

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 5, 2022

PER CURIAM ORDERS

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

CV-19-373. Garry B. Sutherland, Individually; and Garry B. Sutherland and Brenda Sutherland, Husband and Wife, as Co-Trustees of the Sutherland Revocable Trust Dated July 25, 2007 v. Larry Edge; Julius Edge; and Kurt Phillips and Virginia Phillips, Husband and Wife, from Cleburne County Circuit Court. Virden, J., not participating.

CV-20-557. Teresa Ann White v. Paige Harper and Andrew Alton James, from Pulaski County Circuit Court, Seventeenth Division.

CV-20-677. (In the Matter of the Adoption of AP) Dillon Arnold v. Nicklaus Przytarski and Courtney Przytarski, from Garland County Circuit Court.

E-21-97. April White v. Director et al., from the Arkansas Board of Review.

CR-20-384. Joshua M. Miller v. State of Arkansas, from Baxter County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2000.00. Virden, J., not participating.

CR-20-635. A.M. v. State of Arkansas, from Miller County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees and costs is granted. Allowed \$2000.00.

CR-21-7. Andra Crockett v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Omar F. Greene to be relieved as appointed counsel is granted.

CR-21-7. Andra Crockett v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Omar F. Greene for payment of appointed counsel is moot.

CR-21-7. Andra Crockett v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Amended motion for attorney's fees is granted. Allowed \$2000.00.

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CR-21-119. L.C. Kennedy, Jr. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$2000.00.

CR-21-216. Jamie Ann Ashby v. State of Arkansas, from Lonoke County Circuit Court. Motion of Omar F. Greene to be relieved as appointed counsel is granted.

CR-21-216. Jamie Ann Ashby v. State of Arkansas, from Lonoke County Circuit Court. Motion of Omar F. Greene for payment of appointed counsel is granted. Allowed \$2000.00.

CR-21-363. Zachary Gene Still v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Entry of appearance and motion of John Wesley Hall to substitute counsel is moot.

CR-21-363. Zachary Gene Still v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for brief time for substitute counsel is moot.

CR-21-363. Zachary Gene Still v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Suggestion of mootness of both entry of appearance and motion to substitute counsel and motion for brief time is granted.

CR-21-555. Neal Hall v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for belated appeal is denied.

CV-20-580. Jack Wayne Matthews v. Shirlee Diane Matthews, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion for fees and costs for preparation of supplemental abstract and supplemental addendum is granted. Harrison, C.J., and Abramson, J., not participating.

CV-21-334. City of Elm Springs, Arkansas, an Arkansas Municipal Corporation of the Second Class v. Capstone Builders, Inc., on Behalf of Itself and Similarly Situated Taxpayers, from Washington County Circuit Court. Appellant's status report. The clerk is directed to set a briefing schedule. Appellant's brief is due February 14, 2022. Gruber, J., not participating.

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CV-21-354. Anna Knesek v. Larry Knesek, from Crawford County Circuit Court. Appellee's motion to dismiss is denied.

CV-21-443. Lexa Page, Jr. v. Annette Page and the Estate of Lexa Page, Sr., Deceased, from Ouachita County Circuit Court. Motion for additional time to lodge supplemental record pursuant to the court's order is granted.

CV-21-558. Krystal N. Saul v. Jeremy Saul, from Pope County Circuit Court. Appellant's petition for a writ of certiorari is moot. Harrison, C.J., and Abramson and Virden, JJ., not participating.

CV-21-558. Krystal N. Saul v. Jeremy Saul, from Pope County Circuit Court. Appellant's first amended petition for a writ of certiorari is granted. Harrison, C.J., and Abramson and Virden, JJ., not participating.

CV-21-575. (In the Matter of the Adoption of LJD) Scotty Dawson and Mindi Mahan v. TJ West and Loletta Racheale West, from Greene County Circuit Court. Appellant's motion for rule on the clerk to lodge untimely record is denied.

E-21-602. Harless Oglesby v. Director et al., from the Arkansas Board of Review. Joint motion to consolidate and set a unified briefing due date is denied. Abramson, J., not participating.

E-21-603. Cooper Tire and Rubber Company v. Director et al., from the Arkansas Board of Review. Joint motion to consolidate appeals and set a unified briefing due date is denied. Abramson, J., not participating.

E-21-687. Michael Mills v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to add evidence is denied.

E-21-688. Michael Mills v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to add evidence is denied.

E-21-749. Phillip Achor v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is denied.

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PETITIONS FOR REHEARING:

CV-19-528. A&B Pawn Shop d/b/a Webb's Sporting Goods v. Mack's Sport Shop, LLLP, d/b/a Mack's Prairie Wings, from Arkansas County Circuit Court, Southern District.

