

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 6, 2021

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-21-55](#). Lonnie Allen Reed v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Klappenbach and Barrett, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-20-567](#). Paschal Heating and Air Conditioning Co., Inc. v. Scott Zotti, from Washington County Circuit Court. Affirmed in part; dismissed in part. Virden, J., agrees. Hixson, J., concurs without opinion.

ROBERT J. GLADWIN, JUDGE:

[CV-19-838](#). Evelyn Chism v. James R. Chism, from Conway County Circuit Court. Affirmed in part; reversed and remanded in part. Murphy and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-20-699](#). Terry Wynne v. Liberty Trailer and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Abramson, Virden, Whiteaker, and Vaught, JJ., agree. Hixson, J., dissents.

STEPHANIE POTTER BARRETT, JUDGE:

[CV-20-507](#). Sonya Y. Johnson v. Kortney D. Johnson, from Pulaski County Circuit Court, Seventeenth Division. Reversed and remanded. Harrison, C.J., and Klappenbach, J., agree.

[CV-20-518](#). Joseph Schwartz 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. Dismissed. Klappenbach, J., agrees. Harrison, C.J., concurs.

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PHILLIP T. WHITEAKER, JUDGE:

[CV-20-545](#). Progressive Eldercare Services-Morrilton, Inc., d/b/a Brookridge Cove Rehabilitation and Care Center; Progressive Eldercare Services, Inc.; JEJ Investments, LLC; Ponthie Holdings, LLC; ProCare Therapy Services, LLC; Southern Administrative Services, LLC; Professional Nursing Solutions, LLC; CarePlus Staffing Services, LLC; Ross Ponthie; John Ponthie; and Bobbi Helton, in Her Capacity as Administrator of Brookridge Cove Rehabilitation and Care Center v. Nancy Taylor, as Special Administrator of the Estate of Virginia Rankin, and on Behalf of the Wrongful Death Beneficiaries of Virginia Rankin, from Conway County Circuit Court. Affirmed. Gruber and Vaught, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-20-533](#). David House v. Karmen House, from Ouachita County Circuit Court. Reversed and remanded. Gruber and Whiteaker, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-21-57](#). Eric Bragg v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed; remanded for correction of sentencing order. Abramson and Virden, JJ., agree.

[CV-20-342](#). Michael Mattox and Pinnacle Partners, LLC v. Main Entrance, Inc.; Jeffrey Clay Smith; McGill Companies, LLC; and Alice Mattox, from Pulaski County Circuit Court, Sixth Division. Affirmed in part; dismissed in part. Abramson and Virden, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-20-129](#). Jonathan Daniel Welborn v. State of Arkansas, from Saline County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-20-712](#). Rodney Goshien v. State of Arkansas, from Saline County Circuit Court. Affirmed. 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-20-166. Haley Lewis v. Arkansas Department of Human Services, Division of Medical Services, Office of Long Term Care, from Bradley County Circuit Court.

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

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

CR-21-413. Andre Corley v. State of Arkansas, from Faulkner County Circuit Court. Amended motion to appear as attorney of record is granted.

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 is denied.

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 is noted.

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 is denied.

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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. Appellant's motion to extend page limit and word-count limitations for reply brief is granted.

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 is granted.

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

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

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

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-20-576. Tristan Tiarks v. State of Arkansas, from Benton County Circuit Court.

CV-19-307. Kimberly “Shelly” R. Redwine v. Kevin Wade Coursey and Tiffany Phillips, from Sharp County Circuit Court.

CV-20-370. Cheryl Ringo v. Sharon Taylor, from Independence County Circuit Court.

CV-20-497. Little Rock Police Department and City of Little Rock v. Charles Starks, from Pulaski County Circuit Court, Sixth Division.

CR-20-234. Seth Bradley Smith v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Ben Motal for attorney’s fees.

CR-20-301. Anthony Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant’s pro se motion for appointment of counsel.

CR-20-498. Scott DeWayne Brookshire v. State of Arkansas, From Garland County Circuit Court. Motion of Scott A. Scholl for attorney’s fees and costs.

CR-20-605. Jarmer Roberson v. State of Arkansas, from Drew County Circuit Court. Motion of Lee D. Short for attorney’s fees.

