

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 14, 2021**

**BRANDON J. HARRISON, CHIEF JUDGE:**

[CV-20-649](#). Demetric Fowler v. Arkansas Department of Human Services and Minor Children, from Lincoln County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-20-405](#). Kerry Kelly v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-20-210](#). Frederick R. Potter, Individually and as Trustee of the Frederick 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, and Thomas Wright and Kevin Wright, from Scott County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

**MARK KLAPPENBACH, JUDGE:**

[CV-20-302](#). Lyllyn Mitchell v. Arkansas Department of Human Services, from Sevier County Circuit Court. Affirmed. Gruber and Murphy, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CR-20-539](#). Lee Allen Saffel v. State of Arkansas, from Miller County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CR-20-408](#). Darris Williams v. State of Arkansas, from Union County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Vaught, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-20-582](#). Carlton Levon Brown v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

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**LARRY D. VAUGHT, JUDGE:**

[CR-19-871](#). Joe Raymond Mallard v. State of Arkansas, from Faulkner County Circuit Court. Dismissed. Abramson and Barrett, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-20-550](#). Margaret E. Nalley v. Michael Adams, from Pulaski County Circuit Court, Fourteenth Division. Reversed and remanded. Gladwin, Whiteaker, and Brown, JJ., agree. Harrison, C.J., and Virden, J., dissent.

**MIKE MURPHY, JUDGE:**

[CR-20-380](#). Ian Baylee Moytoy v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Dismissed. Klappenbach and Gruber, JJ., agree.

**ARKANSAS COURT OF APPEALS**

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**PER CURIAM ORDERS**

CR-19-676. Michael Hull v. State of Arkansas, from Clay County Circuit Court, Eastern District. Motion of Kirk Lonidier for attorney's fee is granted. Allowed \$2,000.00.

CR-20-301. Anthony Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to accept belated brief is denied.

CR-20-301. Anthony Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to extend the time to supplement the record for review is denied.

CR-20-301. Anthony Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion for time to correct brief and motion to extend number of pages for brief is denied.

CR-20-301. Anthony Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to reconsider request to extend time to file brief is denied.

CR-20-330. Markelle Demetrice Davis v. State of Arkansas, from Miller County Circuit Court. Motion of Joseph C. Self for payment of fees is granted. Allowed \$2,000.00. Barrett, J., not participating.

CR-20-335. Jamie Gordin v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees is granted. Allowed \$1,000.00.

CR-21-4. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Motion for belated appeal or in the alternative motion for rule on clerk; motion to lodge record or in the alternative motion for rule on clerk; motion to proceed in forma pauperis; motion to consolidate; and petition for writ of certiorari are moot.

CR-21-4. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to dismiss is granted.

CR-21-5. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Motion for belated appeal or in the alternative motion for rule on clerk; motion to lodge record or in the alternative motion for rule on clerk; motion to proceed in forma pauperis; motion to consolidate; and petition for writ of certiorari are moot.

CR-21-5. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to dismiss is granted.

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**PROCEEDINGS OF APRIL 14, 2021**

**PER CURIAM ORDERS**

CR-21-6. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Motion for belated appeal or in the alternative motion for rule on clerk; motion to lodge record or in the alternative motion for rule on clerk; motion to proceed in forma pauperis; motion to consolidate; and petition for writ of certiorari are moot.

CR-21-6. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to dismiss is granted.

CV-20-275. Scotty Howell v. Kimberly Howell, from Garland County Circuit Court. Appellee's motion for attorney fees is denied. Harrison, C.J., and Abramson, J., not participating.

CV-20-606. Jody Underwood (Jody Lynn Doran), Individually and as a Shareholder and Member of Conway Precision Products, Inc. v. Jeffrey S. Underwood and Conway Precision Products, Inc., from Faulkner County Circuit Court. Appellees'/cross-appellants' motion to dismiss direct appeal is denied.

CV-20-610. Petit Jean Electric Cooperative Corporation; Entergy Arkansas, LLC; Arkansas Electric Cooperative Corporation; and Scenic Hill Solar, LLC v. Arkansas Public Service Commission; Arkansas Advanced Energy Association, Inc.; Arkansas Electric Energy Consumers, Inc.; National Audubon Society, Inc.; and Sierra Club, from the Arkansas Public Service Commission. Appellees' motion for extension of briefing schedule and expansion of word-count limitation is granted. Appellees' word-count limitation is increased to 25,800. Abramson, Gruber, Vaught, and Hixson, JJ., not participating.