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. (Separate appellees Scott Davis and Sheri Davis)

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. (Separate appellee Colton Scott Davis)

CV-20-595. Aaron C. Sluyter and Cheryl Sluyter v. Wood Guys, LLC, from Benton County Circuit Court.

CV-20-661. J. David John v. Megan Marie Bolinder, from Benton County Circuit Court.

CV-21-167. North Hills Surgery Center and Risk Management Resources v. Chelsea Otis, from the Arkansas Workers' Compensation Commission.

CV-21-170. Richard Cosner v. C&J Forms and Labels Company; and Safeco Property Casualty Insurance, from the Arkansas Workers' Compensation Commission.

CR-20-207. Joseph Evan Bennion v. State of Arkansas, from Benton County Circuit Court. Motion of Kezhaya Law PLC for leave to enter a limited appearance and for extension of time; or for rebriefing of the no-contact orders.

CR-20-207. Joseph Evan Bennion v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file pro se points for reversal.

CR-20-658. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion to recall the mandate.

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CR-20-745. William J. Boswell v. State of Arkansas, from Miller County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-20-746. William J. Boswell v. State of Arkansas, from Miller County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-21-26. Eric Bennett v. State of Arkansas, from Phillips County Circuit Court. Petition and request of Don Etherly for attorney's fees.

CR-21-103. Juvelye Lopez v. State of Arkansas, from Garland County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees and costs.

CR-21-193. Andrew Burton v. State of Arkansas, from Faulkner County Circuit Court. Motion of Charles D. Hancock for attorney's fees.

CR-21-383. Noah Douglas Wright v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's pro se petition for writ of certiorari to bring up a copy of the Rule 37.1 hearing transcript.

CR-21-578. Pedro Velazquez v. State of Arkansas, from Yell County Circuit Court, Northern District. Motion of Beth Wright to be relieved as attorney for appellant.

CR-21-595. Flando Montgomery v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Willard Proctor, Jr., to be appointed as counsel of record.

CV-20-112. (In the Matter of the Estate of David P. Shockley, Deceased) Tammy Davis and Alice Barclay v. Glenda Bassett, from Boone County Circuit Court. Appellants' motion for appellate costs.

CV-20-688. John Patrick Cullen v. Allstate Insurance Co., Kathi Jo Brinkley, and Katie Knight, from Garland County Circuit Court. Appellant's pro se motion to file petition for rehearing.

CV-21-114. Ace Fence Company, Inc., and Arkansas Property and Casualty Guaranty Fund v. Jeffrey Andrews, from the Arkansas Workers' Compensation Commission. Motion of Eddie H. Walker, Jr., for an award of attorney's fees.

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CV-21-167. North Hills Surgery Center and Risk Management Resources v. Chelsea Otis, from the Arkansas Workers' Compensation Commission. Appellants' motion to supplement record.

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 Arkansas Trial Lawyers Association to file brief amicus curiae.

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 Arkansas Civil Liberties Union for permission to file amicus curiae brief.

CV-21-283. Joshua A. Haeber v. Katerina Day, from Saline County Circuit Court. Appellee's motion to dismiss appeal in part.

CV-21-369. Frederick Lee Pitchford v. Crittenden County Sheriff's Department; Sheriff Mike Allen; and Todd Groom, from Crittenden County Circuit Court. Appellees' joint motion to dismiss appeal of appellant Frederick Lee Pitchford.

CV-21-374. Courtyard Rehabilitation and Health Center, LLC; SA Eldercare, LLC; JEJ Investments, LLC; Ross M. Ponthie; Mark Thompson; MCSA, LLC, d/b/a Medical Center of South Arkansas; John Doe 1; and John Doe 2 v. Estate of Gusta Tice, Deceased; and Andrew McQuerry, Special Administrator, from Union County Circuit Court. Appellees' motion for leave to file sur-reply.

CV-21-404. Scotty Howell v. Kimberly Howell, from Garland County Circuit Court. Appellee's motion to partially dismiss appeal.

CV-21-408. Shane Wallis v. Samantha Holsing, from Lonoke County Circuit Court. Motion of Cliff C. Collins to withdraw as attorney of record.

CV-21-408. Shane Wallis v. Samantha Holsing, from Lonoke County Circuit Court. Appellee's motion for extension of time to file brief.

CV-21-428. Crystal Hutton v. Arkansas Department of Human Services and Minor Child, from Lawrence County Circuit Court. Appellant's motion to expand word count.

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CV-21-503. April Johnson v. Bradley Johnson, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to supplement the record.

CV-21-503. April Johnson v. Bradley Johnson, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to stay briefing.

CV-21-508. Donald Banks v. Petro Banks, from Monroe County Circuit Court. Appellant's motion to substitute brief.

