

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 6, 2020**

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

[CV-19-999](#). Lester Cloninger v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court. Affirmed. Switzer and Hixson, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-19-706](#). Jessica Elder v. Matthew Elder, from Hempstead County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-20-16](#). Debra Gill v. Arkansas Department of Human Services and Minor Children, from Carroll County Circuit Court, Eastern District. Affirmed. Harrison and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-19-976](#). Brent Lawrence v. State of Arkansas, from Logan County Circuit Court, Southern District. Reversed and dismissed. Whiteaker and Brown, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-20-19](#). Desare Dean v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Affirmed. Abramson and Murphy, JJ., agree.

**MEREDITH B. SWITZER, JUDGE:**

[CV-19-654](#). Pat Altenbaumer v. Southland Management Corporation, from Little River County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CV-20-4](#). Sara Schweitzer v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin and Brown, JJ., agree.

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**LARRY D. VAUGHT, JUDGE:**

[CV-19-670](#). Brittany Kohler v. Randy Gene Croney, from Baxter County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-19-937](#). Eric Carter v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Gruber, C.J., and Switzer, J., agree.

**MIKE MURPHY, JUDGE:**

[CR-19-730](#). Christian Kevith Powell v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Abramson and Klappenbach, JJ., agree.

[CV-18-1033](#). Jared Brooks and Charlotte Smith v. Amy Willhite and the Estate of Charles E. Cook, from Lawrence County Circuit Court. Reversed and remanded. Abramson and Klappenbach, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-19-392](#). Lenora Robinson v. Robert Murphy, from Mississippi County Circuit Court, Osceola District. Affirmed. Gladwin and Whiteaker, JJ., agree.

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**PER CURIAM ORDERS**

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

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

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

E-19-77. Danny Bugg v. Director, Department of Workforce Services; and City of Hot Springs, from the Arkansas Board of Review. Gladwin and Switzer, JJ., not participating.

E-19-293. Mark Drouin v. Director, Department of Workforce Services; and Wal-Mart Associates, Inc., from the Arkansas Board of Review. Gruber, C.J., and Abramson, J., not participating.

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CR-02-520. David Lee Hickey v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion for production of documents is denied.

CR-19-534. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court. Motion of Jason R. Davis for attorney's fees and costs is granted. Allowed \$1,800.00. Switzer, J., not participating.

CR-19-534. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court. Motion of Jason R. Davis to withdraw is granted. Switzer, J., not participating.

CR-19-602. J.B.G. v. State of Arkansas, from Washington County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$1,800.00. Harrison, J., not participating.

CR-19-872. Kendrick L. Reed v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's second motion for extension of time based on COVID-19 pandemic is granted. Final extension.

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CV-19-726. Christopher Springer v. Dr. Charles Jenson, M.D., from Pulaski County Circuit Court, Sixteenth Division. Appellant's second motion for extension of time based on COVID-19 pandemic is granted. Final extension.

CV-20-77. Camden-Progressive Eldercare Services, Inc., d/b/a Ouachita Nursing and Rehabilitation Center; Progressive Eldercare Services, Inc.; Southern Administrative Services, LLC; Care Plus Staffing, LLC; Procure Therapy Services, LLC; Professional Nursing Solutions, LLC; Ponthie Holdings, LLC; JEJ Investments, LLC; John Ponthie; Ross Ponthie; Mark Thompson; and Angela Marlar, in Her Capacity as Administrator of Ouachita Nursing and Rehabilitation Center v. Sheila Whitney, as Personal Representative of the Estate of Lillie Whitney; and on Behalf of the Wrongful Death Beneficiaries of Lillie Whitney, from Ouachita County Circuit Court. Appellee's motion to dismiss appeal is denied. Virden, Switzer, and Whiteaker, JJ., would grant. Klappenbach, J., not participating.

CV-20-155. (In the Matter of the Estate of Willie Lee Boone, Deceased 3/31/12) Debra Flowers v. Percy Arnold and Bettie Arnold, Individually and as Co-Trustees for the Katherine Suedean Withers Boone Revocable Trust u/t/d November 18, 2010; Maggie Hawkins; and Raymon B. Harvey, from Pulaski County Circuit Court, Fourteenth Division. Appellant's pro se motion for reconsideration is denied. Gladwin, J., not participating.