CV-20-627. Angela White and McKimney Associates, Realtors, LLC v. Great American Assurance Company, Sabina Pratt, and Raymond Pratt, from Pulaski County Circuit Court, Fifth Division. Motion of separate appellee Great American Assurance Company to dismiss appeal and alternative motion for appellant to supplement the record. Motion to dismiss is denied. Appellants are ordered to supplement the record within thirty days (May 14, 2021). Appellants' supplemental abstract is due thirty days after the supplemental record is filed. Appellees' response brief is due thirty days after the supplemental abstract is filed. Gruber, J., not participating.

CV-20-661. J. David John v. Megan Marie Bolinder, from Benton County Circuit Court. Appellant's motion for supersedeas is granted. Whiteaker, J., would deny.

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### PER CURIAM ORDERS

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. Motion of separate appellees Richard Cowin and Margot Cowin to dismiss appeal with prejudice is passed until the case is submitted. Harrison, C.J., and Abramson, J., not participating.

CV-21-51. Darrell James Brown, M.D. v. Crossett Health Foundation d/b/a Ashley County Medical Center, from Ashley County Circuit Court. Appellant's motion to expand word-count limit is granted. Appellant's word-count limitation is increased to 12,100. Harrison, C.J., and Whiteaker, J., would deny. Gruber, J., not participating.

CV-21-63. Rudolph Underwood v. United Services Automobile Association General Indemnity Company; President/CEO Stuart B. Parker, in His Official Capacity; Ryan Milliken; Lacy Law Firm; Mike E. Mullally, Professional Conduct Board Member; Snellgrove, Langley, Culpepper, Williams & Mullally Law Firm; Arkansas Supreme Court Committee on Professional Conduct; Robert Stark Ligon, Jr., Director, in His Official Capacity; Brad Hendricks Law Firm; and Lloyd W. Kitchens, from Craighead County Circuit Court, Western District. Appellant's pro se motion to supplement the first amended complaint into the record is moot.

CV-21-63. Rudolph Underwood v. United Services Automobile Association General Indemnity Company; President/CEO Stuart B. Parker, in His Official Capacity; Ryan Milliken; Lacy Law Firm; Mike E. Mullally, Professional Conduct Board Member; Snellgrove, Langley, Culpepper, Williams & Mullally Law Firm; Arkansas Supreme Court Committee on Professional Conduct; Robert Stark Ligon, Jr., Director, in His Official Capacity; Brad Hendricks Law Firm; and Lloyd W. Kitchens, from Craighead County Circuit Court, Western District. Appellant's pro se amended motion to supplement the first amended complaint into the record is granted. Gruber, J., would deny.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 14, 2021**

**PER CURIAM ORDERS**

CV-21-63. Rudolph Underwood v. United Services Automobile Association General Indemnity Company; President/CEO Stuart B. Parker, in His Official Capacity; Ryan Milliken; Lacy Law Firm; Mike E. Mullally, Professional Conduct Board Member; Snellgrove, Langley, Culpepper, Williams & Mullally Law Firm; Arkansas Supreme Court Committee on Professional Conduct; Robert Stark Ligon, Jr., Director, in His Official Capacity; Brad Hendricks Law Firm; and Lloyd W. Kitchens, from Craighead County Circuit Court, Western District. Appellant's pro se motion challenging jurisdiction and integrity of justices and judges elected to the Arkansas Supreme Court and Court of Appeals is denied.

CV-21-133. Montie Hobson v. George Hobson, from Benton County Circuit Court. Appellant's pro se motion for submission under seal is granted.

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**PROCEEDINGS OF APRIL 14, 2021**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-18-922. Kenneth J. Clark, as Trustee of the Clark Revocable Trust u/d/t July 23, 1997 v. Melva Jean Summers, from Carroll County Circuit Court, Eastern District. (Appellant's petition for rehearing.)