CV-21-512. Robert Walsh v. City of Little Rock, Arkansas; and Frank Scott, Jr., in His Capacity as Mayor of the City of Little Rock, from Pulaski County Circuit Court, Twelfth Division. Motion of William G. Almand to withdraw as counsel for appellant.

CV-21-531. LeRaye Atwood v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Stipulation by parties to correct brief.

CV-21-546. Rickie C. Battie v. All Points, Inc.; and Ohio Security Insurance Co./Liberty Mutual Group, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss appeal.

CV-21-546. Rickie C. Battie v. All Points, Inc.; and Ohio Security Insurance Co./Liberty Mutual Group, from the Arkansas Workers' Compensation Commission. Appellant's motion to dismiss appeal.

CV-21-580. Shawna Jordan v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Agreed motion to correct the record and to stay the briefing schedule.

E-21-199. Rachel Hourston v. Director et al., from the Arkansas Board of Review. Appellee's motion to correct record.

E-21-352. Roy Hall v. Director et al., from the Arkansas Board of Review. Petitioner's motion for support.

E-21-352. Roy Hall v. Director et al., from the Arkansas Board of Review. Petitioner's motion for appointment of counsel.

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E-21-352. Roy Hall v. Director et al., from the Arkansas Board of Review. Petitioner's motion for timely filing.

E-21-396. Ronald Parks v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file noncompliant brief.

E-21-396. Ronald Parks v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file amended testimony.

E-21-501. Bonnie Anderson v. Director et al., from the Arkansas Board of Review. Appellee's motion to dismiss appeal.

E-21-558. Rebecca Cude v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add additional evidence.

E-21-683. Jerlene Duncan v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add new evidence.

E-21-765. Alison Wilkerson v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file belated appeal.

E-21-808. Tiffany Brown v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file belated appeal.

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CASES SUBMITTED

CR-21-9. John Britt v. State of Arkansas, from Benton County Circuit Court.

CR-21-274. Miketerrio Damitchel Taurus Cooper v. State of Arkansas, from Benton County Circuit Court.

CV-19-428. Shelly Diane Cooper and Annette Michelle Edelen, Individually and as Trustees of the Dolores S. Bryant Revocable Living Trust v. Horace E. Bryant and Nancy Elizabeth Edelen, from Benton County Circuit Court.

CV-19-858. David Kinder v. Wendy Kinder, from Pulaski County Circuit Court, Third Division.

CV-20-547. Leodis Sledge, Individually and as Special Administrator of the Estate of Tanesha Leach, Deceased; and on Behalf of All Wrongful Death Beneficiaries and Heirs at Law v. City of Pine Bluff, Arkansas, by and through its Mayor, Shirley Washington, in Her Official Capacity as Mayor of the City of Pine Bluff, Arkansas; Pine Bluff City Council, by and through its Ex-Officio President, Shirley Washington, in Her Official Capacity; Rick Rhoden, in His Official Capacity as Director of Pine Bluff Street Department; and Kelvin Sargent, in His Official Capacity as Chief of Police of the City of Pine Bluff, from Jefferson County Circuit Court.

CV-20-720. Melissa Perrin-Reed v. William Reed, from Craighead County Circuit Court, Western District.

CV-21-37. ALB Investments, LLC v. Carl Echols, from Benton County Circuit Court.

CV-21-45. Alexa Shipley v. Charles Jeff Gardner, Administrator for the Estate of Nicholas H. McGuire, from Washington County Circuit Court.

CV-21-88. Amanda Walker and Randalle Sanders v. Arkansas Department of Human Services and Minor Children, from Cross County Circuit Court.

CV-21-106. Diana Wilcox v. Rube “Dubby” Wilcox, from Faulkner County Circuit Court.

CV-21-110. Samantha Jones v. Arkansas Department of Human Services and Minor Child, from Pope County Circuit Court.

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CV-21-125. Phillip J. Jackson v. Earl Ross Downs and Raymond R. Abramson, from Monroe County Circuit Court.

CV-21-350. Anita Defell a/k/a Anita Smith v. Arkansas Department of Human Services and Minor Children, from Mississippi County Circuit Court, Chickasawba District.

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

E-21-167. Peggy Stanley v. Director et al.

E-21-168. Melissa Key v. Director et al.

E-21-169. Melissa Key v. Director et al.

E-21-170. Mark Fisher v. Director et al.

E-21-171. Cassandra Barnes v. Director et al.

E-21-172. Kenneth Sharpe v. Director et al.

E-21-173. Kevin Pollins v. Director et al.

E-21-174. Haley McPherson v. Director et al.

E-21-175. Haley McPherson v. Director et al.

E-21-176. Barbara Grigg v. Director et al.

E-21-179. Kevin Rhodes v. Director et al.

E-21-188. Barbara Grigg v. Director et al.