

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 2, 2022**

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

[CV-19-858](#). David Kinder v. Wendy Kinder, from Pulaski County Circuit Court, Third Division. Appeal dismissed with prejudice. Abramson, Klappenbach, and Brown, JJ., agree. Barrett and Hixson, JJ., dissent.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-21-409](#). Willie Lockett, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Barrett and Brown, JJ., agree.

[CV-20-694](#). James R. Humphrey and Shirley Ann Humphrey, Individually; Patrick Humphrey, James R. Humphrey and Shirley A. Humphrey, as Trustees of the Humphrey 2009 Living Trust, Dated July 13, 2009; and the Humphrey 2009 Living Trust, Dated July 13, 2009 v. Carla Tuttle Bailey, from Carroll County Circuit Court, Eastern District. Affirmed. Barrett and Brown, JJ., agree.

[E-21-215](#). Fred Jackson v. Director, Department of Workforce Services, from the Arkansas Board of Review. Affirmed. Barrett and Brown, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-21-366](#). Thomas Blanton v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-21-184](#). W.O. (a Juvenile) v. State of Arkansas, from Benton County Circuit Court. Reversed. Virden and Whiteaker, JJ., agree.

[CV-20-252](#). City of Fort Smith, Arkansas v. Gary Osborne and Donna Osborne, from Crawford County Circuit Court. Reversed and remanded. Virden and Whiteaker, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-21-379](#). Bobby Pixley, Jr. v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Harrison, C.J., and Hixson, J., agree.

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**RITA W. GRUBER, JUDGE:**

[CV-21-99](#). Fred-Allen Self v. Jennifer Dittmer, from Washington County Circuit Court. Affirmed. Vaught and Murphy, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-21-108](#). Richard Haskins v. Sabrena Howe, from Polk County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CV-21-124](#). Gerald T. (Jerry) Silzell v. Sammy Ann Silzell, from Baxter County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-20-579](#). Addam Maxwell v. Lori Maxwell, from Benton County Circuit Court. Reversed and remanded. Gruber and Murphy, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-20-671](#). Midland Funding, LLC; and Midland Credit Management, Inc. v. Jennifer Briesmeister, on Behalf of Herself and All Other Similarly Situated, from Independence County Circuit Court. Reversed and remanded. Harrison, C.J., and Klappenbach, J., agree.

**MIKE MURPHY, JUDGE:**

[CR-21-378](#). Gaynell Baker v. State of Arkansas, from Pope County Circuit Court. Affirmed. Gruber and Vaught, JJ., agree.

[CV-21-79](#). Tabitha and Ken Lancaster v. Rogers Construction, Inc., from Clark County Circuit Court. Affirmed. Gruber and Vaught, JJ., agree.

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**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-21-108. Jennifer Hernandez v. Director et al.

E-21-196. Jeremy Rosemann v. Director et al.

E-21-197. Ricky Ivy, Jr. v. Director et al.

E-21-200. Kelly Alexander v. Director et al.

E-21-201. Kalon Thompson v. Director et al.

E-21-202. Scharnett Pace v. Director et al.

E-21-203. Tori Craig v. Director et al.

E-21-204. Dorothy Green v. Director et al.

E-21-205. Carrie Blair v. Director et al.

E-21-206. Emily Nimmo v. Director et al.

E-21-207. Emily Nimmo v. Director et al.

E-21-208. Jennifer Denman v. Director et al.

E-21-209. Raeanna Yarbrough v. Director et al.

E-21-210. Hannah Bratcher v. Director et al.

E-21-211. Hannah Bratcher v. Director et al.

E-21-212. Mickey Phillips v. Director et al.

E-21-213. James Cook v. Director et al.

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E-21-214. Fred Jackson v. Director et al.

E-21-216. Wendy Stevens v. Director et al.

E-21-217. Danny Burton v. Director et al.

E-21-218. Pamela Gage v. Director et al.

E-21-221. Ryan Willis v. Director et al.

E-21-225. Pamela Gage v. Director et al.

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**PER CURIAM ORDERS**

REHEARING DENIED: Petition for rehearing was denied today in the following case.

[CV-20-612](#). Janet Nicholas v. Mike Jones, from Sebastian County Circuit Court, Fort Smith District. Harrison, C.J., and Abramson, J., not participating. See **substituted opinion** issued this date.

