

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

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

[CV-21-308](#). (In the Matter of the Guardianship of Samuel Richard Gill) Marsha Dodson Gill v. Darryl Sullivan, from Stone County Circuit Court. Affirmed. Virden and Vaught, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-21-245](#). Mandy James v. George's, Inc., from Washington County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

[E-21-450](#). Jeri Desirae Small v. Director, Department of Workforce Services, from the Arkansas Board of Review. Affirmed. Klappenbach and Brown, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-21-332](#). Ellen Brown v. Karen Shipley, from Saline County Circuit Court. Affirmed in part; dismissed in part. Harrison, C.J., and Vaught, J., agree.

[E-21-440](#). Linda Green v. Director, Arkansas Department of Workforce Services, from the Arkansas Board of Review. Affirmed. Harrison, C.J., and Vaught, J., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-21-82](#). Jeremy Andrew Avery v. State of Arkansas, from Garland County Circuit Court. Affirmed. Barrett and Murphy, JJ., agree.

[CV-21-256](#). Jacqueline Hawkins v. Monte Willis for Snow Cemetery Association; Pam Emerson; Justin Villines; Chris Daniels; Marilyn Willis; Monte Willis; Bill Willis; and Joy Polus, from Newton County Circuit Court. Affirmed. Barrett and Murphy, JJ., agree.

[CV-21-584](#). Sheila Ussery; Geraldo Quintone Ussery v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed in part; reversed in part. Klappenbach and Hixson, JJ., agree.

[CV-21-585](#). Geraldo Quintone Ussery v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed in part; reversed in part. Klappenbach and Hixson, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**N. MARK KLAPPENBACH, JUDGE:**

[CV-21-401](#). Preston Allen v. Staffmark Investments, LLC, and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Brown, JJ., agree.

[CV-21-609](#). Jordan Lemon v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CV-20-251](#). Larry Hamilton v. Bank of the Ozarks, Ellen B. Brantley, and Susan Cossey, from Pulaski County Circuit Court, Fifteenth Division. Affirmed. Whiteaker and Hixson, JJ., agree.

[CV-21-296](#). Curtis Scott v. Currin Nichol, M.D., from Jefferson County Circuit Court. Affirmed. Abramson, Gladwin, Klappenbach, and Hixson, JJ., agree. Harrison, C.J., dissents.

[CV-21-625](#). Leah Phillips v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Affirmed. Whiteaker and Hixson, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[E-21-516](#). Elizabeth Young v. Director, Department of Workforce Services, from the Arkansas Board of Review. Affirmed. Gladwin and Murphy, JJ., agree.

[E-21-517](#). Elizabeth Young v. Director, Department of Workforce Services, from the Arkansas Board of Review. Affirmed. Gladwin and Murphy, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-21-602](#). Michael McCormick v. State of Arkansas, from Polk County Circuit Court. Affirmed. Gruber and Hixson, JJ., agree.

[CV-21-410](#). Sharon Baker v. Kevin Baker, Nina Cranford, Doug Baker, and David Baker, from Hot Spring County Circuit Court. Affirmed. Gruber and Hixson, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**LARRY D. VAUGHT, JUDGE:**

[CV-21-268](#). Township Builders, Inc. v. City of Gravette, Arkansas, and Employers Mutual Casualty Company, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Harrison, C.J., and Virden, J., agree.

[CV-21-480](#). White County Medical Center, LLC; and Action Claims Administrators v. Meghan Johnson, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison, C.J., and Virden, J., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-21-622](#). Amber Raynor v. Arkansas Department of Human Services and Minor Child, from White County Circuit Court. Affirmed as modified. Gruber and Whiteaker, JJ., agree.

[E-21-476](#). Charles Schock, M.D. v. Director, Division of Workforce Services; and Biotest Pharmaceuticals Corp., from the Arkansas Board of Review. Reversed and remanded. Gruber and Whiteaker, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-21-567](#). Brandon Birdsong v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed; motion to withdraw granted. Gladwin and Barrett, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-21-613](#). William Earl Kellybrew v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

[CV-21-431](#). James Harvey v. Stephen Heim, M.D., from Sebastian County Circuit Court, Fort Smith District. Affirmed. Abramson and Klappenbach, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**PER CURIAM ORDERS**

**REHEARING GRANTED:** Petition for rehearing was granted today in the following case.

**CV-21-97.** Patrick Dixon Mehaffy v. Marley Jo Clark, Individually and as Trustee of the Clark Recoverable 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. Viriden, Gruber, Barrett, Whiteaker, and Hixson, JJ., agree. Abramson, J., not participating. See **substituted opinion** on grant of rehearing.

