

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 3, 2021

BRANDON J. HARRISON, CHIEF JUDGE:

[CV-19-858](#). David Kinder v. Wendy Kinder, from Pulaski County Circuit Court, Third Division. Remanded. Klappenbach and Barrett, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-19-720](#). Cortney Moore v. Bestway Rent to Own, Continental Indemnity Company, and Zachary Daniel Waters, from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Hixson, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-20-235](#). Jessica Chandler v. Shae Chandler, from Pulaski County Circuit Court, Seventeenth Division. Affirmed in part; dismissed in part. Abramson and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-19-62](#). Arkansas Department of Human Services v. Steven Mitchell, from Izard County Circuit Court. Reversed. Murphy and Brown, JJ., agree.

[CV-19-632](#). Stephen C. Webb v. Sex Offender Assessment Committee, from Saline County Circuit Court. Reversed. Murphy and Brown, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-20-208](#). Arthur Trulock v. State of Arkansas, from Hot Spring County Circuit Court. Reversed and remanded. Harrison, C.J., and Barrett, J., agree.

[CV-19-486](#). Steve Wilson and Susan Wilson v. Voy Gillentine and Stephanie Gillentine, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Barrett, J., agree.

RITA W. GRUBER, JUDGE:

[CV-20-319](#). Stephen W. Boatright, Individually and on Behalf of Stephen W. Boatright, DDS, P.A. v. S-R Plaza, LLC, from Pulaski County Circuit Court, Ninth Division. Affirmed. Whiteaker and Vaught, JJ., agree.

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STEPHANIE POTTER BARRETT, JUDGE:

[CR-20-375](#). Sarah Claire Robinette v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-20-276](#). Deundrea Mathis v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gruber and Vaught, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-20-205](#). Mary Willis v. Arkansas Department of Correction, Public Employee Claims Division; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Whiteaker, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-19-709](#). Taylor Butry-Weston v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-20-44](#). Terry Lee Renninger v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Gladwin and Murphy, JJ., agree.

[CV-19-63](#). Arkansas Department of Human Services v. Steven Mitchell, from Izard County Circuit Court. Reversed. Gladwin and Murphy, 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-20-192. Christopher Scallion v. Director et al.

E-20-193. Christopher Scallion v. Director et al.

E-20-194. Rhonda McDaniels v. Director et al.

E-20-196. Steven Adcock v. Director et al.

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- E-20-197. Michael House v. Director et al.
- E-20-198. Rhonda Honer v. Director et al.
- E-20-199. Monique Lindsey v. Director et al.
- E-20-200. Diana Glander v. Director et al.
- E-20-201. Eric Hendricks v. Director et al.
- E-20-202. Steven Lucas v. Director et al.
- E-20-203. Jasper Lawson v. Director et al.
- E-20-204. Sharon McCuller-Silverman v. Director et al.
- E-20-205. Shawna Grady v. Director et al.
- E-20-206. Leroy Fitzpatrick v. Director et al.
- E-20-207. Carnell Banks, Jr. v. Director et al.
- E-20-208. Jamie Chandler v. Director et al.

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PER CURIAM ORDERS

CR-19-691. Reco Walker v. State of Arkansas, from Independence County Circuit Court. Motion of Joe A. Denton for attorney's fees is granted. Allowed \$1600.00.

CR-20-91. John Ford v. State of Arkansas, from Garland County Circuit Court. Motion of Gregg Knutson for attorney's fees is granted. Allowed \$1800.00.

CR-20-244. Nicky Neely v. State of Arkansas, from Saline County Circuit Court. Motion of Lee D. Short for attorney fees is granted. Allowed \$1800.00.

CR-20-576. Tristan Tiarks v. State of Arkansas, from Benton County Circuit Court. Motion of Brian G. Brooks to enter appearance as co-counsel and for extension of time due to medical emergency is granted.

