

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 17, 2021

BRANDON J. HARRISON, CHIEF JUDGE:

[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 Circuit Court. Rebriefing ordered. Whiteaker and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-19-68](#). Entergy Arkansas, Inc.; and Entergy Operations, Inc. v. Susan Allen, Individually and as Administratrix of the Estate of Wade Walters, Deceased, from Pope County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-19-112](#). William M. Hogan v. Bank of Little Rock, from Pulaski County Circuit Court, Twelfth Division. Affirmed. Vaught and Hixson, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-20-61](#). Michael B. Stewart v. William Deaton, M.D.; Melanie Hoover, M.D.; Radiology Associates, P.A.; Merritt Rausch; William Carle, 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. Affirmed. Virden and Barrett, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-20-196](#). Brandy R. Huggins v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Virden and Gruber, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-19-967](#). Gregory Hampton v. State of Arkansas, from Clay County Circuit Court, Western District. Affirmed; motion to withdraw granted. Harrison, C.J., and Murphy, J., agree.

LARRY D. VAUGHT, JUDGE:

[CR-20-226](#). David Kevin Mallett v. State of Arkansas, from Faulkner County Circuit Court. Dismissed in part; moot in part. Gladwin and Hixson, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CV-20-574](#). M.S. v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-20-266](#). J.M. v. State of Arkansas, from Washington County Circuit Court. Affirmed. Abramson and Klappenbach, 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-20-228. 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 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.

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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.

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PER CURIAM ORDERS

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

CV-18-752. Theresa Vigo Miaoulis, as Guardian and Next Friend of Johnathon E. Lopez, a Minor v. Toyota Motor North America, Inc., d/b/a Toyota Motor Company et al., from St. Francis County Circuit Court. Abramson, J., not participating.

CR-19-300. Steven Deloney v. State of Arkansas, from Little River County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

CR-19-754. Jeremy Mickens v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion to recall mandate is denied.

CR-20-397. Dale C. Bartlett v. State of Arkansas, from Monroe County Circuit Court. Appellant's motion for extension of time to file record is denied.

CR-20-531. R.G. v. State of Arkansas, from Washington County Circuit Court. Appellant's objection to, and motion to strike, brief of Dynastic Wealth Management, LLLP, is passed until the case is submitted. Gladwin, J., not participating.

CR-21-21. Marlon Tramaine Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for release on appeal bond is denied.

CV-20-653. Laurie Higdon v. Community First Trust Company, from Garland County Circuit Court. Appellant's pro se motion for rule on clerk is denied.

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; and BHP Billiton Petroleum (Fayetteville), LLC, a Delaware Limited Liability Company, from White County Circuit Court. Appellees' notice of companion appellate case is noted. Harrison, C.J., and Abramson, J., not participating.

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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; and BHP Billiton Petroleum (Fayetteville), LLC, a Delaware Limited Liability Company, from White County Circuit Court. Appellees' notice of deficiency in record lodged on appeal is noted. Harrison, C.J., and Abramson, J., not participating.

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; and BHP Billiton Petroleum (Fayetteville), LLC, a Delaware Limited Liability Company, from White County Circuit Court. Appellees' petition for certiorari to complete the record is granted. Harrison, C.J., and Abramson, J., not participating.

CV-21-31. Altice USA, Inc., d/b/a Suddenlink Communications v. Tina Johnson, from Clark County Circuit Court. Appellant's motion to stay and for expedited consideration is granted. The circuit court proceedings are stayed pending the resolution of the appeal. Viriden and Vaught, JJ., would deny.

CV-21-31. Altice USA, Inc., d/b/a Suddenlink Communications v. Tina Johnson, from Clark County Circuit Court. Appellant's motion for leave to file reply memorandum in support of motion for stay and for expedited consideration is granted. Viriden and Vaught, JJ., would deny.

CV-21-32. Altice USA, Inc., d/b/a Suddenlink Communications v. Sandra Peterson, from Clark County Circuit Court. Appellant's motion to stay and for expedited consideration is granted. The circuit court proceedings are stayed pending the resolution of the appeal. Viriden and Vaught, JJ., would deny.

CV-21-32. Altice USA, Inc., d/b/a Suddenlink Communications v. Sandra Peterson, from Clark County Circuit Court. Appellant's motion for leave to file reply memorandum in support of motion for stay and for expedited consideration is granted. Viriden and Vaught, JJ., would deny.

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CV-21-33. Altice USA, Inc., d/b/a Suddenlink Communications v. Ronnie Francis, from Clark County Circuit Court. Appellant's motion to stay and for expedited consideration is granted. The circuit court proceedings are stayed pending the resolution of the appeal. Virden and Vaught, JJ., would deny.

