

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 1, 2021**

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

[CV-21-13](#). Crystal Fowler v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Affirmed. Gruber and Murphy, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-20-109](#). Clarksville School District v. Ace American Insurance Company, from Johnson County Circuit Court. Affirmed; motion to take judicial notice of supplemental authority denied as moot. Gladwin and Whiteaker, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-20-738](#). Nicholas Burks, Sr. v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court. Affirmed in part; reversed and remanded in part. Barrett and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-20-331](#). Kalob Franke v. Clinton William Holland Revocable Trust UAD August 9, 2010; and Clinton William Holland, Individually and as Trustee of Clinton William Holland Revocable Trust UAD August 9, 2010, from Pope County Circuit Court. Affirmed. Abramson and Whiteaker, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-20-484](#). Northport Health Services of Arkansas, LLC, d/b/a Covington Court Health and Rehabilitation Center; NHS Management, LLC; Northport Health Services, Inc.; Northport Holdings, LLC; Northport Holding Operations, LLC; NHS Operations, LLC; and Ronald S. Yarbrough in His Capacity as Administrator of Covington Court Health and Rehabilitation v. Angie P. Ellis, as Attorney-in-Fact of Karleen Vernon, from Sebastian County Circuit Court, Fort Smith District. Dismissed. Hixson and Brown, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-20-588](#). Roberta Jones v. Embassy Suites Little Rock; States National Insurance Company; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Vaught, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 1, 2021**

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-20-544](#). Jerry Wayne Shinn v. State of Arkansas, from Crittenden County Circuit Court. Motion to withdraw denied; rebriefing ordered. Abramson and Gladwin, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-20-404](#). Terry Cauffiel, as Administrator of the Estate of Carolyn Sue Cauffiel, and on Behalf of the Wrongful Death Beneficiaries of Carolyn Sue Cauffiel v. Progressive Eldercare Services-Saline, Inc., d/b/a Heartland Rehabilitation and Care Center; Southern Administrative Services, LLC; and CarePlus Staffing Services, LLC, from Saline County Circuit Court. Reversed and remanded. Virden and Barrett, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-20-498](#). Scott DeWayne Brookshire v. State of Arkansas, from Garland County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-20-634](#). Chester Bradford v. Stracener Brothers Construction Corporation and Summit Consulting, LLC, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Harrison, C.J., and Gruber, J., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-20-166](#). Haley Lewis v. Arkansas Department of Human Services, Division of Medical Services, Office of Long Term Care, from Bradley County Circuit Court. Affirmed. Klappenbach and Hixson, 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-21-36. Stacy McMahan v. Director et al.

E-21-37. Marilyn Bryant v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 1, 2021**

- E-21-38. Sheila Saddemi v. Director et al.
- E-21-53. Wendy Stewart v. Director et al.
- E-21-54. Charlotte Newcom v. Director et al.
- E-21-55. Kenkeo Chanthakhot v. Director et al.
- E-21-56. Alice Taylor v. Director et al.
- E-21-57. Robert Shelton v. Director et al.
- E-21-58. Ave Crite v. Director et al.
- E-21-59. Garmon Price v. Director et al.
- E-21-60. Janice Mosby v. Director et al.
- E-21-61. Janice Mosby v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 1, 2021**

**PER CURIAM ORDERS**

CR-20-151. Steven James Cash v. State of Arkansas, from Garland County Circuit Court. Motion of Tyson K. Spradlin to be relieved as counsel is granted.

CR-21-21. Marlon Tramaine Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion to file belated reply brief is granted.

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-21-82. Jeremy Andrew Avery v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

CR-21-199. Mark Barker v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to stay appeal deadline is denied. Harrison, C.J., would treat as a motion for extension of time to file the brief and would grant.

CR-21-199. Mark Barker v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion for order of compliance and motion for extension of time is denied.

CR-21-228. Erica Kirby v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion to supplement the record and stay briefing schedule is granted.

CR-21-383. Noah Douglas Wright v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's pro se motion for rule on clerk to proceed with appeal is granted.

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 Allstate's response to interrogatories be submitted for the matter of record is denied.

