Justin Marshall v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-19-628. Cortland Ruffin v. State of Arkansas, from Lafayette County Circuit Court.

CR-19-676. Michael Hull v. State of Arkansas, from Clay County Circuit Court, Eastern District.

CR-19-717. Rodney Doster v. State of Arkansas, from Union County Circuit Court.

CR-19-743. Adam Brown v. State of Arkansas, from Greene County Circuit Court.

CV-19-163. Mark C. Williams v. Amy Minton Williams, from Baxter County Circuit Court.

CV-19-259. (In the Matter of the Adoption of P.H., R.H., and Z.H., Three Minors) Amber Hrdlicka v. Mollie Hrdlicka, from Garland County Circuit Court.

CV-19-282. Barrows/Thompson, LLC v. HB VEN II, LP; Michael McAfee, Individually; Simmons Bank, in Its Capacity as Trustee of the Heartland Bank Liquidating Trust U/I/D March 8, 2018; and John/Jane Doe, from Madison County Circuit Court.

CV-19-328. Ameen Olwan v. Arkansas Tobacco Control Board, from Pulaski County Circuit Court, Second Division.

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CASES SUBMITTED

CV-19-336. (In the Matter of the Estate of Monroe Hart, Deceased) Koquise Edwards, Connie Ponds, and Deborah Edwards v. Ronald Hart and Curtis Harraway, Sr., Co-Administrators of the Estate of Monroe Hart, Deceased, from Clark County Circuit Court.

CV-19-439. Mark Hunter v. Patricia A. Keck; Jason Coatney; and Keck & Austin, LLC, from Washington County Circuit Court.

CV-19-454. Ozark Mountain Regional Public Water Authority of the State of Arkansas v. Arkansas Department of Health and State of Arkansas, from Boone County Circuit Court.

CV-19-503. Danny Lewis and Tami Lewis v. Danny Jewell, Charlotte Jewell, and Chandler Insurance Agency, Inc., from Miller County Circuit Court.

CV-19-584. Equity Bank v. Southside Baptist Church of Lead Hill, Arkansas, d/b/a Brand New Church; Shannon O'Dell; Shain Satterwhite; J. Clifford Methvin; and Bruce Medley, from Boone County Circuit Court.

CV-19-625. Charles Symanietz v. Deborah Symanietz, from Benton County Circuit Court.

CV-19-631. John M. Davis v. Ed Hickman, P.A., and Travelers Insurance, from the Arkansas Workers' Compensation Commission.

CV-19-718. Sunni Frisby v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-19-763. Fulton County Hospital and Risk Management Resources v. Melissa J. Herring, from the Arkansas Workers' Compensation Commission.

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

E-19-261. Deloies Mahan v. Director et al.

E-19-262. Shenitha Wilburn v. Director et al.

E-19-263. Vanna Logan v. Director et al.

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CASES SUBMITTED

E-19-265. Kenneth Baker v. Director et al.

E-19-266. Maxcine Jenkins v. Director et al.

E-19-267. Ashley Trinh v. Director et al.

E-19-268. Randall Durham v. Director et al.

E-19-269. Vernice Woods v. Director et al.

E-19-270. Kezion Pace v. Director et al.

E-19-271. Derrick Grant v. Director et al.

E-19-272. Denicia Roberts v. Director et al.

E-19-273. Randall Chasteen v. Director et al.