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CR-20-729. Frankie DeJohn v. State of Arkansas, from Washington County Circuit Court. Motion of Sonia Kezhaya for attorney's fees is granted. Allowed \$2000.00.

CR-21-297. Micah Angel v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's pro se motion for oral argument is denied.

CR-21-626. Santiago Vasquez, Jr. v. State of Arkansas, from Greene County Circuit Court. Appellant's petition for certiorari to supplement the record and for brief time is granted.

CR-22-44. Toby Carter v. State of Arkansas, from Saline County Circuit Court. Appellant's motion to substitute counsel is granted. Attorney Grace Casteel is appointed to represent the appellant on appeal.

CV-21-523. Crowder Land Company, LLC; Estate of Kenneth E. Pace; Grayson Land & Timber Company, LP; ATWL Resources, LLC; Bavarian Timber 2015, LLC; Twin Creeks Timber, LLC; Roydell B. Osteen; and Katherine Bruillette v. Charles Payne and Edna Payne, from Ouachita County Circuit Court. Appellees' motion to dismiss appeal for want of a final order and alternative motion for extension of time to file appellees' brief. Appellees' motion to dismiss appeal for want of a final order is denied. Gruber, J., would pass the motion until the case is submitted. Appellee's motion for extension of brief time is granted.

CV-21-565. Tempworks Management Services, Inc.; and AmTrust North America v. Gary Jaynes, from the Arkansas Workers' Compensation Commission. Appellants' motion to supplement the record and for extension to file brief is granted.

CV-21-612. Kenneth Steward and Lydia Steward v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Appellants' motion for extension of time to file brief is moot.

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CV-21-612. Kenneth Steward and Lydia Steward v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Appellants' amended motion for extension of time to file brief is granted. Appellants' brief is due in ten days (February 12, 2022).

E-21-396. Ronald Parks v. Director et al., from the Arkansas Board of Review. Petitioner's motion to decide case without brief is granted. The case will be submitted on the administrative record only.

E-21-569. Cheryl Pillow v. Director et al., from the Arkansas Board of Review. Appellant's motion to supplement the record or remand to the Board of Review. Appellant's motion to supplement the record is granted. The record is deemed supplemented.

E-22-29. Marcus Davis v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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**MOTIONS SUBMITTED**

CR-21-82. Jeremy Andrew Avery v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion to file a belated brief.

CR-21-132. Daniel Keys v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney's fees.

CR-21-420. Sascha Schreibvogel v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to file belated appellant's brief.

CR-21-502. Jeffrey Armor v. State of Arkansas, from Boone County Circuit Court. Appellant's petition to proceed in forma pauperis.

CV-20-251. Larry Hamilton v. Bank of the Ozarks; Ellen B. Brantley; and Susan Cossey, from Pulaski County Circuit Court, Fifteenth Division. Appellant's pro se motion for extension of time to file.

CV-20-625. Brandon Barrs v. Laura Todd; Baptist Health Medical Center; and North Little Rock Medical Center, from Lonoke County Circuit Court. Appellees' motion for withdrawal and substitution of counsel.

CV-21-346. El Dorado Chemical Company; El Dorado Ammonia, LLC; and LSB Industries, Inc. v. Benham Constructors, LLC, from Union County Circuit Court. Appellee's motion to dismiss appeal.

CV-21-588. Lara Wilkerson (formerly Durham) v. Randall Durham, from Garland County Circuit Court. Appellant's motion for a writ of certiorari to complete the record.

CV-21-589. Shafawnda Saenz v. Keifer Wayne Gray, from Benton County Circuit Court. Appellee's motion to supplement the record.

CV-21-614. Richard Mays, Jr.; Mays, Byrd & Associates, P.A.; Derrick Stephens; D. Stephens Management & Consulting, LLC; and Olena "Lola" Korneevets v. Viva La Vegan Grocery, Inc., from Pulaski County Circuit Court, Sixth Division. Motion of separate appellants Derrick Stephens; D. Stephens Management & Consulting, LLC; and Olena "Lola" Korneevets to correct the record.

