

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF NOVEMBER 17, 2021

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

[CV-20-629](#). Scarlett Tapp and Timothy Perry v. Jamie Luper and Brian Luper, from Washington County Circuit Court. Affirmed in part; reversed and remanded in part. Virden and Gruber, JJ., agree.

[CV-20-688](#). John Patrick Cullen v. Allstate Insurance Co., Kathi Jo Brinkley, and Katie Knight, from Garland County Circuit Court. Affirmed. Hixson and Murphy, JJ., agree.

[CV-21-299](#). Heather Jones v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Hixson and Murphy, JJ., agree.

#### **RAYMOND R. ABRAMSON, JUDGE:**

[CR-19-695](#). Jeffrey Marek v. State of Arkansas, from Saline County Circuit Court. Affirmed. Barrett and Whiteaker, JJ., agree.

[CV-20-736](#). Tully Borland v. Amy Borland, from Clark County Circuit Court. Affirmed. Barrett and Whiteaker, JJ., agree.

#### **BART F. VIRDEN, JUDGE:**

[CR-21-21](#). Marlon Tramain Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin and Vaught, JJ., agree.

[CV-21-114](#). Ace Fence Company, Inc.; and Arkansas Property and Casualty Guaranty Fund v. Jeffrey Andrews, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Vaught, JJ., agree.

[CV-21-240](#). Elizabeth Darnell (Garner) v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison, C.J., and Gruber, J., agree.

#### **ROBERT J. GLADWIN, JUDGE:**

[CV-20-442](#). James Willis Sutton, Jr.; Homer Willis; and Louis Willis, Each in His Own Respective Individual Capacity v. Jerry D. Pickett and Judy K. Pickett, Married Persons, from Sevier County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF NOVEMBER 17, 2021

#### **ROBERT J. GLADWIN, JUDGE: (Continued)**

[CV-21-170](#). Richard Cosner v. C&J Forms and Labels Company; and Safeco Property Casualty Insurance, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Viriden and Vaught, JJ., agree.

[CV-21-329](#). Ashley Rocha and Christopher Rocha v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Viriden and Vaught, JJ., agree.

#### **N. MARK KLAPPENBACH, JUDGE:**

[CR-20-745](#). William J. Boswell v. State of Arkansas, from Miller County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

[CR-20-746](#). William J. Boswell v. State of Arkansas, from Miller County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

#### **STEPHANIE POTTER BARRETT, JUDGE:**

[CV-21-267](#). Larissa Hickman v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Affirmed. Abramson and Whiteaker, JJ., agree.

[E-20-312](#). Audrey Jo Rodermund v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed. Abramson and Whiteaker, JJ., agree.

#### **PHILLIP T. WHITEAKER, JUDGE:**

[CV-21-188](#). Sheridan School District, Arkansas School Boards Association, and Death & Permanent Total Disability Trust Fund v. Jennifer Wise, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Barrett, JJ., agree.

[CV-21-206](#). Staci and Timothy Aslakson v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court. Affirmed. Abramson and Barrett, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 17, 2021**

**LARRY D. VAUGHT, JUDGE:**

[CR-21-109](#). Ronnie Nixon v. State of Arkansas, from Poinsett County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

[E-21-43](#). Ambera L. Parker v. Director, Division of Workforce Services; and Baptist Health Foundation, from the Arkansas Board of Review. Affirmed. Virden and Gladwin, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-19-732](#). Gregory J. Martin v. State of Arkansas, from Miller County Circuit Court. Affirmed. Harrison, C.J., and Murphy, J., agree.

[CV-21-317](#). Arkansas Department of Human Services v. Arabia Jackson et al., from Pulaski County Circuit Court, Tenth Division. Reversed and remanded. Harrison, C.J., and Murphy, J., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-19-860](#). Stephon Tyrone Harris v. State of Arkansas, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Klappenbach and Gruber, JJ., agree.

[CV-21-257](#). Samantha Cummings v. Arkansas Department of Human Services and Minor Child, from Clark County Circuit Court. Affirmed. Klappenbach and Gruber, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 17, 2021**

**PER CURIAM ORDERS**

CR-20-543. Calvin Kentra Marshall v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney fees is granted. Allowed \$2000.00.

CR-21-403. Cody Vessel v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to correct record is granted.

CV-21-229. James S. Branscum and Colette R. Branscum v. John Nelson and Whitney Butts, from Perry County Circuit Court. Motion to modify appellees'/cross-appellants' brief is granted. Gruber, J., not participating.

CV-21-466. Paul Gordon v. Bobbye Gordon, from Hot Spring County Circuit Court. Appellant's pro se motion for belated appeal is denied.

