

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 9, 2022

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-21-330](#). Toby Lee Howe v. State of Arkansas, from Benton County Circuit Court. Reversed and dismissed. Klappenbach and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-21-411](#). Nitsa Gascot v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Barrett and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-21-9](#). John Britt v. State of Arkansas, from Benton County Circuit Court. Reversed and remanded. Gladwin and Whiteaker, JJ., agree.

[CV-19-686](#). Elaine Petroleum Distributor, Inc.; and Qingdao Xiyngmen Double Camel Tyre Co., Ltd. v. Betsy Snyder, Administratrix of the Estate of Michael Snyder, Deceased, from Phillips County Circuit Court. Affirmed on direct appeal; cross-appeal dismissed. Gladwin and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-21-239](#). Billy Corley v. Acme Brick, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Abramson, Virden, and Whiteaker, JJ., agree. Klappenbach and Hixson, JJ., dissent.

[CV-21-384](#). John Cullum v. Arkansas Department of Human Services and Minor Child, from Van Buren County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-21-406](#). Carrienne Henry v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court, Eastern District. Affirmed. Harrison, C.J., and Hixson, J., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 9, 2022

RITA W. GRUBER, JUDGE:

[CV-21-405](#). Friedrich Dreher v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Reversed and remanded. Vaught and Murphy, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CV-20-617](#). Sherwood Nursing and Rehabilitation Center, Inc.; Sherwood Nursing Center, Inc.; Central Arkansas Nursing Centers, Inc.; David Norsworthy; Michael S. Morton; Kindred Hospice Services, LLC; and Odyssey Healthcare Operating A, LP, d/b/a Kindred Hospice II v. Susan Cazort, as Special Administratrix of the Estate of Lena Mozelle McGaughey, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Lena Mozelle McGaughey, from Pulaski County Circuit Court, Twelfth Division. Affirmed in part; dismissed as moot in part. Abramson and Brown, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-21-182](#). Donald Black v. State of Arkansas, from Saline County Circuit Court. Affirmed as modified. Gruber and Murphy, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-21-1](#). Travis Quinn v. The Travelers Indemnity Company and Travelers Property Casualty Company of America, from Montgomery County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

[CV-21-197](#). Kristy Crews v. Robert Crews, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

WAYMOND M. BROWN, JUDGE:

[CR-21-370](#). Nicholas Long v. State of Arkansas, from Benton County Circuit Court. Affirmed. Abramson and Barrett, JJ., agree.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF FEBRUARY 9, 2022

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-21-219. Wayne Royster v. Director et al.

E-21-220. Wayne Royster v. Director et al.

E-21-223. Lyndee Moore v. Director et al.

E-21-224. Nancy Witmer v. Director et al.

E-21-227. Gonzalo Areas v. Director et al.

E-21-228. Robert Randolph, Jr. v. Director et al.

E-21-229. Erika Guy v. Director et al.

E-21-230. Kimberly Holmes v. Director et al.

E-21-231. Roark Erikson v. Director et al.

E-21-232. Amber West v. Director et al.

E-21-233. Kelly Massey v. Director et al.

E-21-234. Felita Lewis-White v. Director et al.

E-21-235. Shaquita Jackson v. Director et al.

E-21-236. Sa'Davvyan Malone v. Director et al.

E-21-237. Ariel Johns v. Director et al.

E-21-238. Andrew Martin v. Director et al.

E-21-239. Alden Hill v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF FEBRUARY 9, 2022

- E-21-240. Jacob Gore v. Director et al.
- E-21-241. Albert Christopher, Jr. v. Director et al.
- E-21-242. Andrew Watkins v. Director et al.
- E-21-244. Garry Moore v. Director et al.
- E-21-245. Kelly Harrell v. Director et al.
- E-21-252. Thomas Bradford v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 9, 2022

PER CURIAM ORDERS

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 is granted.

CR-21-132. Daniel Keys v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney's fees is granted. Allowed \$2000.00.

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

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

CV-19-499. John Ray Dye and Bobbye Jo Dye v. Precision Foundation Specialties and Flow Rite Drainage Solutions, Inc., from Benton County Circuit Court. Stipulated motion to reschedule oral argument is granted.

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 brief is granted.

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 is granted.

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 is granted.

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 is granted.

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

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 9, 2022

PER CURIAM ORDERS

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 is granted. Brown, J., not participating.

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 is granted. Appellants’ brief is due in thirty days (March 11, 2022). Brown, J., not participating.

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 is granted.

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 is granted.

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 is granted. A status report is due in ninety days (May 10, 2022).

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

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF FEBRUARY 9, 2022

MOTIONS SUBMITTED

CR-21-438. Theodora Mohammed v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to dismiss, or alternatively, for brief time.

CR-21-486. Gary Chambers v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-21-566. Christopher Parker v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for rule on the clerk.

CR-21-566. Christopher Parker v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to supplement the record, or in the alternative, motion to correct the record.

CR-22-8. Johnathan Holbrook-Knecht v. State of Arkansas, from Pope County Circuit Court. Joint motion to substitute counsel of record.

CR-22-67. Perry Louis McGowan v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's petition for leave to proceed in forma pauperis.

