

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF DECEMBER 1, 2021

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-21-103](#). Juvelye Lopez v. State of Arkansas, from Garland County Circuit Court. Affirmed in part; dismissed in part. Hixson and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-21-167](#). North Hills Surgery Center and Risk Management Resources v. Chelsea Otis, from the Arkansas Workers' Compensation Commission. Affirmed. Barrett and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-21-132](#). Daniel Keys v. State of Arkansas, from the Hot Spring County Circuit Court. Affirmed. Virden and Vaught, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-21-25](#). Endurance Freight Logistics, LLC, and Glad Rents, Inc. v. Jetonga Reddick, from Pulaski County Circuit Court, Twelfth Division. Affirmed. Gruber and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-21-193](#). Andrew Burton v. State of Arkansas, from Faulkner County Circuit Court. Reversed and dismissed. Klappenbach and Brown, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CV-21-8](#). Thompson Maner v. Kathryn Maner, from Washington County Circuit Court. Reversed and remanded. Abramson and Whiteaker, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-20-475](#). Samantha Ann Skelton (now Frye) v. Colton Scott Davis; Scott and Sheri Davis; and Joshua Cole Frye, from Washington County Circuit Court. Affirmed in part; reversed in part. Whiteaker, Hixson, and Brown, JJ., agree. Murphy, J., concurs in part; dissents in part. Barrett, J., dissents.

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LARRY D. VAUGHT, JUDGE: (Continued)

[CV-21-286](#). Sarah Carr and Benjamin Noble v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Gladwin, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-20-661](#). J. David John v. Megan Marie Bolinder, from Benton County Circuit Court. Dismissed without prejudice. Harrison, C.J., and Murphy, J., agree.

MIKE MURPHY, JUDGE:

[CV-20-601](#). Brandon Clay Stell v. Kerri Lynn Stell, from Faulkner County Circuit Court. Affirmed. Harrison, C.J., and Hixson, J., agree.

WAYMOND M. BROWN, JUDGE:

[CV-20-710](#). Aimee Walton v. Ruben Walton, from White County Circuit Court. Affirmed. Klappenbach and Gruber, 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-21-126. James Elmore v. Director et al.

E-21-127. Angela Davis v. Director et al.

E-21-128. Kenny Wilson v. Director et al.

E-21-129. Margaret Hudson v. Director et al.

E-21-130. James Landers v. Director et al.

E-21-131. Gabrielle Crowley v. Director et al.

E-21-132. Gabrielle Crowley v. Director et al.

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- E-21-133. Robert Shaw v. Director et al.
- E-21-134. Lee Davis v. Director et al.
- E-21-135. Bobby Effinger v. Director et al.
- E-21-136. Beverly Harris v. Director et al.
- E-21-137. Brandy Goss v. Director et al.
- 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.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

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. Hixson, J., not participating.

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.

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

CR-21-486. Gary Chambers v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion for extension of time to file appellant's brief and for production of the transcript is granted.

CR-21-501. Harold Atherton v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for appointment of counsel is granted.

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 is denied.

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 is denied. Harrison, C.J., and Virden and Hixson, JJ., would grant. Gruber and Murphy, JJ., not participating.

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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 Rule of Appellate Procedure 12(a) is granted.

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' motions to supplement the record are granted.

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 is granted. Harrison, C.J., and Hixson, J., not participating.

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

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 is granted. Gladwin, J., not participating.

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 is denied. Gladwin, J., not participating.

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 is denied. Gladwin, J., not participating.

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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, is denied. Gladwin, J., not participating.

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 is denied. Gladwin, J., not participating.

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 is denied. Gladwin, J., not participating.

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 the order granting summary judgment, September 11, 2015, is denied. Gladwin, J., not participating.

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 status report is denied. Gladwin, J., not participating.

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 second status report is denied. Gladwin, J., not participating.

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 is granted.

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

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-19-974. William Edward Gray v. State of Arkansas, from Pope County Circuit Court.

CR-19-823. Noah Stephen McDaniel v. State of Arkansas, from Madison County Circuit Court. Motion of W. Whitfield Hyman for costs and attorney fees.

CR-21-57. Eric Bragg v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Terry Goodwin Jones for attorney's fee.

CR-21-82. Jeremy Andrew Avery v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time.

CR-21-297. Micah Angel v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's pro se motion for appellee's counsel to be withdrawn.

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.

CR-21-306. Todd Hall v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for entry of appearance.

CR-21-393. Jeff Dunlap v. State of Arkansas, from Saline County Circuit Court. Renewed motion of Gina Reynolds to withdraw as counsel of record and substitute counsel.