CR-21-182. Donald Wayne Black v. State of Arkansas, from Saline County Circuit Court. Appellant’s motion to correct brief.

CR-21-199. Mark Barker v. State of Arkansas, from Crittenden County Circuit Court. Appellant’s pro se motion for panel rehearing.

CR-21-304. Aaron McKay v. State of Arkansas, from Benton County Circuit Court. Motion to supplement counsel of record.

CR-21-306. Todd Hall v. State of Arkansas, from Benton County Circuit Court. Appellant’s petition for writ of certiorari to complete the record.

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MOTIONS SUBMITTED

CR-21-331. Michael Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to seal Geoffrey D. Kearney's motion to be relieved as counsel.

CR-21-331. Michael Williams v. State of Arkansas, from Faulkner County Circuit Court. Motion of Geoffrey D. Kearney to be relieved as counsel.

CV-21-88. Amanda Walker and Randalle Sanders v. Arkansas Department of Human Services and Minor Children, from Cross County Circuit Court. Motion of separate appellee Arkansas Department of Human Services for leave to file belated brief.

CV-21-369. Frederick Lee Pitchford v. Crittenden County Sheriff's Department; Sheriff Mike Allen; and Todd Groom, from Crittenden County Circuit Court. Appellant's pro se motion for record to be corrected.

CV-21-369. Frederick Lee Pitchford v. Crittenden County Sheriff's Department; Sheriff Mike Allen; and Todd Groom, from Crittenden County Circuit Court. Appellant's pro se motion for extension of time for record to be corrected.

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 for reconsideration of denial of motion to file appeal out of time.

CV-21-389. Nelda Coleman and Charles Coleman (Deceased) v. Harmon Gareth Tobler, M.D.; Richard Betzold, M.D.; and BXS Insurance, Inc., from Pulaski County Circuit Court, Sixteenth Division. Appellant Nelda Coleman's pro se motion to supplement the record.

CV-21-466. Paul Gordon v. Bobbye Gordon, from Hot Spring County Circuit Court. Appellant's pro se petition for leave to proceed in forma pauperis.

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CASES SUBMITTED

CR-20-384. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court.

CR-20-635. A.M. v. State of Arkansas, from Miller County Circuit Court.

CR-21-81. Jimmy Sparks v. State of Arkansas, from Poinsett County Circuit Court.

CR-21-119. L.C. Kennedy v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-20-475. Samantha Ann Skelton (now Frye) v. Colton Scott Davis; and Scott and Sheri Davis, from Washington County Circuit Court.

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

CV-20-580. Jack Wayne Matthews v. Shirlee Diane Matthews, from Sebastian County Circuit Court, Fort Smith District.

CV-20-609. Lance Leavell and Christy Leavell, Individually and as Husband and Wife v. Jerry Gentry and Jimmy Bowden, as Trustees of the Lawrence and Sibyl Bowden Living Trust, from Pope County Circuit Court.

CV-20-615. Aaron C. Keeney and Laura J. Keeney v. David McQueen and Tina McQueen, from Benton County Circuit Court.

CV-20-616. Minor L. McNeil v. Arkansas Department of Finance and Administration; Robert Pugh, Manager; and Wade Gambill, Auditor, from Pulaski County Circuit Court, Twelfth Division.

CV-20-751. Kristi Priesmeyer (now Ramos) v. Daniel Huggins, Jr., from Benton County Circuit Court.

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

E-21-74. Daniel Berger v. Director et al.

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CASES SUBMITTED

- E-21-75. Brett Phillips v. Director et al.
- E-21-76. Holly Treadway v. Director et al.
- E-21-77. James Shaver v. Director et al.
- E-21-78. Emily Aguirre v. Director et al.
- E-21-79. Hans Ziegler v. Director et al.
- E-21-80. Tammie Braggs v. Director et al.
- E-21-81. Amanda Sharum v. Director et al.
- E-21-83. Michelle Keeling v. Director et al.
- E-21-84. Michelle Keeling v. Director et al.
- E-21-85. Jean Carbaugh v. Director et al.
- E-21-86. Charles Cross v. Director et al.