CV-18-922. Kenneth J. Clark, as Trustee of the Clark Revocable Trust u/d/t July 23, 1997 v. Melva Jean Summers, from Carroll County Circuit Court, Eastern District. (Appellee's petition for rehearing.)

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CR-20-14. Joey D. Watts v. State of Arkansas, from Grant County Circuit Court. Motion of Charles D. Hancock for attorney's fees.

CR-20-355. Derrick Galvin v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees.

CR-20-729. Frankie Paul DeJohn v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion to remove counsel.

CR-20-729. Frankie Paul DeJohn v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion to extend time to file brief.

CR-20-729. Frankie Paul DeJohn v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion to withdraw pro se motion to remove counsel.

CR-21-77. Omar H. Ali v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion for remand to settle the record and extension of brief time.

CR-21-81. Jimmy Sparks v. State of Arkansas, from Poinsett County Circuit Court. Appellant's motion to extend time.

CR-21-81. Jimmy Sparks v. State of Arkansas, from Poinsett County Circuit Court. Motion of Bryce Cook to withdraw as counsel.

CV-19-542. David Eversole v. Rita Eversole, from Saline County Circuit Court. Appellee's motion for attorney's fees and costs.

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**PROCEEDINGS OF APRIL 14, 2021**

**MOTIONS SUBMITTED**

CV-20-585. Demetrios Kollias d/b/a Paper Moon v. Arkansas Alcoholic Beverage Control Board, from Pulaski County Circuit Court, Sixth Division. Appellant's motion for leave to file belated reply brief.

CV-21-99. Fred Allen Self v. Jennifer Dittmer, from Washington County Circuit Court. Appellant's motion to seal record.

E-21-138. David Smith v. Director et al., from the Arkansas Board of Review. Pro se motion to filed belated appeal.



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## PROCEEDINGS OF APRIL 14, 2021

### CASES SUBMITTED

CR-20-392. Carlton Farris v. State of Arkansas, from Jefferson County Circuit Court.

CR-20-552. Shawn C. Sivils v. State of Arkansas, from Faulkner County Circuit Court.

CV-20-89. Erik Rye v. Sonia Rye, from Benton County Circuit Court.

CV-20-113. Brandon Mounce; and Unique Guttering & Insulation, LLC v. Jeronimo Insulating, LLC, d/b/a G&S Insulating, Inc., from Washington County Circuit Court.

CV-20-200. Maci Lynn Dickson v. Isaac Franklin Cook, from Benton County Circuit Court.

CV-20-281. Kevin C. Baltz v. Bradley I. Baltz, from Benton County Circuit Court.

CV-20-325. James D. Merica and Merica Enterprises, LLC v. S&S Home Improvement, Inc., from Pulaski County Circuit Court, Sixteenth Division.

CV-20-328. Phillip Lewis and Phillip Lewis Engineering, Inc. v. Dr. Whitney Goodwin; Gayle Goodwin; and ODS Enterprises, LLC, from Pulaski County Circuit Court, Sixth Division.

CV-20-329. (In the Matter of the Estate of James L. Bailey, Deceased) Al Williams v. Erma Davis and Estate of Earlee Walker, from Phillips County Circuit Court.

CV-20-482. Laramie D. Ashley v. Jacob K. Ashley, from Franklin County Circuit Court, Southern District.

CV-20-638. Kacie Scott v. Arkansas Department of Human Services and Minor Children, from Saline County Circuit Court.

CV-20-678. Misty Clark v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

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

E-20-315. Joanne Gulati v. Director et al.

E-20-316. Manuel Trinidad v. Director et al.

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**PROCEEDINGS OF APRIL 14, 2021**

**CASES SUBMITTED**

E-20-317. Rodrick Jackson v. Director et al.

E-20-318. Derik Huber v. Director et al.

E-20-319. Robert Ballard v. Director et al.

E-20-320. Lacey Goodson v. Director et al.

E-20-321. Brenda Reams v. Director et al.

E-20-322. Heather Nash v. Director et al.

E-20-323. Meghan Thompson v. Director et al.

E-20-324. Britiny Lea v. Director et al.

E-20-325. Douglas Van Venrooij v. Director et al.

E-20-326. Joyce LaFontaine v. Director et al.