CR-21-394. Jeff Dunlap v. State of Arkansas, from Saline County Circuit Court. Renewed motion of Gina Reynolds to withdraw as counsel of record and substitute counsel.

CR-21-455. Ray Leon Taylor v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of time to file pro se points.

CV-19-686. Elaine Petroleum Distributor, Inc.; and Qingdao Xiyangmen Double Camel Tyre Co., LTD v. Sandra Kaye Freeman Synder, as Administratrix of the Estate of Michael Snyder, from Phillips County Circuit Court. Appellee's/cross-appellant's motion for substitution of party.

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MOTIONS SUBMITTED

CV-19-858. David Kinder v. Wendy Kinder, from Pulaski County Circuit Court, Third Division. Appellee's motion to dismiss appeal.

CV-20-33. LaDonna Humphrey, Individually v. Absolute Pediatric Services, Inc., d/b/a Absolute Pediatric Therapy; and Anthony Christopher, from Benton County Circuit Court. Appellant's status report.

CV-21-412. Tracy Wilson v. Jeffrey Wilson, from Benton County Circuit Court. Appellant's motion for a writ of certiorari to complete the record.

CV-21-508. Donald Bank v. Petro Banks, from Monroe County Circuit Court. Motion of Dequeshia Prude-Wheeler to withdraw as counsel.

CV-21-542. Bryson David Deaton v. Charles Niederbrach, Sr., Individually and as Special Administrator of the Estate of Charles Alden Niederbrach, Jr., Deceased; and on Behalf of the Wrongful Death Beneficiaries of Charles Alden Niederbrach, Jr., from Clark County Circuit Court. Motion of Charles Niederbrach, Sr., to dismiss appeal for want of a final or appealable order.

CV-21-545. Stephanie Hoy v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's motion for rule on clerk.

E-21-590. Paula Pendarvis v. Director et al., from the Arkansas Board of Review. Motion for extension of time to file record on remand.

E-21-637. Ella Scruggs v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add new evidence.

E-21-706. Danny Thomas v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add new evidence.

E-21-719. Brian Browder v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file a belated appeal.

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CASES SUBMITTED

CR-20-645. Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-21-187. Cody Walker v. State of Arkansas, from Miller County Circuit Court.

CR-21-225. David Veasley v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-21-320. Devario Rashawn Paskell v. State of Arkansas, from Ashley County Circuit Court.

CR-21-328. Jennifer Goad v. State of Arkansas, from Jefferson County Circuit Court.

CV-20-718. Ashley Operations, LLC, d/b/a Crossett Rehabilitation and Health Center; Ross M. Ponthie; John Ponthie; JEJ Investments, LLC; Marybret, LLC; 1101 Waterwell Road, LLC; SLC Operations Master Tenant, LLC; Southern Administrative Services, LLC; Professional Nursing Solutions, LLC; CarePlus Staffing Solutions, LLC; Debra R. Watkins-Jones, in Her Capacity as Administrator of Crossett Rehabilitation and Health Center; Kiedra T. Kirk, in Her Capacity as Director of Nursing of Crossett Rehabilitation and Health Center; John Does 1 Through 5; and Unknown Defendants v. Donnie Morphis, as Special Administrator of the Estate of Mildred Morphis, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Mildred Morphis, Deceased, from Ashley County Circuit Court.

CV-21-11. Kelly Mullins v. Joel Helgren, from Garland County Circuit Court.

CV-21-20. William Sanchez v. Glenn E. Weeks, from Benton County Circuit Court.

CV-21-83. Kellie Elliott v. Eli Hale, from Sharp County Circuit Court.

CV-21-239. Billy Corley v. Acme Brick and Travelers Indemnity Company, from the Arkansas Workers' Compensation Commission.

CV-21-244. Wal-Mart Associates, Inc.; Wal-Mart Claims Services, Inc.; and Death and Permanent Total Disability Trust Fund v. Willie Anderson, from the Arkansas Workers' Compensation Commission.

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CASES SUBMITTED

CV-21-345. Tonya York v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court.

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

E-21-155. Katrina Payne v. Director et al.

E-21-156. Jayne Roth v. Director et al.

E-21-157. Mikel Thomas v. Director et al.

E-21-158. De'Quana Rouse v. Director et al.

E-21-159. Michael Buie v. Director et al.

E-21-160. Kellianne Parker v. Director et al.

E-21-161. Kellianne Parker v. Director et al.

E-21-162. Tessa Rosamond v. Director et al.

E-21-163. Ronnie Robinson v. Director et al.

E-21-164. Delphena Qasim v. Director et al.

E-21-165. Haylie Gibby v. Director et al.

E-21-166. Haylie Gibby v. Director et al.