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**MOTIONS SUBMITTED**

CV-21-614. Richard Mays, Jr.; Mays, Byrd & Associates, P.A.; Derrick Stephens; D. Stephens Management & Consulting, LLC; and Olena “Lola” Korneevets v. Viva La Vegan Grocery, Inc., from Pulaski County Circuit Court, Sixth Division. Joint motion by Richard Mays, Jr.; and Mays, Byrd & Associates, P.A. for additional brief time.

CV-22-9. Shane Eisman v. Elizabeth Pornjaroen, from Sebastian County Circuit Court, Fort Smith District. Motion of Gentry C. Wahlmeier to withdraw as counsel.

CV-22-46. (In the Matter of the Edward Grimes Trust, the Esther Grimes Trust, and the Peters Family Trust) Zoran Peters, Individually, and in His Capacity as Trustee of the Peters Family Trust v. Lisa Woods, Individually, and in Her Capacity as Trustee of the Edward Grimes Trust and the Esther Grimes Trust; and Lisa Woods, Individually, and in Her Capacity as Trustee of the Peters Family Living Trust, from Benton County Circuit Court. Appellant’s petition for writ of certiorari to complete the record.

CV-22-48. Bobbie Moore v. Mena Regional Health Systems and Risk Management Resources, from the Arkansas Workers’ Compensation Commission. Appellant’s motion to remand to the Arkansas Workers’ Compensation Commission.

E-22-37. Mark Newman v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.



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**CASES SUBMITTED**

CR-21-228. Erica Kirby v. State of Arkansas, from Crawford County Circuit Court.

CR-21-359. A.H. v. State of Arkansas, from Faulkner County Circuit Court.

CV-20-542. Malik Muntaqim v. Wendy Kelley, Director, Arkansas Department of Correction, et al., from Hot Spring County Circuit Court.

CV-20-575. Dee Blakely v. Arkansas Children's Hospital, from Pulaski County Circuit Court, Sixth Division.

CV-20-702. Bobbi Bennett Patterson v. Keith Bennett and Deborah Bennett, from Pulaski County Circuit Court, Twelfth Division.

CV-21-50. Christopher Akers v. K-MAC Enterprises, Inc., d/b/a Taco Bell, from Sebastian County Circuit Court, Fort Smith District.

CV-21-72. (In the Matter of the Guardianship of Z.A.S., a Minor) Pamela Sullins and Bobby Sullins v. Cathy Nelson, from Marion County Circuit Court.

CV-21-101. Meagan D. Longoria (now Hogans) v. Caleb Longoria, from Faulkner County Circuit Court.

CV-21-112. Hollie Sutterfield v. Noah Sutterfield, from Boone County Circuit Court.

CV-21-131. Janae A. Robinson v. Aaron Robinson, from Benton County Circuit Court.

CV-21-447. Christy Collier v. Arkansas Department of Human Services and Minor Children, from Logan County Circuit Court, Northern District.

CV-21-449. Sonja Core v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Northern District.

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

E-21-246. Markeita Love v. Director et al.

E-21-247. Markeita Love v. Director et al.

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**CASES SUBMITTED**

- E-21-248. David Sinnett v. Director et al.
- E-21-249. David Sinnett v. Director et al.
- E-21-250. Imelda Lum v. Director et al.
- E-21-251. Imelda Lum v. Director et al.
- E-21-253. Rhonda McDaniels v. Director et al.
- E-21-255. Donna Ford v. Director et al.
- E-21-256. Kathy Ross v. Director et al.
- E-21-257. Janine Erhardt v. Director et al.
- E-21-258. Corey Welch v. Director et al.
- E-21-259. Phillip Howard v. Director et al.
- E-21-262. Regina Lawson v. Director et al.
- E-21-263. Trina Graves v. Director et al.
- E-21-264. Regina Lawson v. Director et al.
- E-21-265. Bennie Hilliard III v. Director et al.
- E-21-266. Sherilee Owen v. Director et al.
- E-21-267. Jacquetta Kennedy v. Director et al.
- E-21-268. Gary Higgins, Jr. v. Director et al.
- E-21-269. Trina Graves v. Director et al.
- E-21-270. Erica Caldwell v. Director et al.

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**CASES SUBMITTED**

E-21-271. Amanda Nordin v. Director et al.

E-21-272. Alisa Nelson v. Director et al.

E-21-273. Sheila Camp v. Director et al.

Opinions are available on the internet at

<http://arcourts.gov>