

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF MAY 4, 2022

#### **RAYMOND R. ABRAMSON, JUDGE:**

[CR-21-497](#). Jeffrey Haynes v. State of Arkansas, from Franklin County Circuit Court, Northern District. Affirmed. Harrison, C.J., and Gruber, J., agree.

#### **BART F. VIRDEN, JUDGE:**

[CV-21-574](#). Porchia Calloway v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Affirmed. Whiteaker and Murphy, JJ., agree.

#### **N. MARK KLAPPENBACH, JUDGE:**

[CV-21-164](#). Hemp Health, LLC; IZARD Health, LLC; Linwood Holding, LLC; and Care Holding, LLC v. Arkansas Department of Human Services; Cindy Gillespie, Director of the Arkansas Department of Human Services; Cecilia Vinson, Director, Office of Long Term Care; Jerald Sharum, Director, Division of Provider Services & Quality Assurance, from Pulaski County Circuit Court, Ninth Division. Affirmed. Gladwin and Hixson, JJ., agree.

[E-21-387](#). Andrew Bushnell v. Director, Arkansas Department of Commerce, Division of Workforce Services, from the Arkansas Board of Review. Reversed and remanded. Gladwin and Hixson, JJ., agree.

#### **RITA W. GRUBER, JUDGE:**

[CV-21-493](#). Keny Sosa v. Kawneer Company, Inc.; Helmsman Management Services, LLC; and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison, C.J., and Abramson, J., agree.

#### **STEPHANIE POTTER BARRETT, JUDGE:**

[CR-21-559](#). Corey Steward v. State of Arkansas, from Lincoln County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

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**PHILLIP T. WHITEAKER, JUDGE:**

[CV-21-582](#). Nicholas Mills v. Arkansas Department of Human Services and Minor Children, from Yell County Circuit Court, Northern District. Affirmed. Virden and Murphy, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-21-525](#). Karrie Cancel v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Barrett and Brown, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-20-657](#). DJS Development, LLC v. Debra Brawley, Hope Bawcom, Stephanie Davis, and Freeman Davis, from Sharp County Circuit Court. Reversed and dismissed without prejudice. Virden and Whiteaker, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-21-340](#). City of McCrory, Arkansas; Honorable Doyle Fowler, Mayor; Amanda Austin, Councilwoman; Glinda Dallas, Councilwoman; Mark Cain, Councilman; Ronnie Massinelli, Councilman; Mary Whitlock, Councilwoman; and Shawn Peebles, Councilman v. Fred E. Wilson and Robert Wilson, Individually and d/b/a Wilson Realty, an Arkansas Limited Partnership, by and through Fred. E. Wilson, MD, Managing Partner, from Woodruff County Circuit Court. Reversed. Barrett and Vaught, JJ., agree.

**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-21-382. Estevan Carrillo v. Director et al.

E-21-384. Elizabeth Little v. Director et al.

E-21-385. Thomas Hammock v. Director et al.

E-21-386. Travis Roth v. Director et al.

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**PER CURIAM DECISIONS**

- E-21-388. Rodney Fields v. Director et al.
- E-21-389. Mary Cannon v. Director et al.
- E-21-390. Stephanie Green v. Director et al.
- E-21-391. Jerline Lewis v. Director et al.
- E-21-392. Bergandi Norwood v. Director et al.
- E-21-393. Kenneth Burrows v. Director et al.
- E-21-394. Jeri Jones v. Director et al.
- E-21-395. Christopher Henderson v. Director et al.
- E-21-396. Ronald Parks v. Director et al.
- E-21-397. Leonard Houston v. Director et al.
- E-21-398. Dylan Tipton v. Director et al.
- E-21-399. Edrick Smith v. Director et al.
- E-21-400. David Dobry v. Director et al.
- E-21-401. Eric Boykin v. Director et al.
- E-21-402. Michael Monday v. Director et al.
- E-21-403. Pierre Duncan v. Director et al.
- E-21-404. Jason Fields v. Director et al.
- E-21-405. Lisa Jefferson v. Director et al.
- E-21-406. Malissa Ford v. Director et al.

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**PER CURIAM ORDERS**

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

CV-19-660. Patty Jackson, as Executrix of the Estate of Tommy Williams; 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.

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CR-22-128. William Mosley v. State of Arkansas, from Columbia County Circuit Court. Motion of Jessica Yarbrough to be relieved as counsel is granted.

CR-22-174. Jamie Jacobs v. State of Arkansas, from Columbia County Circuit Court. Motion of Jessica Yarbrough to be relieved as counsel is granted.

CR-22-175. Jamie Jacobs v. State of Arkansas, from Columbia County Circuit Court. Motion of Jessica Yarbrough to be relieved as counsel is granted.

CV-22-188. (In the Matter of the Estate of Eunice Faye Smith, Deceased) Lloyd Smith and Derrell Smith v. Martin Smith and Alwin Smith, from Little River County Circuit Court. Separate appellee Martin Smith's motion for sanctions and affirmation for delay only filing is passed until the case is submitted. Harrison, C.J., and Abramson, J., not participating.

