

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 12, 2021

RAYMOND ABRAMSON, JUDGE:

[CV-20-350](#). Paramount Oil, LLC v. Knox Nelson Oil Company, Inc.; and Retif Oil & Fuel, Inc., from Dallas County Circuit Court. Dismissed without prejudice. Harrison, C.J., and Gruber, J., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-20-165](#). David Viele; Beth Viele, Individually and as Trustee for the Helen E. Viele Irrevocable Trust; and Beth's Bail Bonds, Inc. v. Corey Williams, in His Capacity as a Vice President of Centennial Bank; Ashley Moran, in Her Capacity as a Clerk for Centennial Bank; and Centennial Bank, from Pulaski County Circuit Court, Sixth Division. Affirmed. Barrett and Hixson, JJ., agree.

MARK KLAPPENBACH, JUDGE:

[CV-21-12](#). Heather Shelton v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court. Affirmed. Whiteaker and Vaught, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-21-34](#). Emily Simmons v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Affirmed. Harrison, C.J., and Abramson, J., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CV-20-695](#). Elizabeth Garner v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District. Reversed and remanded. Gladwin and Hixson, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-20-658](#). Kwasi McKinney v. State of Arkansas, from Columbia County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CV-19-324](#). St. Bernard’s Community Hospital Corporation d/b/a CrossRidge Community Hospital v. Terry Cheney, in His Capacity as Special Administrator of the Estate of Sandra Cheney, Deceased; Charles King Bibby, M.D.; Wynne Medical Clinic, P.A.; James Donald Cathey, M.D.; Zachary Lloyd Stevenson, M.D.; and Elizabeth A. Ramsey, R.N., from Cross County Circuit Court. Reversed and remanded. Virden and Whiteaker, JJ., agree. Harrison, C.J., concurs. Gladwin and Brown, JJ., dissent.

[CV-20-523](#). Jerry Jeffers v. Monica Wibbing, from Sebastian County Circuit Court, Greenwood District. Affirmed. Gladwin and Barrett, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-20-460](#). David Dewayne Price v. State of Arkansas, from Greene County Circuit Court. Affirmed. Virden and Brown, JJ., agree.

[CR-20-531](#). R.G. v. State of Arkansas, from Washington County Circuit Court. Affirmed; motion to strike denied. Virden and Brown, 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-20-327. Michael Conville v. Director et al.

E-20-328. Marsha Dailey v. Director et al.

E-20-329. Marsha Dailey v. Director et al.

E-20-331. David Scott v. Director et al.

E-20-332. Melvin Hawthorne v. Director et al.

E-20-333. Cali Rios v. Director et al.

E-20-334. Candys Williams v. Director et al.

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E-20-335. Jason Santellan v. Director et al.

E-20-336. Cynthia Phelps v. Director et al.

E-20-337. Christopher Curne v. Director et al.

E-20-338. Christopher Curne v. Director et al.

E-20-339. Dawn Norman v. Director et al.

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PER CURIAM ORDERS

REHEARING GRANTED: Petition for rehearing was granted today in the following case.

[CR-20-308](#). Benjamin Mickey Pitts v. State of Arkansas, from Garland County Circuit Court. Affirmed. Virden, Gladwin, Gruber, Barrett, and Vaught, JJ., agree. Hixson, J., concurs. See **substituted opinion** issued this date.

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

CV-20-550. Margaret E. Nalley v. Michael Adams, from Pulaski County Circuit Court, Fourteenth Division. Murphy, J., not participating.

E-20-313. Bobby Effinger v. Director et al., from the Arkansas Board of Review.

CR-19-695. Jeffrey Marek v. State of Arkansas, from Saline County Circuit Court. Appellant’s motion for writ of certiorari to complete the record is granted.

CR-19-850. Paula Rena Martin v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-20-56. Brian Lauer v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$2,000.00. Barrett, J., not participating.

CR-20-334. Duwayne Harvey v. State of Arkansas, from Garland County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees and costs is granted. Allowed \$2,000.00.

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CR-21-82. Jeremy Andrew Avery v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time is granted.

CR-21-182. Donald Wayne Black v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for belated appeal is granted.

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 next status report is due in ninety days (August 10, 2021).

CV-20-674. Franklin Scott Pierce v. Veronica Seraphine Whitehill, from Perry County Circuit Court. Appellant's pro se motion for leave to file amended reply brief and supplemental addendum with reply brief is denied. Abramson, J., not participating.

CV-20-701. Albert L. Meyer v. Alan Lee Meyer, from Faulkner County Circuit Court. Appellee's motion to dismiss appeal for lack of a final order is granted.

CV-20-701. Albert L. Meyer v. Alan Lee Meyer, from Faulkner County Circuit Court. Appellee's unopposed motion for extension of time until two weeks following ruling on pending motion to dismiss for lack of a final order is moot.

CV-21-49. J.E. Bonding, Inc. v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to remand to settle the record and alternatively for certiorari is granted. The case is remanded to settle the record within fifteen days (May 27, 2021).

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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 for reconsideration of motion challenging jurisdiction and integrity of justices and judges of Arkansas Supreme Court and Court of Appeals is denied.

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 requesting a hearing date pursuant to the granted formal court order is denied.

CV-21-100. Charlton Braddock Kingrey v. Jeremy Wood and Lisa Wood, from Washington County Circuit Court. Appellant’s pro se motion to supplement the record on appeal with better copies is treated as a motion to settle the record and is granted. The circuit court is directed to determine whether the exhibits attached to appellant’s motion to supplement the record with better copies are of the same content and in the same form as the exhibits presented to circuit court, if they were in fact presented to circuit court. Supplemental record, if any, is due within thirty days (June 11, 2021). Gladwin, J., not participating.