CV-21-511. Tina Schultz v. Arkansas Department of Human Services and Minor Children, from Carroll County Circuit Court, Eastern District. Appellant's motion for rule on clerk is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 17, 2021**

**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CV-20-510. Eldon K. Bugg and Danny C. Bugg v. Marc Honey; Wm. Marshall Hubbard; Cyril Gray; and Honey Law Firm, P.A., from Garland County Circuit Court.

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

CV-21-194. Shawna Jennings v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

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CR-21-77. Omar H. Ali v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for update.

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. Appellant's pro se motion for a more definite statement.

CV-21-28. Encore Bank; Chris Roberts; Jimmy Burton Hicks; Phillip Jett; Justin Moore; Karla Dial; Craig Caldwell; Melvin Doug Parker; Stacey McCann; Mary Frosto; Julie Fuller Jones; Mark Yeager; and John Does 1–15 v. Simmons Bank and Simmons First National Corporation, from Jefferson County Circuit Court. Appellants' joint motion for stay of appeal.

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 motion for substitution of the party pursuant to Rules of Appellate Procedure, 12(A).

CV-21-275. James Allen, Jr. v. CHI St. Vincent Infirmary; Morgan McDonald; Bradley Pate; and Stephanie Woolbright, from Pulaski County Circuit Court, Seventeenth Division. Appellees' motion to supplement the record.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 17, 2021**

**MOTIONS SUBMITTED**

CV-21-275. James Allen, Jr. v. CHI St. Vincent Infirmary; Morgan McDonald; Bradley Pate; and Stephanie Woolbright, from Pulaski County Circuit Court, Seventeenth Division. Appellees' second motion to supplement the record.

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. Joint motion for extension of time to file appellant's reply brief and cross-appellees' response briefs, and for clarification and setting of briefing schedule.

CV-21-354. Anna Knesek v. Larry Knesek, from Crawford County Circuit Court. Appellant's motion to supplement the record.

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. Appellees' motion to dismiss appeal.

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 asking the court to reconsider supplementing the record.

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 for extension of brief 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 set aside order dated May 6, 2021.

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 set aside court order staying pending and future motions pursuant to Rule 60.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 17, 2021**

**MOTIONS SUBMITTED**

CV-21-475. John Williamson and Absolute Oilfield Services, Inc. v. Van Alan Hill and Nancy Hill, from Johnson County Circuit Court. Motion of George Carder for withdrawal of counsel for the appellants.

E-21-705. David Strode v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 17, 2021**

**CASES SUBMITTED**

CR-20-729. Frankie Paul DeJohn v. State of Arkansas, from Washington County Circuit Court.

CR-21-77. Omar H. Ali v. State of Arkansas, from Hot Spring County Circuit Court.

CR-21-226. W.H. v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-20-612. Janet Nicholas v. Mike Jones, from Sebastian County Circuit Court, Fort Smith District.

CV-20-652. Daniel Harden and Suzanne Harden v. Heather Beck, from Franklin County Circuit Court, Northern District.

CV-20-665. Nick Allen v. David Sargent, from Benton County Circuit Court.

CV-20-697. (In the Matter of the Guardianship of K.H., M.H., L.H., and H.H., Minors) Layman J. Hughes v. Jonathan W. Elliott and Lisa Roxann Elliott, Husband and Wife, from Polk County Circuit Court.

CV-21-102. Shawna Lynn Powers v. Michael Martin, from Washington County Circuit Court.

CV-21-186. Sarah Beverly v. Aundra Murphy, from Pulaski County Circuit Court, Thirteenth Division.

CV-21-205. Christopher Scott v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court.

CV-21-218. Arkansas Forestry Commission and Public Employee Claims Division v. Thomas Lindsey, from the Arkansas Workers' Compensation Commission.

CV-21-333. Bethany Williams v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court.



**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF NOVEMBER 17, 2021**

**CASES SUBMITTED**

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

- E-21-139. Martha Mattson v. Director et al.
- E-21-140. Connie DePriest v. Director et al.
- E-21-141. TaKeisha Smith v. Director et al.
- E-21-142. Adrienne Meyers v. Director et al.
- E-21-143. Adrienne Meyers v. Director et al.
- E-21-144. Justice Johnson v. Director et al.
- E-21-145. Mildred Almeida v. Director et al.
- E-21-146. Serrick Dawson v. Director et al.
- E-21-147. Bronda Pearson v. Director et al.
- E-21-148. Krystal Stribling v. Director et al.
- E-21-149. Elizabeth Godfrey v. Director et al.
- E-21-150. Matthew Psencik v. Director et al.