

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 6, 2022

RAYMOND R. ABRAMSON, JUDGE:

[CR-21-325](#). Haracio Colen v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Virden and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-21-437](#). Aquon Roberts v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

[CV-21-207](#). Mary “Larita” Spruell and Allison Spruell v. Jedidiah E. Dunn, Individually; and Bobby Stokes, Individually and d/b/a Hot Springs Carriage Company, Inc., from Lafayette County Circuit Court. Dismissed without prejudice. Abramson and Murphy, JJ., agree.

[CV-21-230](#). Cooper Tire & Rubber Company and Central Adjustment Company, Inc., TPA v. Will Hill, from the Arkansas Workers’ Compensation Commission. Affirmed. Abramson and Murphy, JJ., agree.

[E-21-344](#). Denise Spicer v. Director, Division of Workforce Services, from the Arkansas Board of Review. Remanded to supplement the record. Abramson and Murphy, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-21-64](#). Sam Baggett, Jr. v. Angela Baggett (Benight), from Lonoke County Circuit Court. Affirmed. Vaught and Hixson, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-21-297](#). Micah Angel v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gruber and Hixson, JJ., agree.

[CV-21-151](#). Cooper Realty Investments, Inc. v. City of Bentonville, Arkansas, from Benton County Circuit Court. Reversed and remanded. Gruber and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-21-363](#). Zachary Still v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gruber and Vaught, JJ., agree.

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MIKE MURPHY, JUDGE:

[CV-21-49](#). J.E. Bonding, Inc. v. State of Arkansas, from Garland County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

[CV-21-198](#). Teresa James v. Mary Cynthia Mounts; James Phillip Rocconi; and Richard Anthony Rocconi, Individually and as Executor of the Estate of James R. Rocconi, Deceased, from Ouachita County Circuit Court. Reversed. Abramson and Virden, JJ., agree.

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PER CURIAM ORDERS

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

CV-20-733. Larry Phifer v. Janet Ouellette, Personal Representative of the Estate of Ruth Cowin; Richard Cowin; Margot Cowin; Anadarko E&P Company, L.P., a Delaware Partnership; Anadarko Land Corp., a Nebraska Corporation; Chesapeake Exploration, LLC, an Oklahoma Limited Liability Company; Southwestern Energy Company, a Delaware Corporation; and BHP Billiton Petroleum (Fayetteville), LLC, a Delaware Limited Liability Company, from White County Circuit Court. Harrison, C.J., and Abramson, J., not participating.

CV-21-42. St. Joseph's Utility Operating Company, LLC v. Alexander Municipal Property Owners' Multipurpose Improvement District No. 43; Alexander Municipal Property Owners' Multipurpose Improvement District No. 86; and St. Joseph's Glen Property Owners Association, from Saline County Circuit Court. (Appellees' petition for rehearing.)

CV-21-42. St. Joseph's Utility Operating Company, LLC v. Alexander Municipal Property Owners' Multipurpose Improvement District No. 43; Alexander Municipal Property Owners' Multipurpose Improvement District No. 86; and St. Joseph's Glen Property Owners Association, from Saline County Circuit Court. (Appellant's petition for rehearing.)

CV-21-56. Arkansas Department of Human Services, Division of Medical Services v. Northwest Health System, from Pulaski County Circuit Court, Second Division.

CR-20-397. Dale C. Bartlett v. State of Arkansas, from Monroe County Circuit Court. Appellant's motion to grant oral argument is denied.

CR-21-254. Logan Morrison v. State of Arkansas, from Benton County Circuit Court. Appellant's unopposed motion for extension of time to settle and supplement the record is granted.

CR-21-309. John Erin Workman v. State of Arkansas, from Benton County Circuit Court. Motion of Erin W. Lewis for attorney's fees is granted. Allowed \$2000.00.

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PER CURIAM ORDERS

CR-21-359. A.H. v. State of Arkansas, from Faulkner County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$2000.00. Harrison, C.J., and Abramson and Virden, JJ., not participating.

CR-21-366. Thomas Blanton v. State of Arkansas, from Crawford County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$2000.00.

CR-22-23. Xavier Juwon Lacey v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion to file points belatedly is granted. Barrett, J., not participating.

CR-22-24. Xavier Juwon Lacey v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion to file points belatedly is granted. Barrett, J., not participating.

