

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 8, 2017

RITA W. GRUBER, CHIEF JUDGE:

[CR-17-185](#). David Hanley v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Hixson and Murphy, JJ., agree.

[CV-16-992](#). Luetta Dawson v. Ray Dawson, Jr., from Phillips County Circuit Court. Affirmed. Hixson and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-17-75](#). Jerrick London v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Affirmed. Gladwin and Whiteaker, JJ., agree.

[CV-17-596](#). Cora Jacobs v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin and Whiteaker, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-17-12](#). Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Affirmed. Glover and Murphy, JJ., agree.

[CV-16-805](#). In the Matter of the Estate of Tom Alexander, Deceased, and David Neal et al., from Sebastian County Circuit Court, Fort Smith District. Affirmed in part; reversed in part. Gladwin, Glover, and Whiteaker, JJ., agree. Hixson and Brown, JJ., dissent.

[CV-17-442](#). Monica Marie Marion v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Affirmed; motion to withdraw granted. Klappenbach and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-17-372](#). Michael L. Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Abramson and Whiteaker, JJ., agree.

[CV-17-171](#). Deanna Baker v. Director, Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division. Affirmed. Abramson and Whiteaker, JJ., agree.

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ROBERT J. GLADWIN, JUDGE: (Continued)

[CV-17-225](#). Cheri Stoker v. Thomas Randal Fowler, Inc., and Protective Insurance Company/Baldwin and Lyons, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Whiteaker, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-17-159](#). Doc Holladay and Lesa Warner v. Bessie Glass, from Pulaski County Circuit Court, Fifth Division. Affirmed. Virden, Klappenbach, Glover, and Murphy, JJ., agree. Gladwin, J., dissents.

[CV-17-232](#). Sebastian County Sheriff's Department and AAC Risk Management Services v. Victoria Harris Hardy, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Vaught, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-16-657](#). Ashley Bancstock Company v. Paul Meredith, Richard Meredith, and John Posey, from Ashley County Circuit Court. Affirmed. Virden and Brown, JJ., agree.

[CV-17-279](#). Owen Kelly v. Mandy Kelly, from Washington County Circuit Court. Affirmed as modified in part; reversed in part. Harrison and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-17-173](#). Janefer Ogborn v. Arkansas Department of Human Services, from Benton County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

[CV-17-266](#). Michael Wayland Tipton, Sr. v. Pamela Kay Tipton, from Perry County Circuit Court. Reversed and remanded. Abramson and Gladwin, JJ., agree.

[CV-17-599](#). Danielle Knight v. Arkansas Department of Human Services and Minor Child, from Clay County Circuit Court, Eastern District. Affirmed. Abramson and Gladwin, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-17-415](#). Andrea Nicole Stahl v. Jacob Lee Smith, from Benton County Circuit Court. Reversed and dismissed. Harrison and Glover, JJ., agree.

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LARRY D. VAUGHT, JUDGE: (Continued)

[E-16-527](#). Alisa Brown v. Director, Department of Workforce Services, and Pulaski Technical College, from the Arkansas Board of Review. Affirmed. Harrison and Glover, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-17-207](#). David Box v. J.B. Hunt Transport, Inc., from Benton County Circuit Court. Reversed and remanded. Gruber, C.J., and Murphy, J., agree.

[E-17-3](#). Sharon McCuller-Silverman v. Director, Department of Workforce Services, and Trinity Village, Inc., from the Arkansas Board of Review. Affirmed. Gruber, C.J., and Murphy, J., agree.

MIKE MURPHY, JUDGE:

[CR-17-323](#). L.J. v. State of Arkansas, from Pulaski County Circuit Court, Tenth Division. Affirmed. Gruber, C.J., and Hixson, J., agree.

[CV-17-193](#). Marten Transportation, LTD; Zurich American Insurance Company; and Cannon Cochran Management Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Gruber, C.J., and Hixson, J., agree.

[CV-17-305](#). R.E.C. Enterprises, LLC d/b/a Stan Excavating Co. v. Gaillard Builders, Inc., from Miller County Circuit Court. Rebriefing ordered; motion to dismiss appeal denied. Gruber, C.J., and Hixson, J., 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-17-228. William Bogard v. Director et al.

E-17-261. Matthew Watlington v. Director et al.

E-17-262. Matthew Watlington v. Director et al.

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- E-17-264. Tamikia Parker v. Director et al.
- E-17-265. Lesha Book v. Director et al.
- E-17-266. Jeremy Beavers v. Director et al.
- E-17-267. Maria Maldonado v. Director et al.
- E-17-268. Jerry Davis v. Director et al.
- E-17-269. Tikeia Rogers v. Director et al.
- E-17-270. Charles Brown v. Director et al.
- E-17-271. Matthew Prunty v. Director et al.
- E-17-272. James Taylor v. Director et al.
- E-17-273. Gina Townsley v. Director et al.
- E-17-274. Paul Anderson v. Director et al.
- E-17-275. Brad Lackey v. Director et al.
- E-17-276. Tracy Butler v. Director et al.
- E-17-277. Kim Tipton v. Director et al.
- E-17-278. Victor Dukes v. Director et al.
- E-17-279. Rodney Null v. Director et al.
- E-17-280. Donald Warren, Jr. v. Director et al.
- E-17-281. Misty Rusher v. Director et al.
- E-17-282. Nikkie Watts v. Director et al.
- E-17-283. Lashonda Jones v. Director et al.