CV-21-100. Charlton Braddock Kingrey v. Jeremy Wood and Lisa Wood, from Washington County Circuit Court. Appellant’s pro se motion requesting access to sealed portions of the record is denied. Virden, J., would grant. Gladwin, J., not participating.

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CV-21-107. Anthony Lanos v. Geri Lanos, from Crittenden County Circuit Court. Appellant's pro se motion and amended pro se motion to reconsider all previous motions denied on April 7, 2021, by appeal court are denied.

CV-21-179. James Roach v. John Roach and Joe Roach, from Marion County Circuit Court. Appellant's pro se motion in accordance with Rule 2-2 for the clerk to docket the case as an appeal. The case is remanded to the circuit court to settle the record within thirty days (June 11, 2021). The circuit court is directed to determine why the appellant's notice of appeal was file-marked by the circuit clerk's office on February 22, 2021, instead of February 5, 2021 or February 8, 2021.

CV-21-181. Philadelphia Indemnity Insurance Company v. Bella Vista Property Owners Association, from Benton County Circuit Court. Appellant's petition, supplement petition, and second supplement petition for writ of certiorari to complete the record are granted.

CV-21-190. Steven Carrick v. Baptist Health, Claims Administrative Services; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's pro se petition for leave to proceed in forma pauperis is granted.

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MOTIONS SUBMITTED

CR-20-285. Anthony Michael Ford v. State of Arkansas, from Benton County Circuit Court. Motion of Jason R. Davis for attorney's fees and costs.

CR-20-285. Anthony Michael Ford v. State of Arkansas, from Benton County Circuit Court. Motion of Jason R. Davis to withdraw.

CR-20-605. Jarmer Dewayne Roberson v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion for new trial.

CV-20-490. Michael Gordon Maddin v. Arkansas Department of Human Services, from Faulkner County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CV-20-688. John Patrick Cullen v. Allstate Insurance Company; Kathy Jo Brinkley; and Katie Knight, from Garland County Circuit Court. Appellant's pro se motion requesting to file the foregoing documents as an addendum.

CV-21-158. Carlton Newsome v. City of El Dorado, Arkansas, from Union County Circuit Court. Appellee's motion to make the record conform to the truth.

CV-21-158. Carlton Newsome v. City of El Dorado, Arkansas, from Union County Circuit Court. Appellant's pro se motion to compel Mr. Kinslow to supplement the record.

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CASES SUBMITTED

CV-20-521. Victoria Allen, Donald Long, and Tina Pankey v. Jesse Allen, from Randolph County Circuit Court. Orally argued.

CR-20-349. Chadwick Staggs v. State of Arkansas, from Pope County Circuit Court.

CR-20-391. Joshua Devault v. State of Arkansas, from Van Buren County Circuit Court.

CR-20-440. Gary Lee Gould v. State of Arkansas, from Jefferson County Circuit Court.

CR-20-572. Alvin Eugene Yarberry v. State of Arkansas, from Saline County Circuit Court.

CR-20-605. Jarmer Dewayne Roberson v. State of Arkansas, from Drew County Circuit Court.

CV-19-167. Robert A. Hall Revocable Trust, Robert A. Hall, Jr., Trustee; Dolores A. Hall Revocable Trust, Robert A. Hall, Jr., Trustee; Robert A. Hall, Jr.; and Susanne Campbell Hall v. U.S. Specialty Insurance Company; American Contractors Indemnity Company; CMM Mechanical LLC; Freddie Cary Park; and Susan Parks, from Pulaski County Circuit Court, Second Division.

CV-20-347. Mary Cloird v. Josephine Young, Jeremy Scott, Arkansas Department of Human Services, and Minor Child, from Jefferson County Circuit Court.

CV-20-474. Summers Drilling & Blasting, Inc., a/k/a Summers Drilling, Inc. v. Goodwin & Goodwin, Inc., from Sebastian County Circuit Court, Fort Smith District.

CV-20-478. Misty Fox v. Eric Fox, from Pulaski County Circuit Court, Thirteenth Division.

CV-20-577. Juan Lopez v. James Divito Racing Stable and Meadowbrook Insurance Group, from the Arkansas Workers' Compensation Commission.

CV-20-715. Shawna Ann Marie Miller v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District.

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CASES SUBMITTED

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

E-20-346. Gwendolyn Worsham v. Director et al.

E-20-351. John Baxter v. Director et al.

E-20-352. LeCrisia Kinder Knecht v. Director et al.

E-20-354. Lisa Cates v. Director et al.

E-20-355. Deborah Burrows v. Director et al.

E-20-356. Marvin Hopson v. Director et al.

E-20-357. Tarashae Lowe v. Director et al.

E-20-358. Trayavon Brown v. Director et al.

E-20-359. Duran Brown v. Director et al.

E-20-360. Gary Carr v. Director et al.

E-20-361. Rhonda Burgos v. Director et al.

E-20-362. Johnathan Crone v. Director et al.

E-20-363. Brawn Snodgrass v. Director et al.

E-20-364. Cheyenne Mandrell v. Director et al.

E-20-365. Susan Walser v. Director et al.

E-20-366. Stefanie Castleberry v. Director et al.

E-20-367. James Jones v. Director et al.

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CASES SUBMITTED

E-20-368. Geryle Brown v. Director et al.

E-20-369. TaLeesa Reed v. Director et al.

E-20-370. Marcus Snider v. Director et al.

E-20-371. Michael Baniel v. Director et al.

E-20-372. Melissa Andersen v. Director et al.

E-20-373. Willie Phillips v. Director et al.

E-20-374. Mary Lynn Lawler v. Director et al.