CV-20-237. Edward Jones v. Paul Ford and Bryce Cook, from Craighead County Circuit Court, Western District. Appellees' motion to dismiss appeal is granted.

CV-20-237. Edward Jones v. Paul Ford and Bryce Cook, from Craighead County Circuit Court, Western District. Appellant's pro se motion for rule on clerk is moot.

E-20-94. Janice Jorgensen v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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**PROCEEDINGS OF MAY 6, 2020**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-19-756. Robert Jamar Fields v. State of Arkansas, from Union County Circuit Court.

CV-19-674. Steven D. Mitchell v. Sex Offender Assessment Committee, State of Arkansas, from Izard County Circuit Court.

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CR-19-42. Terrance Keith Billups v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for a copy of the motion for extension of time to file supplemental addendum filed March 30, 2020.

CR-19-533. David Lee Washburn, Sr. v. State of Arkansas, from Lonoke County Circuit Court. Motion of Ben Motal for attorney's fees.

CR-20-193. Durell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for leave to file an enlarged brief.

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

CV-19-761. Robert S. Young v. Roxanne D. Blake; Roxanne D. Blake, P.A.; George H. Niblock; George H. Niblock, LTD; The Niblock Law Firm, PLC; and John Does 1-10, from Washington County Circuit Court. Appellant's motion to remove Paige E. Young as counsel of record.

CV-19-807. Mitchell "Mitch" Wine v. Doralee Chandler and Leslie Rutledge, in Their Capacities as Director of Alcoholic Beverage Control Division of the Arkansas Department of Finance and Administration and Attorney General of Arkansas, Respectively; and Public Consulting Group, Inc., from Pulaski County Circuit Court, Ninth Division. Appellant's motion for reconsideration.

CV-19-922. Wells Fargo Bank, N.A. v. M.S. Wholesale Plumbing, Inc., on Behalf of Itself and All Other Entities and Persons Similarly Situated; and Westfax, Inc., from Pope County Circuit Court. Motion of Arkansas Bankers Association and American Bankers Association for permission to file amicus brief.

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**MOTIONS SUBMITTED**

CV-19-922. Wells Fargo Bank, N.A. v. M.S. Wholesale Plumbing, Inc., on Behalf of Itself and All Other Entities and Persons Similarly Situated; and Westfax, Inc., from Pope County Circuit Court. Motion of separate appellee M.S. Wholesale Plumbing, Inc., for leave to respond to brief amicus curiae.

CV-19-952. Valerie Denarvaez v. Enrique Denarvaez, from Pulaski County Circuit Court, Seventeenth Division. Appellee's motion to supplement the record.

CV-19-952. Valerie Denarvaez v. Enrique Denarvaez, from Pulaski County Circuit Court, Seventeenth Division. Appellee's motion for extension of time.

CV-20-192. John B. Yancey v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for extension of time to file brief.

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 copy of record.

CV-20-274. S.R. Land, LLC v. Drue Sims and Beverly Sims, from Drew County Circuit Court. Appellees' motion to dismiss appeal.

CV-20-274. S.R. Land, LLC v. Drue Sims and Beverly Sims, from Drew County Circuit Court. Appellant's motion for rule on clerk.

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### CASES SUBMITTED

CV-19-461. Hankook Tire Co., LTD.; and Hankook Tire America Corp. v. Elmer Philpot, from Conway County Circuit Court.

CV-19-546. Dominika Szwedo v. Arthur Cyrus, from Pulaski County Circuit Court, Fourteenth Division.

CV-20-3. Brandon Johnson and Megan Johnson v. Arkansas Department of Human Services and Minor Children, from Logan County Circuit Court, Northern District.

CV-20-67. Elainea Belt and Jonathon Thomas v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

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

E-19-283. Dean Wimberley v. Director et al.

E-19-285. Lisa Williams v. Director et al.

E-19-299. Alex Mayes v. Director et al.

E-19-300. Johnny Smith, Jr. v. Director et al.

E-19-301. Jeffrey McKnight v. Director et al.

E-19-302. Larry Payne v. Director et al.

E-19-303. Janna Doss v. Director et al.

E-19-304. Tiffany Sheppard v. Director et al.

E-19-305. Lillian Allen v. Director et al.

E-19-306. Steven Smart v. Director et al.

E-19-307. Michelle Robinson v. Director et al.