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E-17-284. Kejmi Aisen v. Director et al.

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PER CURIAM ORDERS

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

CV-16-441. Park Plaza Mall CMBS, LLC, and ERMCO, LP v. Kimberly Marie Powell, Individually and as Special Administratrix of the Estate of Christian Ellis Hayes, Deceased, from Pulaski County Circuit Court, Thirteenth Division. Case resubmitted to a six-judge panel and set for oral argument on December 6, 2017, at 9:00 a.m.

PETITIONS FOR REHEARING: Petitions for rehearing were denied today in the following cases.

CV-16-1115. Kristina Bonds v. Clay Bonds, from Pope County Circuit Court.

CV-17-91. Randy Grantham v. Hornbeck Agricultural Group, LLC, AG-Comp SIF Claims, and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CR-16-777. Aaron Dewayne Watson v. State of Arkansas, from Woodruff County Circuit Court. Appellant's motion for belated supplemental record is granted.

CR-17-12. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Pro se motion to produce the record is denied.

CR-17-12. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Pro se motion to amend information is denied.

CR-17-75. Jerrick London v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Pro se motion for copy of appellant's brief is denied.

CR-17-286. Norman Ray Bullock v. State of Arkansas, from Prairie County Circuit Court, Northern District. Appellant's motion to supplement the record on appeal and accept the corrected brief, addendum, and abstract is granted.

CR-17-446. Frederick Allan Williams v. State of Arkansas, from Pulaski County Circuit Court, Eleventh Division. Motion requesting permission to file a substituted, corrected appellant's brief is granted.

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PER CURIAM ORDERS

CV-17-549. Daniel Montez v. Consuela Montez (now Trujillo), from Washington County Circuit Court. Appellant's motion for leave to file reply brief with a supplemental addendum is granted. Pursuant to Rule 4-2(b)(2) of the Supreme Court and Court of Appeals of the State of Arkansas, appellee is allowed fifteen days to file a revised brief if desired.

CV-17-673. Blake Thatcher and Taylor Thatcher v. Wal-Mart Stores, Inc.; Wal-Mart Stores East, LP; and Wal-Mart Stores Arkansas, L.L.C., from Benton County Circuit Court. Motion to expand page limit for appellants' brief is granted. Gruber, C.J., Glover and Vaught, JJ., would deny. Gladwin, J., not participating.

CV-17-823. Kyle McKinney v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Joint motion to correct the record and stay briefing schedule is denied.

CV-17-827. Jim R. Nash v. Norma Nash, Individually and as Trustee of the Norma F. Nash Living Trust; John Nash, Jr., Individually and for Norma Nash, Deceased, as Co-trustee of the Norma F. Nash Living Trust, and as Co-administrator of the Norma Nash Estate; Pam Nash Glover, Individually and for Norma Nash, Deceased, as Co-trustee of the Norma F. Nash Living Trust, and as Co-administrator of the Norma Nash Estate; Susan Nash Lyle, Individually and for Norma Nash, Deceased; Perry Nash, Individually and for Norma Nash, Deceased; and Gaylen McClanahan, from Pulaski County Circuit Court, Second Division. Appellant's motion for stay and for an emergency or accelerated hearing is denied. Gruber, C.J., not participating.

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MOTIONS SUBMITTED

CR-16-1085. J.N.A. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Dusti Standridge for attorney's fees and expenses.

CR-16-1134. Eric Lewis v. State of Arkansas, from Ouachita County Circuit Court. Appellee's motion to dismiss.

CR-16-1154. Tony L. Jefferson, Jr. v. State of Arkansas from Faulkner County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-17-45. Craig Allen Pledger v. State of Arkansas, from Franklin County Circuit Court, Northern District. Motion of Lisa-Marie Norris for attorney's fee.

CR-17-187. Christopher James Cummings v. State of Arkansas, from Faulkner County Circuit Court. Motion of Matthew A. Kezhaya for attorney's fees.

CR-17-595. Brian Antonio Smith v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to dismiss.

CR-17-595. Brian Antonio Smith v. State of Arkansas, from Faulkner County Circuit Court. Motion of Lorie L. Mason to withdraw as counsel.

CR-17-780. John Wesley Williams v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Clint Miller to be relieved as appellant's counsel.

CV-16-83. Carolyn Lawson v. Simmons Sporting Goods, Inc., from Ashley County Circuit Court. Appellant's motion for leave to make supplemental argument on remand.