CR-20-604. Eddie Dale King v. State of Arkansas, from Jefferson County Circuit Court. Motion of Brian G. Brooks to enter appearance as co-counsel and for extension of time due to medical emergency is granted.

CR-20-670. Michael Scott Forrest v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary Potts for costs and attorney fees is granted. Allowed \$900.00.

CR-20-735. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of John Bartelt to withdraw and motion to extend briefing schedule is granted.

CR-20-735. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for copies is denied.

CR-20-735. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for new counsel is moot.

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 status report is noted. Appellant's status report is due in ninety days (May 4, 2021).

CV-20-218. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission. Motion of separate appellee Smiley Sawmill, LLC, for leave to file a substituted appellee's brief to correct error is granted.

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CV-20-218. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's motion for extension of time to file reply brief is granted. Final extension. Appellant's reply brief is due thirty days after Smiley Sawmill, LLC's substituted brief is filed.

CV-20-229. Paragould School District and Arkansas School Boards Association Workers' Compensation Trust v. LaDonna Murphree, from the Arkansas Workers' Compensation Commission. Appellants' motion to dismiss appeal is granted.

CV-21-10. (In the Matter of the Adoption of K.E.W.) Kadin Still v. George Nathan Workman and Angel Workman, from Crawford County Circuit Court. Appellees' motion to docket and dismiss appeal is granted. Appeal dismissed.

E-21-26. Rodney Wade v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is denied.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-18-620. Joseph Lucas, an Individual; Glen Lucas, an Individual; Robert Lucas, an Individual; Barbara Johnson, an Individual; Thomas Lucas, an Individual; and David Abbott, an Individual v. Washington County; Pamela Vitko, as Personal Representative and on Behalf of the Laura Lee Broderick Estate; Cecily Lennard Lucas, as Personal Representative and on Behalf of the John P. Lucas Estate; and Victoria Gilbertie, from Washington County Circuit Court.

CR-20-55. Scottie Wayne Flippo v. State of Arkansas, from Boone County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-20-126. J.P. v. State of Arkansas, from Van Buren County Circuit Court. Motion of Ben Motal for attorney's fees.

CR-20-636. Jermaine Bohanon v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to file a belated brief.

CR-20-735. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for extension of brief time.

CV-18-620. Joseph Lucas, an Individual; Glen Lucas, an Individual; Robert Lucas, an Individual; Barbara Johnson, an Individual; Thomas Lucas, an Individual; and David Abbott, an Individual v. Washington County; Pamela Vitko, as Personal Representative and on Behalf of the Laura Lee Broderick Estate; Cecily Lennard Lucas, as Personal Representative and on Behalf of the John P. Lucas Estate; and Victoria Gilbertie, from Washington County Circuit Court. Appellees' motion to disallow and strike appellants' response to petition for rehearing and brief.

CV-20-109. Clarksville School District v. ACE American Insurance Company, from Johnson County Circuit Court. Appellee's motion to take judicial notice of supplemental authority.

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MOTIONS SUBMITTED

CV-20-733. Larry Phifer v. Janet Ouellette, Personal Representative of the Estate of Ruth Cowin; Richard Cowin; Margot Cowin; Anadarko E&P Company, L.P., a Delaware Partnership; Anadarko Land Corp., a Nebraska Corporation; Chesapeake Exploration, LLC, an Oklahoma Limited Liability Company; Southwestern Energy Company, a Delaware Corporation; BHP Billiton Petroleum (Fayetteville), LLC, a Delaware Limited Liability Company, from White County Circuit Court. Appellees' notice of companion appellate case.

CV-20-733. Larry Phifer v. Janet Ouellette, Personal Representative of the Estate of Ruth Cowin; Richard Cowin; Margot Cowin; Anadarko E&P Company, L.P., a Delaware Partnership; Anadarko Land Corp., a Nebraska Corporation; Chesapeake Exploration, LLC, an Oklahoma Limited Liability Company; Southwestern Energy Company, a Delaware Corporation; BHP Billiton Petroleum (Fayetteville), LLC, a Delaware Limited Liability Company, from White County Circuit Court. Appellees' notice of deficiency in record lodged on appeal.