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 the foregoing court documents be inserted as a supplement for the matter of record is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 1, 2021**

**PER CURIAM ORDERS**

CV-21-181. Philadelphia Indemnity Insurance Company v. Bella Vista Property Owners Association, from Benton County Circuit Court. Appellant's second motion to enforce writ of certiorari and extend time is granted.

CV-21-303. Arkansas County Bank, Dewitt, as Trustee Under the Last Will and Testament of Godfrey Thomas; Arkansas County Bank, Dewitt, as Trustee of the Godfrey Thomas Testamentary Trust; Godfrey Thomas Foundation, Inc.; Tate Pfaffenberger; Les Pfaffenberger; Turner Farms IV; Turner Farms Partnership; and Roger Turner v. Pin Oak Hunting Club, Inc., from Arkansas County Circuit Court, Southern District. Appellants' combined motion to remand to correct the record or alternative petition for certiorari to complete the record, motion to stay the briefing schedule, and alternative motion for extension of time in which to file appellants' brief is denied in part and granted in part. Appellants' brief is due in fifteen days (September 16, 2021). Gladwin and Gruber, JJ., would remand to settle the record. Murphy, J., not participating.

CV-21-308. (In Re Guardianship of Samuel Richard Gill, an Incapacitated Person) Marsha Dodson Gill v. Darryl Sullivan, from Stone County Circuit Court. Appellant's unopposed motion to stay and consolidate. Motion to stay is granted. Stay issued for forty-five days. Motion to consolidate is denied without prejudice.

CV-21-334. City of Elm Springs, Arkansas, an Arkansas Municipal Corporation of the Second Class v. Capstone Builders, Inc., on Behalf of Itself and Similarly Situated Taxpayers, from Washington County Circuit Court. Appellant's motion to remand is granted. Appellant's status report is due in ninety days (November 30, 2021).

CV-21-354. Anna Knesek v. Larry Knesek, from Crawford County Circuit Court. Motion of M. Jered Medlock to withdraw as counsel is granted.

CV-21-358. Crystal Vanaman v. Baptist Health d/b/a Baptist Health Medical Center North Little Rock; Diamond Risk Insurance, LLC; Continental Casualty Company; and Janet Wilkerson, RN, Individually and as Agent and Employee of Baptist Health, from Pulaski County Circuit Court, Fifth Division. Appellees' motion to dismiss appeal for lack of an appealable order is moot. Harrison, C.J., and Abramson and Gruber, JJ., not participating.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 1, 2021**

**PER CURIAM ORDERS**

CV-21-358. Crystal Vanaman v. Baptist Health d/b/a Baptist Health Medical Center North Little Rock; Diamond Risk Insurance, LLC; Continental Casualty Company; and Janet Wilkerson, RN, Individually and as Agent and Employee of Baptist Health, from Pulaski County Circuit Court, Fifth Division. Appellees' second motion to dismiss appeal for lack of an appealable order is granted. Appellees' request for costs is denied. Harrison, C.J., and Abramson and Gruber, JJ., not participating.

CV-21-358. Crystal Vanaman v. Baptist Health d/b/a Baptist Health Medical Center North Little Rock; Diamond Risk Insurance, LLC; Continental Casualty Company; and Janet Wilkerson, RN, Individually and as Agent and Employee of Baptist Health, from Pulaski County Circuit Court, Fifth Division. Appellees' motion to supplement partial record is granted. Harrison, C.J., and Abramson and Gruber, JJ., not participating.

E-21-352. Roy Hall v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to add documents is denied.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF SEPTEMBER 1, 2021

#### MOTIONS SUBMITTED

CR-20-57. Robert Dean Ball v. State of Arkansas, from Crawford County Circuit Court. Motion of Natalie S. King to withdraw as appellate counsel.

CR-21-393. Jeff Dunlap v. State of Arkansas, from Saline County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CR-21-393. Jeff Dunlap v. State of Arkansas, from Saline County Circuit Court. Motion of Gina Reynolds to withdraw as counsel of record.

CR-21-394. Jeff Dunlap v. State of Arkansas, from Saline County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CR-21-394. Jeff Dunlap v. State of Arkansas, from Saline County Circuit Court. Motion of Gina Reynolds to withdraw as counsel of record.