CV-16-903. Connie Watkins and Richard Watkins v. Arkansas Department of Agriculture, Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors, Arkansas Division of Land Surveys; Bradley P. Hancock Surveying & Mapping; and in their Individual Capacities: Everett Rowland, Brandon Robinson, Steve Haralson, James Atchley, Ronald Hawkins, H. James Engstrom, Nora Moses, Robert D. Holloway, and Bradley P. Hancock, from Pulaski County Circuit Court, Sixth Division. Appellants' pro se motion for (a) clarification of the court's Oct. 4, 2017, ruling on Watkins' objection to the clerk's actions in unequal treatment (b) reconsideration of Watkins' motion for miscellaneous relief, renamed extraordinary relief upon additional facts and (c) a ruling on Watkins' July 10, 2017, objections to Bird's avoidance of 'Individual Capacity' and his assertions in "Motion to Substitute".

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MOTIONS SUBMITTED

CV-17-730. Misty Dawn Lawrence v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Appellees' motion to stay briefing schedule and remand to circuit court to settle record.

CV-17-741. David L. McKim v. Jack B. Sullivan, from Faulkner County Circuit Court. Appellant's motion to correct the record and motion for extension of time.

CV-17-800. D'Andre Brown v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Appellant's motion to substitute argument pages 20–24 in appellant's opening brief.

CV-17-881. José Antonio Garcia v. Maria Garcia, from Pulaski County Circuit Court, Third Division. Appellant's motion to supplement the record.

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CASES SUBMITTED

CV-17-62. Baptist Health d/b/a Baptist Health Medical Center-Little Rock v. First Community Bank of Batesville and Estate of William Scott Mueller, from Pope County Circuit Court. Orally argued.

CR-16-852. Fredrick Leon Wilson, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-17-46. Daniel Lynn Honey v. State of Arkansas, from Logan County Circuit Court, Northern District.

CR-17-115. Willie Lee Doby, Jr. v. State of Arkansas, from St. Francis County Circuit Court.

CR-17-296. Brian Ray Cross v. State of Arkansas, from Newton County Circuit Court.

CR-17-306. Mo Shay v. State of Arkansas, from Johnson County Circuit Court.

CR-17-350. Shaundrell Hubbard v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-17-83. Jon-Claude Jenkins v. Scarlett Jenkins, from Pulaski County Circuit Court, Thirteenth Division.

CV-17-124. Elizabeth James v. Butch Lee Walchli, from Sebastian County Circuit Court, Greenwood District.

CV-17-139. Mike Ellis v. Denee Ellis, from Randolph County Circuit Court.

CV-17-252. Wright Steel & Machine, Inc., and Security National Insurance Company v. James D. Heimer, from the Arkansas Workers' Compensation Commission.

CV-17-258. Jesus Herrera-Larios (Deceased) v. El Chico 71, Travelers Insurance Company, and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-17-297. Michael Nauman v. Rene Nauman, from Pulaski County Circuit Court, Thirteenth Division.

CV-17-333. Kimberly Grindstaff v. Joseph Strickland, from Benton County Circuit Court.

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CASES SUBMITTED

CV-17-363. Brian Skender v. Union Pacific Railroad Company, from Jefferson County Circuit Court.

CV-17-373. Arkansas State University and Arkansas Insurance Department, Public Employee Claims Division v. Jeannette Gatlin Tennant, from the Arkansas Workers' Compensation Commission.

CV-17-375. Arkansas Highway and Transportation Department; Arkansas Insurance Department, Public Employee Claims Division; and Death and Permanent Total Disability Trust Fund v. Robert Dunlap, from the Arkansas Workers' Compensation Commission.

CV-17-383. Tiffany Lynn Wingate v. Arkansas Department of Human Services and Minor Child, from Mississippi County Circuit Court, Chickasawba District.

CV-17-403. Absolute Care Management and Guarantee Insurance Company v. Letha Story and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-17-410. Stephen Wilson v. Riceland Foods, Inc., and ACE American Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-17-522. Crystal Hooks v. Arkansas Department of Human Services and Minor Child, from Miller County Circuit Court.

CV-17-584. Jonathan Snow v. Arkansas Department of Human Services and Minor Child, from Baxter County Circuit Court.

CV-17-639. Candace Solee v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division.

CV-17-663. Crystal Griffin v. Arkansas Department of Human Services and Minor Children, from Pope County Circuit Court.

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

E-17-311. Chimere Maddox v. Director et al.

E-17-312. Steve Martin v. Director et al.

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CASES SUBMITTED

E-17-313. Stephyne Johnson v. Director et al.

E-17-314. DeValve DeGree, Sr. v. Director et al.

E-17-315. Zach Sheffield v. Director et al.

E-17-316. Clint Allison v. Director et al.

E-17-317. Eboni (Larde) Crawford v. Director et al.

E-17-318. Randy Bowie v. Director et al.

E-17-319. Richard Smith v. Director et al.

E-17-320. Lewis Bunting, Jr. v. Director et al.

E-17-321. Tashima Franklin v. Director et al.

E-17-322. Edwina Flowers v. Director et al.