

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 15, 2017

RITA W. GRUBER, CHIEF JUDGE:

[CV-17-433](#). Sherry Rickman v. Arkansas Department of Human Services and Minor Children, from Crittenden County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-17-201](#). Larry L. Harrison v. Street & Performance, Inc., and Liberty Mutual Group, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal and on cross-appeal. Murphy and Brown, JJ., agree.

[CV-17-326](#). Kimberly and Jeremy Clark v. George and Dawn Clark, from Garland County Circuit Court. Reversed and remanded; petition denied. Murphy and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-16-786](#). Natasha Engleman v. Cindye McCullough; St. John's Clinic, Inc., a/k/a Mercy Clinics Springfield Communities; Sisters of Mercy Health System St. Louis a/k/a Mercy Health Systems of St. Louis, from Carroll County Circuit Court, Eastern District. Affirmed. Glover and Hixson, JJ., agree.

[CV-17-622](#). Laura Meyers v. Arkansas Department of Human Services and Minor Child, from Ouachita County Circuit Court. Reversed and remanded. Glover and Hixson, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-17-476](#). Kristina Johnston v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Affirmed. Glover and Vaught, JJ., agree.

[CV-17-603](#). Patricia Burleson v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court. Affirmed. Gruber, C.J., and Virden, J., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-17-131](#). David Myers v. State of Arkansas, from Jefferson County Circuit Court. Reversed and remanded. Whiteaker and Vaught, JJ., agree.

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N. MARK KLAPPENBACH, JUDGE: (Continued)

[CV-17-117](#). Thy N. Tran v. Thi T. Vo and Tran Ngoc Uyen Vo, from Pulaski County Circuit Court, Sixteenth Division. Reversed. Whiteaker and Vaught, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-17-107](#). Brooke Ashley Miller and Kerry Coleman v. Jason Edward Moore and Manesseh Blythe Moore, from Crawford County Circuit Court. Dismissed in part; remanded for further proceedings consistent with this opinion. Harrison and Vaught, JJ., agree.

[CV-17-257](#). Jennifer Anne Henderson v. Shane Matthew Johnston, from Pulaski County Circuit Court, Fourteenth Division. Reversed and remanded. Gladwin and Hixson, JJ., agree.

[CV-17-504](#). Lisa Michelle Beaty v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Vaught, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-17-157](#). Dexter Wayne Baltimore v. State of Arkansas, from Pulaski County Circuit Court, First Division. Reversed and dismissed. Klappenbach and Whiteaker, JJ., agree.

[CV-17-180](#). Larry Buckley v. Kasey Summerville, from Clark County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. Klappenbach and Whiteaker, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-17-206](#). Wall Farms, LLC, and Riverport Insurance Company v. Jeff Hulsey and Liberty Mutual Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Gladwin and Glover, JJ., agree.

[CV-17-418](#). Timothy Brinkley and Dorletha Brinkley Lambert v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Affirmed in part; reversed and remanded in part. Abramson, Virden, Gladwin, Glover, and Murphy, JJ., agree. Klappenbach, Vaught, and Brown, JJ., dissent.

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KENNETH S. HIXSON, JUDGE: (Continued)

[CV-17-592](#). Nashira Walker v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Gladwin and Glover, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-17-610](#). Chavi Stampley v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Affirmed; motion to withdraw granted. Abramson and Brown, JJ., agree.

[CV-17-630](#). Joanna Hudson v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court, Eastern District. Affirmed. Abramson and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-17-223](#). Tony William Foster v. State of Arkansas, from Polk County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

[CV-17-254](#). Luther F. Graves and Firstcomp Insurance Company v. Timothy W. Hopper, from the Arkansas Workers' Compensation Commission. Supplementation of the record and supplementation of the addendum ordered. Abramson and Murphy, JJ., agree.

[CV-17-310](#). Ken David Swindle v. State Farm Mutual Automobile Insurance Company, from Benton County Circuit Court. Reversed and remanded. Virden and Klappenbach, JJ., agree.