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CR-21-492. Kenneth Ray Light v. State of Arkansas, from Chicot County Circuit Court. Appellee's motion to dismiss is granted.

CR-21-502. Jeffrey Armor v. State of Arkansas, from Boone County Circuit Court. Motion of Tara Schmutzler for attorney's fees is granted. Allowed \$2250.00.

CR-21-519. Harold Truax v. State of Arkansas, from Ouachita County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2000.00.

CR-22-161. Devion Spencer v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellee's motion to strike the supplemental record lodged on April 21, 2022, to remand to settle the record, and to stay appellee's brief time is granted.

CR-22-286. Michael David Bolen v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion to substitute counsel is denied without prejudice.

CR-22-291. James Ricks, Jr. v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for belated appeal is granted.

CV-21-276. David A. Couch, PLLC v. Grayson and Grayson, P.A., from Cleburne County Circuit Court. Appellant's motion to consolidate record with record from previous appeal is moot. Viriden, J., not participating.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**PER CURIAM ORDERS**

CV-21-276. David A. Couch, PLLC v. Grayson and Grayson, P.A., from Cleburne County Circuit Court. Joint motion to include earlier records in appeal is granted. Virden, J., not participating.

CV-21-389. Nelda Coleman and Charles Coleman (Deceased) v. Harmon Gareth Tobler, M.D.; Richard Betzold, M.D.; and BXS Insurance, Inc., from Pulaski County Circuit Court, Sixteenth Division. Appellant's pro se motion for rule on the clerk is denied. Gladwin, J., not participating. The clerk is directed not to accept further filings in Arkansas Court of Appeals case number CV-21-389.

CV-22-48. Bobbie Moore v. Mena Regional Health Systems and Risk Management Resources, from the Arkansas Workers' Compensation Commission. Appellant's motion to dismiss with prejudice is granted.

CV-22-106. Madiha Shahid v. Asif Masood, from Pulaski County Circuit Court, Fifteenth Division. Appellant's motion for remand or for dismissal without prejudice, or alternative motion for extension of brief time. Appellant's motion for remand or for dismissal without prejudice is passed until the case is submitted. Abramson, Gladwin, Klappenbach, and Brown, JJ., would deny. Appellant's brief is due in thirty days (June 24, 2022).

CV-22-199. Ron Pruitt v. Diane Barclay, from White County Circuit Court. Appellant's motion to consolidate records is granted. Harrison, C.J., and Abramson, J., not participating.

CV-22-200. Aslyn Smith v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Stipulation by parties to file corrected brief is granted.

CV-22-261. Preston Grumbles v. Conway Regional Medical Center, Inc.; Continental Casualty Company; Nabholz Construction Corporation; and John Does 1–5, from Faulkner County Circuit Court. Appellant's motion to supplement and correct record is granted.

CV-22-280. Kristen J. Simmons and James M. Simmons v. Tracey L. Burris, from Franklin County Circuit Court, Northern District. Appellant's motion to consolidate appeal is granted. Abramson, J., not participating.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**PER CURIAM ORDERS**

E-22-227. Sheena Frazier v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

CV-21-481. Jeffrey Johnson v. Peco Foods, Inc.; OccuSure Claims Services, LLC; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

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CR-20-735. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Geoffrey Kearney for attorney fee and costs.

CR-21-241. Jason Inman v. State of Arkansas, from Johnson County Circuit Court. Motion of Samuel F. Eastman for award of attorney's fees.

CR-21-297. Micah Angel v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's pro se motion for extension of time to file a belated petition for rehearing.

CR-22-128. William Mosley v. State of Arkansas, from Columbia County Circuit Court. Appellant's motion to supplement or file substituted appellant brief.

CR-22-128. William Mosley v. State of Arkansas, from Columbia County Circuit Court. Appellant's motion for extension of time to file reply brief.

CR-22-180. Travis Russell v. State of Arkansas, from Baxter County Circuit Court. Motion of Sharon Kiel for award of attorneys' fees.

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. Motion of David P. Glover to withdraw as counsel for separate appellee Dr. Martin Kosciuk.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**MOTIONS SUBMITTED**

CV-21-627. Tina Lewis v. Peggy K. Guard, M.D.; Baptist Health d/b/a Baptist Health Medical Center Little Rock; John Doe Insurance Companies 6–9, from Pulaski County Circuit Court, Sixth Division. Motion of David P. Glover to withdraw as counsel for separate appellee Baptist Medical Center.