CR-22-54. Thomas Dewayne Wilcoxon v. State of Arkansas, from Ashley County Circuit Court. Appellant's motion to file belated brief is granted.

CR-22-112. John Krieger v. State of Arkansas, from Howard County Circuit Court. Appellant's motion for extension of time to comply with writ of certiorari to complete the record is granted. Certified electronic supplemental record is due in fifteen days (April 21, 2022). Barrett, J., not participating.

CV-21-72. (In the Matter of the Guardianship of Z.S., a Minor) Pamela and Bobby Sullins v. Cathy Nelson, from Marion County Circuit Court. Appellee's motion for attorney's fees and costs is denied.

CV-21-174. Kerry Hollis v. Constance O. Hinton and Valerie Hinton, from Drew County Circuit Court. Appellant's pro se motion to correct appellant's petition for rehearing is granted. Murphy, J., not participating.

CV-21-239. Billy Corley v. Acme Brick, from the Arkansas Workers' Compensation Commission. Appellant's motion for an award of attorney's fees is granted. Allowed \$1000.00.

CV-21-318. Gerber Products Co. v. Alberici Constructors, Inc.; and CECO Concrete Construction, LLC, from Sebastian County Circuit Court, Fort Smith District. Motion of separate appellee/cross-appellant CECO Concrete Construction, LLC, to substitute brief is granted. Harrison, C.J., and Hixson, J., not participating.

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PER CURIAM ORDERS

CV-21-412. Tracy Wilson v. Jeffrey Wilson, from Benton County Circuit Court. Appellee's motion to file belated brief and for extension of brief time is denied. See Ark. Sup. Ct. Rule 4-4(c). Harrison, C.J., would grant.

CV-21-424. (In the Matter of the Guardianship of Jacquelin Ann Dicus, an Incapacitated Person) Jacquelin Ann Dicus v. Tony Dicus, from Pulaski County Circuit Court, Fourteenth Division. Appellant's motion for reconsideration en banc of order dismissing appeal is denied. Virden and Hixson, JJ., would grant. Gladwin, J., not participating.

CV-21-563. Charity Sexton (now Graham) v. Matthew Sexton, from Hot Spring County Circuit Court. Appellant's motion for leave to file belated brief is granted.

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 of separate appellants Richard Mays, Jr.; and Mays, Byrd & Associates, P.A., for additional brief time and for expansion of word count limitation is granted. Word-count limitation is increased to 10,000. Separate appellants' brief is due in thirty days (May 6, 2022). Whiteaker, J., would deny. Brown, J., not participating.

CV-21-618. Bryan Gadberry v. Autumn Gadberry, from Pulaski County Circuit Court, Fifteenth Division. Motion of Amanda Simmons to withdraw as counsel is granted. Gruber, J., not participating.

CV-22-139. Sean Mullenix v. Jennifer Mayberry, from Garland County Circuit Court. Appellant's motion for stay and supersedeas is granted. Klappenbach and Whiteaker, JJ., would deny. Harrison, C.J., and Abramson, J., not participating.

CV-22-141. Terry Fleming v. Corissa Withrow, from Pulaski County Circuit Court, Sixth Division. Appellee's motion to dismiss appeal is denied.

E-21-189. Matthew Robinson v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion for belated rehearing is denied. Abramson, J., not participating.

E-21-572. Craig Robinson v. Director et al., from the Arkansas Board of Review. Appellees' motion to dismiss appeal is granted. Klappenbach, J., would deny.

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PER CURIAM ORDERS

E-21-573. Craig Robinson v. Director et al., from the Arkansas Board of Review. Appellees' motion to dismiss appeal is granted. Klappenbach, J., would deny.

E-21-715. Maria Richard v. Director et al., from the Arkansas Board of Review. Appellant's motion to decide case on the record is granted.

E-22-45. Nakita Hollingsworth v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion for extension of time to file a motion to reconsider is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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

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.

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.

CV-21-224. Ashley Olinghouse v. Phillip Olinghouse, from Pulaski County Circuit Court, Seventeenth Division.

CR-20-650. Brittne Renee Lee v. State of Arkansas, from Crittenden County Circuit Court. Appellant’s motion for extension of time to file a substituted brief.

CR-21-182. Donald Black v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney’s fees.