[CV-17-561](#). Karesha Horton v. Arkansas Department of Human Services and Minor Child, from Scott County Circuit Court. Affirmed. Virden and Klappenbach, 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-17-285. Twana Robinson v. Director et al.

E-17-286. David Wrinkle v. Director et al.

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- E-17-287. Isaac Landrum v. Director et al.
- E-17-288. Salouay Chankheo v. Director et al.
- E-17-289. Niketa Turner v. Director et al.
- E-17-290. David Louviere v. Director et al.
- E-17-291. Glenda Diggs v. Director et al.
- E-17-292. Demetria Fowler v. Director et al.
- E-17-293. Danny Willingham v. Director et al.
- E-17-294. Paul Deden v. Director et al.
- E-17-296. Barbara Jamison v. Director et al.
- E-17-297. David Carter v. Director et al.
- E-17-298. Christy Clark v. Director et al.
- E-17-299. Tressie Lewis v. Director et al.
- E-17-300. Brian Flanagin v. Director et al.
- E-17-301. Brian Flanagin v. Director et al.
- E-17-302. Matthew Redmond v. Director et al.
- E-17-303. Melissa McIntire v. Director et al.
- E-17-304. Cole Stewart v. Director et al.
- E-17-305. Crystal Reed v. Director et al.
- E-17-306. Jeffrey Rhodes v. Director et al.
- E-17-307. Taveno Lee v. Director et al.

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E-17-308. Kevin Miller v. Director et al.

E-17-310. Shalonda Joiner v. Director et al.

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PER CURIAM ORDERS

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 is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

CR-17-187. Christopher James Cummings v. State of Arkansas, from Faulkner County Circuit Court. Motion of Matthew A. Kezhaya for attorney's fees is granted. Allowed \$1,800.00.

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

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

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 is granted.

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 is granted. Clerk to set briefing schedule.

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" is denied.

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PER CURIAM ORDERS

CV-17-553. Daniel Dee Stovall v. Rudy Preston, from Nevada County Circuit Court. Appellee's motion for sanctions pursuant to Rule 11 of the Arkansas Appellate Rules of Procedure and Rule 6-2 of the rules of the Supreme Court and the Court of Appeals of the State of Arkansas is passed until the case is submitted.

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 is granted.

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 is granted.

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

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-16-721. Edward Darnell Rogers v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-17-58. Russellville Holdings, LLC, d/b/a Saint Mary's Regional Medical Center d/b/a Turning Point Behavioral Health v. James Robertson Peters, as Personal Representative of the Estate of John D. Peters, Jr., Deceased, and on Behalf of the Estate and Its Statutory Beneficiaries; John D. Peters III; James Robertson Peters, Individually; and Kathleen Stingley, from Pope County Circuit Court.

CV-17-322. Traci Parish v. Arkansas Department of Human Services and Minor Child, from Scott County Circuit Court.

CV-17-552. Patrice Oliver v. Arkansas Department of Human Services and Minor Child, from Craighead County Circuit Court, Western District.

CR-16-372. Robert Thomas Dark v. State of Arkansas, from Garland County Circuit Court. Motion of Tim Cullen for attorney fees and costs.

CR-16-709. Dustin L. Merchant v. State of Arkansas, from Howard County Circuit Court. Motion of Jonathan Randle Smolarz for award of attorney's fees.

CR-17-14. Steven Wayne Wheeler v. State of Arkansas, from Saline County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-17-15. Steven Wayne Wheeler v. State of Arkansas, from Saline County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-17-855. Jermaine Levert Hayes v. State of Arkansas, from Garland County Circuit Court. Motion for entry of appearance.

CV-17-580. John V. Glenn v. Mike Bubbus, from Pope County Circuit Court. Appellant's motion to supplement the appellate record.

