

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 15, 2020**

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

[CV-19-859](#). USA Truck, Inc.; and Broadspire Services, Inc. v. Duane Webster, from the Arkansas Workers' Compensation Commission. Affirmed in part; remanded in part. Switzer and Hixson, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-19-944](#). Tanya Taylor v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-19-576](#). Darin Lee Hutson v. State of Arkansas, from Independence County Circuit Court. Affirmed. Harrison and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-19-472](#). Richard Hesse v. Simoff Horse Transport, LLC, from Garland County Circuit Court. Affirmed. Whiteaker and Brown, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CV-19-853](#). Kristine Shipp v. Arkansas Department of Human Services and Minor Children, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Virden and Vaught, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-19-665](#). Bank of the Ozarks, Inc., as Administrator of the Estate of Rebecca Smith, Deceased; Nicholas Metcalf; and Braxton Metcalf-Smith, a Minor, By and Through His Next Friends and Legal Guardians, Betty Bronkema and Robert Bronkema v. Ford Motor Co.; Kenneth Scott Stoll d/b/a Wheel World, Inc.; Lewis Ford Sales, Inc.; Everett Buick GMC of Northwest Arkansas, LLC; Atkins Auto Repair, LLC, d/b/a The Grease Pig Lube & Tune; Atkins Oil, LLC, d/b/a The Grease Pig Lube & Tune; Little Rock CDJ, Inc.; C and C Motors, LLC; Michael Battie; and Sean Battie, from Lonoke County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

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**MEREDITH B. SWITZER, JUDGE:**

[CR-19-340](#). DeQuintis Bailey v. State of Arkansas, from Miller County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

[CV-19-439](#). Mark Hunter v. Patricia A. Keck; Jason Coatney; and Keck & Austin, LLC, from Washington County Circuit Court. Affirmed. Gladwin and Murphy, JJ., agree.

[CV-19-451](#). Brian Escue v. Riceland Foods, Inc., from Craighead County Circuit Court, Western District. Affirmed. Gruber, C.J., and Hixson, J., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-19-599](#). Roderick Shoulders v. State of Arkansas, from Hot Spring County Court. Affirmed. Gladwin and Brown, JJ., agree.

[CV-19-446](#). Stephen Allen Hathcock v. Tracy Young Hathcock (now Smith), from Pulaski County Circuit Court, Fifteenth Division. Affirmed in part; reversed and remanded in part. Gruber, C.J., agrees. Harrison, J., concurs

**LARRY D. VAUGHT, JUDGE:**

[CV-19-587](#). Teresa Whitson v. Buddy Belt and Vickie Belt, from Franklin County Circuit Court, Northern District. Affirmed. Virden and Harrison, JJ., agree.

[CV-19-629](#). County Club Gardens, LLC, d/b/a Lake Hamilton Health and Rehab; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Country Club Manor, LLC v. D'Ann Pelton Alexander, as Special Administrator of the Estate of Mary Elizabeth Pelton and on Behalf of the Wrongful Death Beneficiaries of Mary Elizabeth Pelton, from Garland County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-19-537](#). Keraig House v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gruber, C.J., and Switzer, J., agree.

[CR-19-600](#). Keraig House v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion to withdraw denied; rebriefing ordered. Gruber, C.J., and Switzer, J., agree.

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**MIKE MURPHY, JUDGE:**

[CV-19-513](#). Bennie L. Sims and Brenda F. Sims v. Fay Servicing, LLC; The Mortgage Outlet, Inc.; and Wilmington Savings Fund Society, FSB, from St. Francis County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-19-617](#). Joseph Thomas Lacefield v. State of Arkansas, from Benton County Circuit Court. Rebriefing ordered. Gladwin and Whiteaker, JJ., agree.

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**PER CURIAM ORDERS**

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

CR-19-532. Michael Shock v. State of Arkansas, from Cleburne County Circuit Court. Murphy, J., not participating.

CV-19-398. Town of Springtown, Arkansas v. Michael M. Evans et al., 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-19-503. Danny Lewis and Tami Lewis v. Danny Jewell; Charlotte Jewell; and Chandler Insurance Agency, Inc., from Miller County Circuit Court. *See Brinkley School District v. Terminix International Company, L.P.*, 2019 Ark. App. 445 (per curiam) (petition for review denied). Klappenbach, J., not participating.

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

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CR-19-42. Terrance Billups v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file supplemental addendum is granted. Appellant's supplemental addendum is due May 15, 2020. Final extension.

CR-19-699. Marlon Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se petition to amend points for reversal is denied.

CR-19-951. Donald Frazier v. State of Arkansas, from Jefferson County Circuit Court. Appellant's second pro se motion for extension of time to file brief is granted. Appellant's brief is due May 15, 2020. Final extension.