CV-22-188. (In the Matter of the Estate of Eunice Faye Smith, Deceased) Lloyd Smith and Derrell Smith v. Martin Smith and Alwin Smith, from Little River County Circuit Court. Separate appellee Martin Smith's amended motion for sanctions and affirmation for delay only filing is passed until the case is submitted. Harrison, C.J., and Abramson, J., not participating.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

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

CV-21-151. Cooper Realty Investments, Inc. v. City of Bentonville, Arkansas, from Benton County Circuit Court.

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.

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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.

CV-21-170. Richard Cosner v. C&J Forms and Labels Company; and Safeco Property Casualty Insurance, from the Arkansas Workers' Compensation Commission. Appellant's motion for an award of attorney's fees.

CV-21-224. Ashley Olinghouse v. Phillip Olinghouse, from Pulaski County Circuit Court, Seventeenth Division. Motion of Adrienne M. Griffis to withdraw as appellee's counsel.

CV-21-412. Tracy Wilson v. Jeffrey Wilson, from Benton County Circuit Court. Motion for reconsideration of motion to file belated brief and for extension of brief time.

CV-22-246. Danny Alcoser v. Amber Thurman, from Benton County Circuit Court. Appellant's pro se petition for leave to proceed in forma pauperis.

CV-22-246. Danny Alcoser v. Amber Thurman, from Benton County Circuit Court. Appellant's pro se motion to proceed without certified clerk's record.

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**CASES SUBMITTED**

CR-21-429. David Ray Parret v. State of Arkansas, from Washington County Circuit Court.

CR-21-452. George Burns v. State of Arkansas, from Little River County Circuit Court.

CR-21-462. Ryan Warren v. State of Arkansas, from Boone County Circuit Court.

CV-19-774. Reuben Eldridge and Sandra Eldridge v. Jerry Waugh, from Independence County Circuit Court.

CV-20-77. Camden-Progressive Eldercare Services, Inc., d/b/a Ouachita Nursing and Rehabilitation Center; Progressive Eldercare Services, Inc.; Southern Administrative Services, LLC; Care Plus Staffing, LLC; Procure Therapy Services, LLC; Professional Nursing Solutions, LLC; Ponthie Holdings, LLC; JEJ Investments, LLC; John Ponthie; Ross Ponthie; Mark Thompson; and Angela Marlar, in Her Capacity as Administrator of Ouachita Nursing and Rehabilitation Center v. Sheila Whitney, as Personal Representative of the Estate of Lillie Whitney; and on Behalf of the Wrongful Death Beneficiaries of Lillie Whitney, from Ouachita County Circuit Court.

CV-21-258. Chance Combs and Preston Long v. Elite Title Company, Inc., from Washington County Circuit Court.

CV-21-265. James Parsons, on Behalf of Himself and All Other Similarly Situated Taxpayers v. Preferred Family Healthcare, Inc., a Missouri Corporation, d/b/a (1) Health Resources of Arkansas, (2) Decision Point, (3) Dayspring Behavioral Health Services, and (4) Wilbur D. Mills Treatment Center, from Benton County Circuit Court.

CV-21-332. Ellen Lafkin Brown v. Karen Shipley, from Saline County Circuit Court.

CV-21-417. Rebecca Nichols v. James Swindoll and Chuck Gibson, from Pulaski County Circuit Court, Fifth Division.

CV-21-428. Crystal Hutton v. Arkansas Department of Human Services and Minor Child, from Lawrence County Circuit Court.

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

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**CASES SUBMITTED**

CV-21-545. Stephanie Hoy v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

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

E-21-365. William Spencer v. Director et al.

E-21-367. Marquisha Jackson v. Director et al.

E-21-371. Charles Lott v. Director et al.

E-21-383. Donna Ermann v. Director et al.

E-21-414. Latonya White-Jones v. Director et al.

E-21-417. Takesha Johnson v. Director et al.

E-21-423. Theo Skipper v. Director et al.

E-21-429. Jonathan Mitchell v. Director et al.

E-21-431. Tammie Pearrow v. Director et al.

E-21-534. Teresa Henry v. Director et al.

E-21-591. Nikiaa Warren v. Director et al.

E-21-650. Phyllis Boone v. Director et al.

E-21-663. Eric Withers, Sr. v. Director et al.

E-21-678. Mary Woodard v. Director et al.

E-21-699. Kayla Simbler v. Director et al.

E-21-723. Martrice Grayson v. Director et al.

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**CASES SUBMITTED**

E-21-745. Rodney Wade v. Director et al.

E-21-746. Sharon Bailey v. Director et al.

E-21-754. Michelle Rosenbaum v. Director et al.

E-21-764. Stacie Spickard v. Director et al.

E-21-777. Ashanta Dunlap v. Director et al.

E-21-788. Willie Robinson, Jr. v. Director et al.

E-21-803. Monica Litzsey v. Director et al.

E-21-805. Monica Litzsey v. Director et al.