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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-17-744. Travis Spurling v. Bill Reed, Individually and as Executor of the Estate of Allie Marie Reed, Deceased, and Sherleen Reed, from Montgomery County Circuit Court. Notice of related appellate case.

CV-17-745. Travis Spurling v. Bill Reed, Individually and as Executor of the Estate of Allie Marie Reed, Deceased, and Sherleen Reed, from Montgomery County Circuit Court. Notice of related appellate case.

CV-17-754. Amy Villines and Gerrie Parker v. Harrison Housing Authority and the City of Harrison, Arkansas, from Boone County Circuit Court. Appellees' motion to supplement the record.

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CASES SUBMITTED

CV-17-184. Wynne-Ark, Inc., d/b/a Kelley's Restaurant v. Richard Baughn Construction, from Cross County Circuit Court. Orally argued.

CR-16-812. Christopher Scott Reynolds v. State of Arkansas, from Clark County Circuit Court.

CR-17-70. Jordan Navarr Williams v. State of Arkansas, from Hempstead County Circuit Court.

CR-17-88. Brandon L. Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-17-153. Jimmy Lee Crews v. State of Arkansas, from Hot Spring County Circuit Court.

CR-17-367. Jeffery Caldwell Russell v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-17-380. Raheem Lindsey v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CR-17-517. Giovanni Vasquez-Sanchez v. State of Arkansas, from Washington County Circuit Court.

CV-17-36. William A. Buckingham, Jr. v. Clarissa Buckingham, from Pulaski County Circuit Court, Seventeenth Division.

CV-17-214. Miracle Kids Success Academy, Inc. v. Marvin Henry Maurras, from Pulaski County Circuit Court.

CV-17-287. Earvin Davis, Jr. v. Shelter Insurance, Shelter Mutual Insurance Company, and Shelter General Insurance Company, from Washington County Circuit Court.

CV-17-398. Marla Shook v. Love's Travel Stops & Country Stores, Inc., from St. Francis County Circuit Court.

CV-17-401. Arkansas Center for Physical Medicine & Rehabilitation, a Professional Association v. Gloria J. Magee, from Pulaski County Circuit Court, Sixth Division.

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CASES SUBMITTED

CV-17-621. Lori Elliott v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-17-629. Jasmine Tatum v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court.

CV-17-662. Brett Allen Sills v. Arkansas Department of Human Services and Minor Child, from Craighead County Circuit Court, Western District.

CV-17-671. Robin Holloway and Nathan Warren v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court.

CV-17-680. Michael Anthony Fisher and Carrie Jacqueline Fisher v. Arkansas Department of Human Services and Minor Children, from Logan County Circuit Court, Southern District.

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

E-17-324. Antoine Perkins v. Director et al.

E-17-325. Steven Hirst v. Director et al.

E-17-326. N'ell Jones v. Director et al.

E-17-327. Sandra Brown v. Director et al.

E-17-328. Deborah Whitaker v. Director et al.

E-17-329. Eric Johnson v. Director et al.

E-17-330. Pamela Briggs v. Director et al.

E-17-331. Pamela Briggs v. Director et al.

E-17-332. Lisa Calk v. Director et al.

E-17-333. Melanie Perkins v. Director et al.

E-17-334. William Rogers v. Director et al.

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CASES SUBMITTED

- E-17-335. Royce Graves v. Director et al.
- E-17-336. Marie Briggs v. Director et al.
- E-17-337. Marie Briggs v. Director et al.
- E-17-338. Dwayne Jones v. Director et al.
- E-17-339. Reginald Miller v. Director et al.
- E-17-340. Reginald Miller v. Director et al.
- E-17-341. Tom Ferguson v. Director et al.
- E-17-342. Daphne McCoy v. Director et al.
- E-17-343. Jeffery LuRue v. Director et al.
- E-17-344. Patrick Mapp v. Director et al.
- E-17-345. Larry Turentine, Sr. v. Director et al.
- E-17-346. Julie Weaver v. Director et al.
- E-17-347. Mitchell Futrell v. Director et al.