CR-20-125. David King v. State of Arkansas, from Van Buren County Circuit Court. Appellant's motion to hold briefing in abeyance is treated as a motion for extension of brief time and is granted. Appellant's brief is due May 15, 2020.

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**PER CURIAM ORDERS**

CR-20-191. Harl Garrett v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for belated appeal is denied. Appellant's request to proceed in forma pauperis is moot. Switzer, J., not participating.

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 second motion for extension of time to file supplemental record and appellant's substituted brief is granted. Harrison, J., not participating.

CV-19-77. Keith Emis v. Robin Emis, from Pulaski County Circuit Court, Sixth Division. Appellee's motion for compliance with and clarification of mandate is dismissed. Switzer, J., not participating.

CV-19-123. Randy Lee Deason v. Angela Deason, from Washington County Circuit Court. Appellant's declaration that party was unable to file in a timely manner is treated as a motion to file belated petition for rehearing and is granted.

CV-19-205. Nikita Mahoney v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Motion of separate appellees Minor Children to dismiss appeal is granted.

CV-19-288. Sarah Lee (now Whiting) v. Aaron Childs, from Lonoke County Circuit Court. Motion of Scott A. Scholl for attorney's fees and costs is denied.

CV-19-415. Margaret Cogswell v. Mary Cloar, from Pope County Circuit Court. Appellant's suggestion of death and motion to substitute decedent's personal representative, heirs, devisees, or special administrator. Appellant's suggestion of death is noted. Appellant's motion to substitute decedent's personal representative, heirs, devisees, or special administrator is denied. Virden, J., not participating.

CV-19-415. Margaret Cogswell v. Mary Cloar, from Pope County Circuit Court. Appellee's motion and supplement to motion to substitute decedent's executrix as the proper party are granted. Virden, J., not participating.

CV-20-27. Mary Pennebaker v. Furry Feet Retreat, Inc., and Janeen Neil, from Saline County Circuit Court. Appellees' motion for substitution of counsel is granted.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-19-253. John Ellis Johnson v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

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

CR-19-755. George Burns v. State of Arkansas, from Little River County Circuit Court.

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

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CR-19-374. Anita Rowton v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees.

CR-19-492. Mark Garner v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Gregg Knutson for attorney fees.

CR-19-502. Kevin R. Adams v. State of Arkansas, from Benton County Circuit Court. Motion of Alex Burgos for award of attorney's fees.

CR-19-645. Charles Allen v. State of Arkansas, from Crawford County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CV-18-939. Jessica McCabe and Amy Purdy v. Wal-Mart Associates, Inc., from Benton County Circuit Court. Appellants' motion for and order directing the clerk to endorse an improper check to counsel's trust account.

CV-19-938. Tashyra Powell v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Northern District. Appellant's pro se motion to file belated pro se points for reversal.

CV-20-10. Crystal Holiman v. William Brent Holiman and Office of Child Support Enforcement, from Grant County Circuit Court. Appellant's unopposed motion to change caption to reflect married name.

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**MOTIONS SUBMITTED**

CV-20-133. Keith Magness, Derek Magness, and Brandon Magness v. Joy Kaye Simmons Graddy, Individually and as Executrix of the Estate of Wilma Underwood Dupree, from Pulaski County Circuit Court, Fifth Division. Appellants' motion to correct the record pursuant to Ark. R. App. P.–Civil 6(e).

CV-20-203. Cox Ventures, LLC, and Brett Cox v. Jonathan Steele, from Greene County Circuit Court. Appellee's motion to dismiss appeal.

CV-20-210. 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 partial record and to stay briefing schedule.

E-20-83. Bervel Freckleton v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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**CASES SUBMITTED**

CR-19-596. MacArthur Eans v. State of Arkansas, from Jefferson County Circuit Court.

CR-19-606. Antonio Jamar Guyton v. State of Arkansas, from Benton County Circuit Court.

CR-19-622. John William Marsh v. State of Arkansas, from Nevada County Circuit Court.

CR-19-649. Joshua Parks v. State of Arkansas, from Faulkner County Circuit Court.

CR-19-754. Jeremy Mickens v. State of Arkansas, from Jefferson County Circuit Court.

CR-19-953. Darnell Washington v. State of Arkansas, from Jefferson County Circuit Court.

CR-19-961. Kenneth Miller v. State of Arkansas, from Saline County Circuit Court.

CV-18-1033. (In the Matter of the Estate of Charles E. Cook, Deceased) Jared Brooks, Third Party and Surviving Member of Cook's Towing and Recovery, LLC; and Charlotte Smith v. Amy Willhite and the Estate of Charles E. Cook, from Lawrence County Circuit Court.

CV-19-889. Secia Salinas v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-19-890. Secia Salinas v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-19-978. Jose Chacon v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.