

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MARCH 9, 2022**

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

[CV-21-24](#). (In the Matter of the Guardianship of KM, a Minor) Wannetta Akers-Trask and Roger Trask v. Ashley Malone-Durham and Ariel Malone-Durham, from Randolph County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

[CV-21-180](#). Razorback Rides, LLC v. Mary Birdsong and Norm Farnum, from Boone County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-21-224](#). Ashley Olinghouse v. Phillip Olinghouse, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Harrison, C.J., and Gladwin, J., agree.

**BART F. VIRDEN, JUDGE:**

[CV-21-52](#). Coleman Bass Construction, LLC; and Big Hammer Contractors, LLC v. The City of Bentonville; City Council of the City of Bentonville; and Stephanie Orman, in Her Capacity as Mayor, from Benton County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-20-575](#). Dee Blakely v. Arkansas Children's Hospital, from Pulaski County Circuit Court, Sixth Division. Affirmed. Whiteaker, Hixson, and Murphy, JJ., agree. Harrison, C.J., and Abramson, J., dissent.

[CV-21-158](#). Carlton Newsome v. City of El Dorado, Arkansas, from Union County Circuit Court. Affirmed. Harrison, C.J., and Abramson, J., agree.

**RITA W. GRUBER, JUDGE:**

[CV-21-101](#). Meagan Longoria v. Caleb Longoria, from Faulkner County Circuit Court. Affirmed in part; reversed in part. Klappenbach, Barrett, Vaught, and Brown, JJ., agree. Virden, J., dissents.

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**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-21-273](#). Sarah Smith v. Joshua Hembree, from Faulkner County Circuit Court. Affirmed. Virden and Gruber, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-21-423](#). Tommy Hamilton v. State of Arkansas, from Hempstead County Circuit Court. Affirmed. Hixson and Murphy, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-20-53](#). Emery Branch, Individually and as the Duly Appointed Personal Representative of Her Unborn Child, A.B. v. St. Bernards Healthcare; St. Bernards Hospital, Inc., a/k/a St. Bernards Regional Medical Center a/k/a St. Barnards Medical Center; St. Bernards OB-GYN Associates; Martin Kosciuk, M.D.; Serena Vance, M.D.; Brittany Smith, M.D.; Samantha Fry, R.N.; Christy Simpkins, R.N.; Callie Wagner, R.N. (Talley); James Gillean, R.N.; Madison Thomason, R.N.; ProAssurance Indemnity Company, Inc.; John Doe 1; John Doe 2; and John Doe 3, from Craighead County Circuit Court, Western District. Affirmed in part; reversed and remanded in part. Klappenbach and Brown, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-21-506](#). Venson Mason v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Reversed and remanded. Whiteaker and Murphy, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-21-97](#). Patrick Dixon Mehaffy v. Marley Jo Clark, Individually and as Trustee of the Clark Revocable Trust Dated August 7, 2003; The Clark Revocable Trust Dated August 7, 2003; Marley Jo Clark, as Trustee of the Marley Jo Clark Revocable Trust; The Marley Jo Clark Revocable Trust; and Marley Jo Clark, Jr., Individually and as Trustee of the Clark Revocable Trust, from Faulkner County Circuit Court. Reversed and remanded. Whiteaker and Hixson, JJ., agree.

[CV-21-127](#). Jared Branscum v. Caitlin Branscum, from Izard County Circuit Court. Affirmed in part; reversed and remanded in part. Whiteaker and Hixson, JJ., agree.

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**WAYMOND M. BROWN, JUDGE:**

[CR-21-413](#). Andre Corley v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Klappenbach and Vaught, JJ., agree.

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**PER CURIAM ORDERS**

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

CV-19-858. David Kinder v. Wendy Kinder, from Pulaski County Circuit Court, Third Division. Murphy, J., not participating.

CV-21-124. Gerald T. (Jerry) Silzell v. Sammy Ann Silzell, from Baxter County Circuit Court. Abramson, J., not participating.

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

CR-21-361. Christopher Rice v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2000.00.

CR-21-535. Joey Penix v. State of Arkansas, from Lawrence County Circuit Court. Appellant's motion for additional brief time and for motion for expansion of word count limitation is granted.

CR-22-21. Stacy Mitchell v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for extension of time to supplement record is granted.

CR-22-98. Martha Rosario Gonzales v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time to file brief is granted. Appellant's brief is due April 25, 2022.

