

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 29, 2021**

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

[CV-19-583](#). Randall Ford, Inc. v. Larry Randall, Jr., Trustee of the Larry Earle Randall, Jr., Non-Exempt Trust; Harriet Elizabeth Randall, Trustee of the Harriet Elizabeth Randall Non-Exempt Trust; Virginia Randall Adams, Trustee of the Virginia Randall Adams Non-Exempt Trust; Leigh Randall Crawford, Trustee of the Leigh Randall Crawford Non-Exempt Trust; and Anne Randall Douglas, Trustee of the Anne Randall Douglas Non-Exempt Trust, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Klappenbach and Barrett, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-20-659](#). Crain Family Holdings, LLC; and Auto Dealership Partners, LLC v. Ford Motor Company, from Saline County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-20-336](#). City of Little Rock and Little Rock Police Department v. Charles Starks, from Pulaski County Circuit Court, Sixth Division. Reversed. Barrett and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-20-461](#). Scott Carter and Susan Shay Carter, Individually and on Behalf of Their Minor Child, Colton Carter, and as Co-Guardians of the Estate of Colton Carter v. Dr. Jeffery C. Livingston; Dr. Luis Lopez; and National Healthcare of Newport, Inc., d/b/a Harris Hospital, from Jackson County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CV-20-365](#). Thomas Hartman v. State of Arkansas Sex Offender Assessment Committee, from Pulaski County Circuit Court, Sixth Division. Affirmed. Whiteaker and Vaught, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-19-862](#). Don Tilton, Jr. v. Lisa Tilton, from Craighead County Circuit Court, Western District. Reversed and remanded. Harrison, C.J., and Klappenbach, J., agree.

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**PHILLIP T. WHITEAKER, JUDGE:**

[CV-21-98](#). Summer Rauls v. Arkansas Department of Human Services and Minor Child, from Jefferson County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Vaught, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-20-424](#). Vasquez Hayes v. State of Arkansas, from Miller County Circuit Court. Affirmed. Gruber and Whiteaker, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-20-537](#). Garret E. Nichols v. State of Arkansas, from Benton County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-20-590](#). Gary Lewis Brown v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Gladwin and Brown, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-19-278](#). Supha Xayprasith-Mays v. William R. Wallace, from Benton County Circuit Court. Affirmed in part; reversed and remanded in part. Gladwin and Murphy, JJ., agree.

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**PER CURIAM ORDERS**

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

CV-20-634. Chester Bradford v. Stracener Brothers Construction Corporation; and Summit Consulting, LLC, from the Arkansas Workers' Compensation Commission.

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CR-20-129. Jonathan Welborn v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for extension of time, amendment of brief, and to receive a copy of the transcript is denied.

CR-21-419. Malachi Muhammad v. State of Arkansas, from Monroe County Circuit Court. Appellant's pro se motion for extension of time to file a brief is granted.

CR-21-440. Rocky Taliaferro v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for belated appeal is denied. Virden, J., not participating.

CV-21-40. Theophilus C. King, Individually and in His Capacity as the Trustee of the Lois Barnes Perkins Revocable Trust v. Whit Barton, As Special Administrator; Troy Brown; Cherryale Burge; and Dwaine Riley, from Ashley County Circuit Court. Appellant's motion to take judicial notice or supplement the record 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. Motion of separate appellees Mike E. Mullally and the law firm of Snellgrove, Langley, Culpepper, Williams & Mullally to dismiss appeal and to stay briefing schedule is granted.

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**PER CURIAM ORDERS**

CV-21-318. Gerber Products Co. v. Alberici Constructors, Inc.; and CECO Concrete Construction, L.L.C., from Sebastian County Circuit Court, Fort Smith District. Motion of Alberici Constructors, Inc., for expansion of word-count limitation for its appellee's/cross-appellant's brief is granted. Whiteaker, J., would deny. Harrison, C.J., and Hixson, J., not participating.

CV-21-432. Kristen Gibby v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Appellant's motion to stay the briefing schedule and consolidate cases is denied. Appellant's brief is due October 14, 2021. Viriden, J., not participating.

CV-21-433. Kristen Gibby v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court. Appellant's motion for belated appeal is granted. Attorney Dusti Standridge is relieved as counsel for the appellant. Arkansas Commission for Parent Counsel is appointed to represent the appellant on appeal. Viriden, J., not participating.

CV-21-435. Opal Robinson v. Quail River Properties, L.L.C., from Phillips County Circuit Court. Appellant's petition for writ of certiorari to supplement and complete the record and motion to file partial record is granted.

E-21-222. Alicia Erives v. Director et al., from the Arkansas Board of Review. Petitioner's unopposed motion to file belated brief and for brief time is granted.

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

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**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

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.