CV-22-155. Advantage Property Management v. Christopher Burkard, from Faulkner County Circuit Court. Appellant’s motion to consolidate records.

CV-22-155. Advantage Property Management v. Christopher Burkard, from Faulkner County Circuit Court. Appellant’s motion to stay briefing schedule.

CV-22-160. Israel Yakab Schwartz, Executive Trustee v. Ivy Sales, as Executrix of the Estate of Eve Wilder, and Robert L. Smith, from Polk County Circuit Court. Appellee’s motion to dismiss appeal.

CV-22-160. Israel Yakab Schwartz, Executive Trustee v. Ivy Sales, as Executrix of the Estate of Eve Wilder, and Robert L. Smith, from Polk County Circuit Court. Appellant’s pro se motion to strike, quash motion to dismiss appeal.

CV-22-166. John Wesley Hall, Jr., and Alison Hall, Husband and Wife v. Arkansas State Highway Commission, from Cleburne County Circuit Court. Stipulation to supplement the record on appeal.

CV-22-305. Old Dominion Freight Line, Inc.; and Aaron Marvell Foster v. Frank McMillion, Allen Jones, Carlton Pettus, Hunter Bokker, Bengi Bokker, and Zach Billingsley, from St. Francis County Circuit Court. Appellants’ unopposed motion for expansion of word count.

CV-22-306. Builder’s Transportation Company, LLC v. Jeremy Smith, from Crittenden County Circuit Court. Appellant’s petition for writ of certiorari to correct record on appeal.

CV-22-312. Eric Sharbino v. Jennifer Graham, from Sharp County Circuit Court. Appellee’s motion to substitute counsel.

E-21-524. Mary Richardson v. Director et al., from the Arkansas Board of Review. Appellant’s pro se motion to supplement.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**CASES SUBMITTED**

CR-20-207. Joseph Evan Bennion v. State of Arkansas, from Benton County Circuit Court.

CR-21-2. Dylan Hunter Goodwin v. State of Arkansas, from Washington County Circuit Court.

CR-21-227. Sharon Moye v. State of Arkansas, from Franklin County Circuit Court, Northern District.

CR-21-385. Christopher Demond Harvey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-21-427. Robert Jeffries v. State of Arkansas, from Benton County Circuit Court.

CR-21-455. Ray Leon Taylor v. State of Arkansas, from Miller County Circuit Court.

CR-21-471. Samuel McKaig v. State of Arkansas, from Garland County Circuit Court.

CR-21-514. Ricky Lynn St. John v. State of Arkansas, from Faulkner County Circuit Court.

CR-22-8. Johnathan Holbrook-Knecht v. State of Arkansas, from Pope County Circuit Court.

CR-22-70. Benjamin Carter v. State of Arkansas, from Union County Circuit Court.

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

E-21-421. Roderick Collier v. Director et al.

E-21-422. Sierra Martin v. Director et al.

E-21-424. Cheyanna Lyles v. Director et al.

E-21-425. Brandi Gee v. Director et al.

E-21-426. Guadalupe Trejo v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**CASES SUBMITTED**

- E-21-427. Tobias Mitchell v. Director et al.
- E-21-428. Lori Golden v. Director et al.
- E-21-430. Carmen Dozier v. Director et al.
- E-21-432. Issouf Boundaone v. Director et al.
- E-21-433. Robert White v. Director et al.
- E-21-434. Algerita Coleman v. Director et al.
- E-21-435. Cherice Goleman v. Director et al.
- E-21-436. Antonio Cobbs v. Director et al.
- E-21-438. Shirley Fields v. Director et al.
- E-21-439. Marvin Herrera v. Director et al.
- E-21-442. Ashlynn Stevens v. Director et al.
- E-21-443. Ashlynn Stevens v. Director et al.
- E-21-444. Mike McAllister v. Director et al.
- E-21-445. Sandra Witherspoon v. Director et al.
- E-21-446. LaChaka Powell v. Director et al.
- E-21-447. Clifford Edman v. Director et al.
- E-21-448. Deandray McCoy v. Director et al.
- E-21-449. Lottie Dunbar v. Director et al.
- E-21-451. Shenika Thomas v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 25, 2022**

**CASES SUBMITTED**

E-21-452. Monica Craig v. Director et al.

E-21-563. John Gieringer v. Director et al.

Opinions are available on the internet at

<http://arcourts.gov>