CR-22-112. John Krieger v. State of Arkansas, from Howard County Circuit Court. Appellant's motion to remand to settle the record is moot. Barrett, J., not participating.

CR-22-112. John Krieger v. State of Arkansas, from Howard County Circuit Court. Appellant's amended motion to remand to settle the record and petition for writ of certiorari to complete the record is granted. Barrett, J., not participating.

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CV-21-414. Frank J. Iacampo v. Deborah J. Iacampo n/k/a Deborah Hoffpauir, from Mississippi County Circuit Court, Chickasawba District. Joint motion to supplement the record is granted.

CV-21-445. John Dickerson, Jr., Administrator of the Estate of Betty Matlock, Deceased v. St. Vincent Hospital; Emmanuel Tancinco, M.D.; and Nizar Mohamedali Suleman, M.D., from Garland County Circuit Court. Suggestion of death of co-appellee is noted.

CV-21-618. Bryan Gadberry v. Autumn Gadberry, from Pulaski County Circuit Court, Fifteenth Division. Third-party respondent's motion for leave to file motion for reconsideration is moot. Gruber, J., not participating.

CV-21-618. Bryan Gadberry v. Autumn Gadberry, from Pulaski County Circuit Court, Fifteenth Division. Third-party respondent's motion for extension of time is moot. Gruber, J., not participating.

CV-21-618. Bryan Gadberry v. Autumn Gadberry, from Pulaski County Circuit Court, Fifteenth Division. Stipulation between appellant and third-party respondent is noted. Gruber, J., not participating.

CV-22-111. Bobbie Viele v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Appellant's motion for belated appeal is granted. Gruber, J., not participating.

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**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

E-21-273. Sheila Camp v. Director et al., from the Arkansas Board of Review.

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CR-21-184. W.O. (a Juvenile) v. State of Arkansas, from Benton County Circuit Court. Motion and request of Laura Avery for attorney's fees.

CR-21-379. Bobby Pixley, Jr. v. State of Arkansas, from Crawford County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-21-383. Noah Douglas Wright v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's pro se motion for extension of time to file brief.

CR-21-409. Willie Lockett, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Motion of Robert N. Jeffrey for attorney's fees.

CR-22-3. Sterling D. Woolford v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's motion requesting that court enforce its issuance of a writ of certiorari to complete the record on 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.

E-21-257. Janine Erhardt v. Director et al., from the Arkansas Board of Review. Pro se motion for filing fee waiver.

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**CASES SUBMITTED**

CR-21-437. Aquon Ladarrell Roberts v. State of Arkansas, from Jefferson County Circuit Court.

CR-21-473. Simon Harris v. State of Arkansas, from Hempstead County Circuit Court.

CV-19-660. (In the Matter of the Estate of Tommy Williams, Deceased) Patty Jackson, as Personal Representative of the Estate of Tommy Williams, Deceased; and Vela Williams v. Ronnie Crump, from Craighead County Circuit Court, Eastern District.

CV-19-661. (In the Matter of the Estate of Tommy Williams, Deceased) Patty Jackson, as Personal Representative of the Estate of Tommy Williams, Deceased; and Vela Williams v. Ronnie Crump, from Craighead County Circuit Court, Eastern District.

CV-21-46. Jason D. Rowan v. Mary Beth Hunter-Rowan, from Benton County Circuit Court.

CV-21-49. J.E. Bonding, Inc. v. State of Arkansas, from Garland County Circuit Court.

CV-21-122. Planters Cotton Oil Mill, Inc.; Ag-Comp Claims-SIF Fund; and Death and Permanent Total Disability Trust Fund v. Steven Newman, from the Arkansas Workers' Compensation Commission.

CV-21-230. Cooper Tire & Rubber Company and Central Adjustment Company, Inc. v. Will Hill, from the Arkansas Workers' Compensation Commission.

CV-21-432. Kristen Gibby v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court.

CV-21-433. Kristen Gibby 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-21-198. Rachel Hourston v. Director et al.

E-21-199. Rachel Hourston v. Director et al.

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**CASES SUBMITTED**

- E-21-336. Joshua Dunham v. Director et al.
- E-21-337. Justin Winstead v. Director et al.
- E-21-338. Michael Turner v. Director et al.
- E-21-339. Charlene Robinson v. Director et al.
- E-21-340. Jerrod McElhaney v. Director et al.
- E-21-341. Breonna Martin v. Director et al.

Opinions are available on the internet at

<http://arcourts.gov>