CV-20-567. Paschal Heating and Air Conditioning Co., Inc. v. Scott Zotti, from Washington County Circuit Court. Appellant's motion to withdraw and for substitution of counsel.

CV-21-252. James Young v. Little Rock Water Reclamation Authority and Greg Ramon, in His Official Capacity, from Pulaski County Circuit Court, Fifth Division. Appellees' motion to supplement record.

CV-21-317. Arkansas Department of Human Services v. Arabia Jackson; Travorice Jackson, Jr.; and Minor Children, from Pulaski County Circuit Court, Tenth Division. Motion of Ashley Lambert to withdraw as counsel of record.

CV-21-317. Arkansas Department of Human Services v. Arabia Jackson; Travorice Jackson, Jr.; and Minor Children, from Pulaski County Circuit Court, Tenth Division. Motion of the Arkansas Commission for Parent Counsel for leave to file response.

CV-21-386. (In the Matter of the Adoption of A.D., a Minor) Joshua Dicks v. Natasha Davis, from Baxter County Circuit Court. Appellant's motion to file appeal out of time.

CV-21-386. (In the Matter of the Adoption of A.D., a Minor) Joshua Dicks v. Natasha Davis, from Baxter County Circuit Court. Appellant's amended motion to file appeal out of time.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 1, 2021**

**MOTIONS SUBMITTED**

CV-21-398. Sharon Ivy, as Administratrix of the Estate of Earl Lee Parker, and on Behalf of All Wrongful Death Beneficiaries of Earl Lee Parker (Deceased) v. David D. Nugent; Propane Resources Supply and Marketing, L.L.C.; Propane Resources Transportation, L.L.C.; and Propane Resources, L.L.C., from Crittenden County Circuit Court. Appellant's petition for writ of certiorari to complete the record.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 1, 2021**

**CASES SUBMITTED**

CR-20-535. Ted Hamilton v. State of Arkansas, from Hempstead County Circuit Court.

CR-20-566. George Jones v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-20-569. Rudnick D. Wilson v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-21-18. Stephen C. Raino v. State of Arkansas, from Ashley County Circuit Court.

CR-21-19. Stephen C. Raino v. State of Arkansas, from Ashley County Circuit Court.

CV-19-415. Ann Cogswell and Sarah McNeil, as Special Administrators for the Estate of Margaret Faye Cogswell, Deceased v. Margaret Lynn Cooper, as Executrix and Administrator of the Estate of Mary Cloar, Deceased, from Pope County Circuit Court.

CV-20-201. Courtney Young v. Shelter Mutual Insurance Company, from Phillips County Circuit Court.

CV-20-253. Arkansas Department of Human Services; and Cindy Gillespie, in Her Official Capacity as Director of the Arkansas Department of Human Services v. Sarepta Therapeutics, Inc., from Pulaski County Circuit Court, Sixth Division.

CV-20-354. City of Fort Smith, Arkansas v. B&A Electric, Inc.; Megehee Fence Contracting, LLC; Grimes Dozer Service, Inc.; James Griffith; and River Valley Sports Complex, Inc., from Sebastian County Circuit Court, Fort Smith District.

CV-20-518. Highlands of Little Rock Riley Holdings, LLC, d/b/a Hillview Post Acute and Rehabilitation Center; Skyline Highland Holdings, LLC; JS Highland Holdings, LLC; Joseph Schwartz; and Tara Payne, in Her Capacity as Administrator of Hillview Post Acute and Rehabilitation Center v. Michael Cole, as Personal Representative of the Estate of Doris Coulson; and on Behalf of the Wrongful Death Beneficiaries of Doris Coulson, from Pulaski County Circuit Court, Ninth Division.

CV-20-699. Terry Wynne v. Liberty Trailer, Continental Western Insurance Company, and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 1, 2021**

**CASES SUBMITTED**

CV-21-30. Eva Brewer and Jonathan Brewer v. Arkansas Department of Human Services and Minor Children, from Scott County Circuit Court.

Opinions are available on the internet at

<http://arcourts.gov>