CR-21-199. Mark Barker v. State of Arkansas, from Crittenden County Circuit Court. Appellee’s motion to dismiss appeal.

CR-21-228. Erica Kirby v. State of Arkansas, from Crawford County Circuit Court. Motion of Grace Casteel for award of attorney’s fees.

CR-21-266. Granville Murphy v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant’s pro se motion to file a belated petition for rehearing.

CR-21-330. Toby Lee Howe v. State of Arkansas, from Benton County Circuit Court. Motion of Ben Motal for attorney's fees.

CR-21-367. Joseph Allen v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of John Ogles for attorney's fees.

CR-21-459. Cameron J. Braswell v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

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.

CR-22-179. Antonio Holliman v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's Rule 2-2 motion.

CV-20-748. Ollie Hammett and Lucy Hammett, Husband and Wife v. Simmons Bank f/k/a Simmons First National Bank, from Pulaski County Circuit Court, Seventeenth Division. Motion to substitute personal representative as appellants.

CV-21-529. Dan Baird v. Celina Baird (now Stelly), from White County Circuit Court. Appellee's motion to dismiss appeal.

CV-22-108. John Wesley Tippit v. Charlotte A. Davis, from Clay County Circuit Court, Western District. Appellant's pro se motion to supplement the record.

CV-22-109. John Wesley Tippit v. Charlotte A. Davis, from Clay County Circuit Court, Western District. Appellant's pro se motion to supplement the record.

CV-22-143. Benton School District; Lori Bacon, in Her Individual and Official Capacity; and Lita Gattis, in Her Individual and Official Capacity v. Brandi Greer, from Saline County Circuit Court. Appellee's motion to dismiss appeal.

CV-22-143. Benton School District; Lori Bacon, in Her Individual and Official Capacity; and Lita Gattis, in Her Individual and Official Capacity v. Brandi Greer, from Saline County Circuit Court. Appellee's motion for partial dismissal without prejudice.

CV-22-185. Kayla Fitts and Colby Fitts v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Appellants' motion to file belated appeal and to tender record.

E-21-518. Brandon Pack v. Director et al., from the Arkansas Board of Review. Appellees' motion to dismiss appeal.

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CASES SUBMITTED

CR-21-192. Brandon Ulysses Westbrook v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-21-530. Stevie Lee Young, Jr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-19-772. Kristin Ann Lauren Potter v. Russell Lowell Potter II, from Benton County Circuit Court.

CV-21-117. Eva McCann, Lola May Covell, and Irene Mendes v. William Randall Cross, Laura Cross, and Farm Credit Services of Western Arkansas, FLCA, from Saline County Circuit Court.

CV-21-248. Romelia Morales v. Juan Arias, from Pulaski County Circuit Court, Third Division.

CV-21-283. Joshua A. Haeber v. Katerina Day, from Saline County Circuit Court.

CV-21-295. Southern Tire Mart, LLC; and Liberty Mutual Ins. Co. v. Jose Perez, from the Arkansas Workers' Compensation Commission.

CV-21-321. University of Arkansas for Medical Sciences, Public Employee Claims Division; and Death and Permanent Total Disability Trust Fund v. Kenneth Barton, from the Arkansas Workers' Compensation Commission.

CV-21-323. Keith Dixon v. Tyler Van Dyke, from Faulkner County Circuit Court.

CV-21-343. Howard Friday v. MCSA, LLC, d/b/a Medical Center of South Arkansas; Roderick Boyd, M.D.; and Locum Lenders, LLC, from Union County Circuit Court.

CV-21-511. Tina Schultz v. Arkansas Department of Human Services and Minor Children, from Carroll County Circuit Court, Eastern District.

CV-21-541. Shannon Tate v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

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CASES SUBMITTED

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

E-21-358. Camilla Griffin v. Director et al.

E-21-359. Lucretia Butler v. Director et al.

E-21-360. Alexcia Webster v. Director et al.

E-21-361. Abdoulie Krubally v. Director et al.

E-21-362. Rachel Davis v. Director et al.

E-21-363. Buddy Duncan v. Director et al.

E-21-364. Thomas Boyd v. Director et al.

E-21-366. Vonda Kirkpatrick v. Director et al.

E-21-368. Estela Arrue-Calderon v. Director et al.

E-21-369. Jodi Horton v. Director et al.