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CR-21-255. Jodeci Teaubrey Nash v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for belated brief.

CR-21-413. Andre Corley v. State of Arkansas, from Faulkner County Circuit Court. Motion of Terrence Cain to enter appearance for the appellant.

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 disqualification of justices or judges of the Arkansas Supreme Court or Court of Appeals.

CV-21-71. Jose A. Morales v. Athalia Garcia, from Faulkner County Circuit Court. Appellant's motion to expedite the court proceedings.

CV-21-129. Northport Health Services of Arkansas, LLC, d/b/a Paris Health and Rehabilitation Center, and Northport Health Services, Inc. v. Thomas Chancey, Guardian of the Estate and Person of Lucy Chancey, an Incapacitated Person, from Logan County Circuit Court, Northern District. Appellee's suggestion of death.

CV-21-235. (In the Matter of the Guardianship of A.P.A., a Minor) Sandra Andraca v. Patricia Tice, from Pope County Circuit Court. Motion of the American Civil Liberties Union of Arkansas for non-party access to the record.

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**MOTIONS SUBMITTED**

CV-21-237. Halon V, LLC v. Thomas A. Terminella a/k/a Tom Terminella; Monica Terminella; The Terminella Company, Inc.; Monica's Meadow, LLC; Wedington Mine, LLC; Johnson Mine, LLC; and John Does 1–10, from Benton County Circuit Court. Motion of appellant Halon V, LLC, to extend page limit and word-count limitations for reply brief.

CV-21-324. Aujontae J. Daniels v. Roma Investments, LLC, from Pulaski County Circuit Court, Seventeenth Division. Motion of Aaron M. Heffington to withdraw as counsel for appellee.

E-21-176. Barbara Grigg v. Director et al., from the Arkansas Board of Review. Petitioner's motion to reverse and remand DWS determinations.

E-21-188. Barbara Grigg v. Director et al., from the Arkansas Board of Review. Petitioner's motion to reverse and remand DWS determinations.

E-21-547. John Lee v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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**CASES SUBMITTED**

CR-20-654. Mary Choate v. State of Arkansas and J.J., from Miller County Circuit Court.

CR-20-655. Mary Choate v. State of Arkansas and T.J., from Miller County Circuit Court.

CR-21-128. Jimmy Marion Baugh v. State of Arkansas, from Lincoln County Circuit Court.

CV-20-393. Craig Ballegeer v. Holly Ballegeer, from Crawford County Circuit Court.

CV-20-578. Janice K. Vaughn v. Michael S. Vaughn, from Pike County Circuit Court.

CV-20-584. Innisfree Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc., d/b/a Professional Nursing and Rehabilitation Services; Innisfree Estates, LLC; and Michael S. Morton v. Vicki Titus, as Special Administrator of the Estate of Helen Gale Gilmore, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Helen Gale Gilmore, from Benton County Circuit Court.

CV-20-591. Tracey Scott and Lorrenzo Hampton, Individually and on Behalf of All Others Similarly Situated v. RevClaims, LLC; St. Bernard's Hospital; and ProAssurance Indemnity Company, Inc., from Craighead County Circuit Court, Western District.

CV-20-626. Geraldine Epps, as Personal Representative of the Estate of Melissa Dennis, and Geraldine Epps, as Personal Representative of the Estate of Journee Dennis v. Ouachita County Medical, an Arkansas Corporation; Arkansas Health Group d/b/a Ouachita Valley Family Medical Clinic, a Baptist Health Affiliate, an Arkansas Corporation; Johnathan Lewis, M.D., and John Does 1–15, from Ouachita County Circuit Court.

CV-20-668. LeShay Morris (n/k/a Eversoll) v. John A. Morris, from Pulaski County Circuit Court, Seventeenth Division.

CV-20-711. Arkansas Department of Human Services, Luz Mendez, and Cesar Garcia v. A.H. and E.H., Minor Children; James Aaron Willardson; and Megan Willardson, from Washington County Circuit Court.

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**CASES SUBMITTED**

CV-21-146. Krissa Williams v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division.

CV-21-155. Dawn Gamble 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-21-51. Kristin Caldwell v. Director et al.

E-21-62. Kristianna Harrison v. Director et al.

E-21-63. Aaron Washington v. Director et al.

E-21-64. Sabrina Theroux v. Director et al.

E-21-65. Debra Owens v. Director et al.

E-21-66. Bridgette Mitchell v. Director et al.

E-21-67. Sharicia Wright v. Director et al.

E-21-68. Susann Crespino v. Director et al.

E-21-69. William Matthews v. Director et al.

E-21-70. Ahmad McDaniel v. Director et al.

E-21-72. Kameron Cosen v. Director et al.

E-21-73. LaJuana Guy v. Director et al.