CV-20-733. Larry Phifer v. Janet Ouellette, Personal Representative of the Estate of Ruth Cowin; Richard Cowin; Margot Cowin; Anadarko E&P Company, L.P., a Delaware Partnership; Anadarko Land Corp., a Nebraska Corporation; Chesapeake Exploration, LLC, an Oklahoma Limited Liability Company; Southwestern Energy Company, a Delaware Corporation; BHP Billiton Petroleum (Fayetteville), LLC, a Delaware Limited Liability Company, from White County Circuit Court. Appellees' petition for certiorari to complete the record.

CV-21-24. (In the Matter of K.L.M., a Minor) Wanetta Lynn Akers-Trask and Roger Trask v. Ashley Malone-Durham, Ariel Malone-Durham, Jessie Dooley, and Kyle McBride, from Randolph County Circuit Court. Appellants' petition for writ of certiorari for completion of record for appeal.

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CASES SUBMITTED

CR-19-967. Gregory Hampton v. State of Arkansas, from Clay County Circuit Court, Western District.

CR-20-129. Jonathan Welborn v. State of Arkansas, from Saline County Circuit Court.

CR-20-196. Brandy R. Huggins v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-20-226. David Kevin Mallett v. State of Arkansas, from Faulkner County Circuit Court.

CR-20-266. J.M. v. State of Arkansas, from Washington County Circuit Court.

CR-20-308. Benjamin Pitts v. State of Arkansas, from Garland County Circuit Court.

CR-20-333. Mercedes Loren Taylor v. State of Arkansas, from Benton County Circuit Court.

CV-19-68. Entergy Arkansas, Inc.; and Entergy Operations, Inc. v. Susan Allen, Individually and as Administratrix of the Estate of Wade Walters, Deceased; Jess Clayton; Ronnie Francis; Christopher Reed; and Julia Schmid, from Pope County Circuit Court.

CV-19-112. William M. Hogan v. Bank of Little Rock, from Pulaski County Circuit Court, Twelfth Division.

CV-20-61. Michael B. Stewart v. William Deaton, M.D.; Melanie Hoover, M.D.; Radiology Associates, P.A.; Merritt Rausch; William Scott, M.D.; Occupational Health Centers of Arkansas d/b/a Concentra Health Services, Inc.; and John and Jane Does A–Z from Pulaski County Circuit Court, Ninth Division.

CV-20-321. The Woodlands Nursing & Retirement Center, Inc. v. DeQueen Therapy & Living Center, Inc.; Kilgore Consulting, Inc., Formerly Known as Victoria Health Care, Inc.; and Josh Kilgore, from Garland County Circuit Court.

CV-20-574. Maggie Sparks v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court.

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CASES SUBMITTED

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

- E-20-228. Ivory Herd v. Director et al.
- E-20-229. Karen Neel v. Director et al.
- E-20-230. Jesus Melendez v. Director et al.
- E-20-231. Joshua Frost v. Director et al.
- E-20-233. Cathy Jonetta Goodin v. Director et al.
- E-20-234. Thomas Simco v. Director et al.
- E-20-235. Bessie Smith v. Director et al.
- E-20-236. Scott Bartholomew v. Director et al.
- E-20-237. Carla Bradford v. Director et al.
- E-20-238. Ladelle Payne v. Director et al.
- E-20-239. Stephanie Ziller v. Director et al.
- E-20-240. Pamela Holt v. Director et al.
- E-20-241. Regina Rouse v. Director et al.
- E-20-242. Rita Starks v. Director et al.
- E-20-243. Arthur Tolbert, Jr. v. Director et al.
- E-20-244. Camron Johnson v. Director et al.
- E-20-245. Jimmy Matney v. Director et al.