CV-21-33. Altice USA, Inc., d/b/a Suddenlink Communications v. Ronnie Francis, from Clark County Circuit Court. Appellant's motion for leave to file reply memorandum in support of motion for stay and for expedited consideration is granted. Virden and Vaught, JJ., would deny.

E-21-5. Holly Ballegeer v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to add additional evidence is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-19-370. Lentonio Marcell Jenner v. State of Arkansas, from Washington County Circuit Court.

CR-20-179. Stephane Gerrit Ferry v. State of Arkansas, from Faulkner County Circuit Court.

CV-19-62. Arkansas Department of Human Services v. Steven Mitchell, from Izard County Circuit Court.

CV-19-63. Arkansas Department of Human Services v. Steven Mitchell, from Izard County Circuit Court.

CR-19-650. Damian Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to dismiss.

CR-19-830. William Heath French v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss.

CR-19-891. Jason Paul Goode v. State of Arkansas, from Lonoke County Circuit Court. Motion and request of Laura Avery for attorney fees.

CR-19-898. Ricky Darnell Patton v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to dismiss.

CR-19-914. Shykeen Daniels v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Rodney Chedister for attorney's fees.

CR-19-980. David Reynolds v. State of Arkansas, from Faulkner County Circuit Court. Motion of Jason R. Davis for attorney's fees and costs.

CR-20-47. J.R. v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for belated brief.

CR-20-63. Bryce Allen v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss.

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MOTIONS SUBMITTED

CR-20-110. Mark Edward Wagner v. State of Arkansas, from Washington County Circuit Court. Motion of Eric Moore for award of attorney's fees.

CR-20-242. Sidney Tate v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion to dismiss.

CR-20-304. Trent Williams v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion to dismiss.

CR-20-307. Mitchell Cameron Ramsey v. State of Arkansas, from Benton County Circuit Court. Motion of Grace Casteel for award of attorney's fees.

CR-20-402. Tyrone Owens v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs.

CV-20-442. James Willie Sutton, Jr.; Homer Willis; and Lewis Willis, Each in Their Own Respective Individual Capacities; and also on Behalf of the Heirs, Assigns, and Successors of Nathaniel Neal and Emaline Neal (Married Persons, Deceased) v. Jerry D. Pickett and Judy K. Pickett, Married Persons, from Sevier County Circuit Court. Motion for judicial notice.

CV-20-660. Bob Robbins v. Judy Lemay, from Clark County Circuit Court. Agreed motion to resubmit appellee's brief.

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CASES SUBMITTED

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

CR-20-17. Charles Wayne Mayberry v. State of Arkansas, from Hot Spring County Circuit Court.

CR-20-285. Anthony Michael Ford v. State of Arkansas, from Benton County Circuit Court.

CR-20-330. Markelle Demetrice Davis v. State of Arkansas, from Miller County Circuit Court.

CR-20-335. Jamie F. Gordin v. State of Arkansas, from Lonoke County Circuit Court.

CR-20-388. Garrett Chandler v. State of Arkansas, from Greene County Circuit Court.

CV-19-704. Charles Morgan v. Arkansas Department of Human Services and Minor Children, from Polk County Circuit Court.

CV-19-862. Don Tilton, Jr. v. Lisa Tilton, from Craighead County Circuit Court, Western District.

CV-19-913. Dragan Vicentic, Individually and as a Member, Director, and Officer of Green Springs Medical, LLC v. Bruce Simpson, from Garland County Circuit Court.

CV-20-254. Ascentium Capital LLC v. James Marshall, Individually and d/b/a Your Furniture Store; and Corey Bolton, from Pulaski County Circuit Court, Ninth Division.

CV-20-275. Scotty Howell v. Kimberly Howell, from Garland County Circuit Court.

CV-20-386. Carmen Okereafor v. Phil Conley, from Pulaski County Circuit Court, Fifteenth Division.

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

E-20-264. Crashonna Douglas v. Director et al.

E-20-265. Latasha Grass v. Director et al.

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CASES SUBMITTED

E-20-266. Angela Williams v. Director et al.

E-20-267. Terry Collins v. Director et al.

E-20-269. Clara Warren v. Director et al.

E-20-270. Vincent Tidwell, Jr. v. Director et al.

E-20-271. Joanne Losurdo v. Director et al.

E-20-272. Curtiss Marshall v. Director et al.

E-20-273. Tinetra Suggs v. Director et al.

E-20-275. Jerry Terry v. Director et al.

E-20-276. Larry Oliver v. Director et al.

E-20-277. Teresa Calahan v. Director et al.

E-20-280. Jaciade Simmons v. Director et al.

E-20-281. David Smith v. Director et al.

E-20-282. Kevia Gill v. Director et al.

E-20-283. Steven Bradley v. Director et al.

E-20-284. Katterria Forbes v. Director et al.