CR-22-67. Perry Louis McGowan v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's amended petition for leave to proceed in forma pauperis.

CR-22-67. Perry Louis McGowan v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's motion for appointment of counsel on appeal.

CR-22-67. Perry Louis McGowan v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Danny Williams to be relieved as counsel on appeal.

CV-21-531. LeRaye Atwood v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Appellant's pro se motion to file belated points of appeal.

CV-21-628. Rebecca Dayberry, Individually, and as Mother and Next Friend of ND, a Minor v. Rhonda Michelle Payne and John Does 1-10, from Washington County Circuit Court. Appellant's motion to correct the record.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF FEBRUARY 9, 2022

MOTIONS SUBMITTED

E-21-491. Christina Roberts v. Director et al., from the Arkansas Board of Review. Appellees' motion to accept corrected record.

E-21-492. Christina Roberts v. Director et al., from the Arkansas Board of Review. Appellees' motion to accept corrected record.

E-21-537. Tiffany Thomas v. Director et al., from the Arkansas Board of Review. Petitioner's motion to decide case without brief.

E-21-587. James Tanksley v. Director et al., from the Arkansas Board of Review. Appellees' motion to remand.

E-21-695. Shahzad Aslam v. Director et al., from the Arkansas Board of Review. Appellees' motion for extension of time to file record.

E-21-696. Shahzad Aslam v. Director et al., from the Arkansas Board of Review. Appellees' motion for extension of time to file record.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF FEBRUARY 9, 2022

CASES SUBMITTED

CR-21-337. Stephen Duvall v. State of Arkansas, from Hot Spring County Circuit Court.

CR-21-367. Joseph Wayne Allen v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-21-419. Malachi Muhammad v. State of Arkansas, from Monroe County Circuit Court.

CV-19-969. Pop-A-Duck, Inc.; Berry Abney; Buck Matthews; Larry Vassar; Billy Kyle; and Robert Hardin v. John E. Gardner; Robbie Gardner; Manning Family, LLC; Cecil Gardner Family, LLC; Terrell Wayne Evans; and WE Farms, LLC, from Jackson County Circuit Court.

CV-20-627. Angela White; and McKimney Associates, Realtors, LLC v. Great American Assurance Company, Sabina Pratt, and Raymond Pratt, from Pulaski County Circuit Court, Fifth Division.

CV-20-683. Mark Jackson v. IberiaBank, from Pulaski County Circuit Court, Seventeenth Division.

CV-21-52. Coleman Bass Construction, LLC; and Big Hammer Contractors, LLC v. City of Bentonville, Arkansas; City Council of the City of Bentonville, Arkansas; and Stephanie Orman, in Her Official Capacity as Mayor, from Benton County Circuit Court.

CV-21-68. Robinson Nursing and Rehabilitation Center, LLC; Central Arkansas Nursing Centers, Inc; Nursing Consultants, Inc; and Michael Morton v. James Briley, as Special Administrator of the Estate of Alice Ann Briley, and on Behalf of the Wrongful Death Beneficiaries of Alice Ann Briley, Deceased, from Pulaski County Circuit Court, Sixth Division.

CV-21-116. Rain Investments, LLC, d/b/a Saracen Cinema 8 v. James Vu; Thuytien Vu; John Vu; Theresa Vu; and Cameron Appraisal Group, LLC, from Jefferson County Circuit Court.

CV-21-171. Raymond Joe Evans v. Janet Jones Carpenter, from Logan County Circuit Court, Southern District.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF FEBRUARY 9, 2022

CASES SUBMITTED

CV-21-204. Andrew Hamerlinck v. Danielle Hamerlinck, from Garland County Circuit Court.

CV-21-470. Robin Britt v. Arkansas Department of Human Services and Minor Child, from Fulton County Circuit Court.

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

E-21-274. Edward Fite v. Director et al.

E-21-275. Brian Moore v. Director et al.

E-21-276. James Hargrove v. Director et al.

E-21-277. Sarah Frick v. Director et al.

E-21-278. Kevin Hussman v. Director et al.

E-21-279. Lisa King v. Director et al.

E-21-280. Roy Williams v. Director et al.

E-21-281. Jimmie Spencer v. Director et al.

E-21-282. Treva Young v. Director et al.

E-21-283. Treva Young v. Director et al.

E-21-284. Derrick White v. Director et al.

E-21-285. Monique Boyd v. Director et al.

E-21-286. Amber Wolfe v. Director et al.

E-21-287. Willard Burnett v. Director et al.

E-21-288. Stephanie Tyler v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF FEBRUARY 9, 2022

CASES SUBMITTED

- E-21-289. Renardo Kelson v. Director et al.
- E-21-290. Shannon Young v. Director et al.
- E-21-291. Theotis McKnight v. Director et al.
- E-21-292. Lindsey Cannon v. Director et al.
- E-21-293. Dianna Dunn v. Director et al.
- E-21-294. Christopher Bobbitt v. Director et al.
- E-21-295. Renardo Kelson v. Director et al.
- E-21-296. David Tennant v. Director et al.
- E-21-299. Penelope Reinoso v. Director et al.