

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JUNE 1, 2022

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-21-514](#). Ricky Lynn St. John v. State of Arkansas, from Faulkner County Circuit Court. Affirmed; motion to withdraw granted. Virden and Vaught, JJ., agree.

[CR-21-553](#). P.R. v. State of Arkansas, from Garland County Circuit Court. Affirmed. Virden and Vaught, JJ., agree.

[CR-21-597](#). Jamal Golatt v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Virden and Vaught, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-21-227](#). Sharon K. Moyer v. State of Arkansas, from Franklin County Circuit Court, Northern District. Affirmed; motion to withdraw granted. Klappenbach and Brown, JJ., agree.

[CV-21-631](#). Andrea Hodge v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-21-427](#). Robert Jeffries v. State of Arkansas, from Benton County Circuit Court. Rebriefing ordered; motion to withdraw denied. Harrison, C.J., and Vaught, J., agree.

[CV-21-208](#). Linda Bolding v. Arkansas Public Employees Retirement System; Arkansas Public Employees Retirement System Board; Candance Franks, in Her Official and Individual Capacity; Larry Walther, in His Official and Individual Capacity; David Hudson, in His Official and Individual Capacity; Steve Faris, in His Official and Individual Capacity; Daryl Bassett, in His Official and Individual Capacity; Gary Carnahan, in His Official and Individual Capacity; Joe Hurst, in His Official and Individual Capacity; Andrew Lea, in Her Official and Individual Capacity; Dennis Milligan, in His Official and Individual Capacity; and Duncan Baird, in His Official and Individual Capacity, from Pulaski County Circuit Court, Fourth Division. Affirmed. Harrison, C.J., and Vaught, J., agree.

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BART F. VIRDEN, JUDGE: (Continued)

[CV-21-611](#). Michael Bean v. Reynolds Consumer Products; Indemnity Insurance Company of North America/Sedgwick Claims Management Services, Inc.; and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison, C.J., and Vaught, J., agree.

ROBERT J. GLADWIN, JUDGE:

[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 Health Resources of Arkansas; Decision Point; Dayspring Behavioral Health Services; and Wilbur D. Mills Treatment Center, from Benton County Circuit Court. Affirmed. Abramson, Barrett, and Klappenbach, JJ., agree. Murphy and Brown, JJ., dissent.

[CV-21-499](#). Lyndsay Bell v. Zachary Bell, from Pulaski County Circuit Court, Fifteenth Division. Affirmed in part; reversed in part. Barrett and Murphy, JJ., agree.

[E-21-563](#). John Gieringer v. Director of Arkansas Employment Services Division and Greenway Equipment, Inc., from the Arkansas Board of Review. Affirmed. Barrett and Murphy, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-21-2](#). Dylan Hunter Goodwin v. State of Arkansas, from Washington County Circuit Court. Affirmed; motion to be relieved granted. Abramson and Brown, JJ., agree.

[CR-21-335](#). Kaelon Presley v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Abramson and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-21-385](#). Christopher Demond Harvey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Whiteaker and Hixson, JJ., agree.

[CV-21-203](#). Ashok Thakar v. Jagruti Thakar, from Hempstead County Circuit Court. Affirmed. Whiteaker and Hixson, JJ., agree.

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STEPHANIE POTTER BARRETT, JUDGE:

[CR-20-397](#). Dale Bartlett v. State of Arkansas, from Monroe County Circuit Court. Reversed and dismissed. Gladwin and Murphy, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-22-8](#). Johnathan Holbrook-Knecht v. State of Arkansas, from Pope County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Hixson, JJ., agree.

[CV-21-290](#). Wesley York v. GALR, LLC, d/b/a The Summit at Velvet Ridge; and Arnold Grounds Apartment Management & Affordable Housing Specialists, LLC, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Gruber and Hixson, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-21-612](#). Lydia Steward and Kenneth Steward v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Dismissed. Harrison, C.J., and Virden, J., agree.

[E-21-427](#). Tobias Mitchell v. Director, Department of Workforce Services; and Porocel Industries, LLC, from the Arkansas Board of Review. Affirmed. Harrison, C.J., and Virden, J., agree.

KENNETH S. HIXSON, JUDGE:

[CR-20-207](#). Joseph Bennion v. State of Arkansas, from Benton County Circuit Court. Affirmed as modified; motion to withdraw granted. Gruber and Whiteaker, JJ., agree.

[CR-21-548](#). Dewayne Tilmon v. State of Arkansas, from Garland County Circuit Court. Affirmed. Gruber and Whiteaker, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-21-593](#). Marilyn Dumond v. State of Arkansas, from Grant County Circuit Court. Reversed and remanded. Abramson, Gladwin, Klappenbach, and Brown, JJ., agree. Barrett, J., dissents.

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MIKE MURPHY, JUDGE: (Continued)

[CR-22-70](#). Benjamin Carter v. State of Arkansas, from Union County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Barrett, JJ., agree.

[CV-21-445](#). Estate of Betty Matlock, Deceased, and John L. Dickerson, Jr., Administrator v. Emmanuel Noel, Cruz Tancinco, Nizar Mohamedali Suleman, and St. Vincent Hospital, from Garland County Circuit Court. Dismissed. Gladwin and Barrett, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-21-455](#). Ray Leon Taylor, Jr. v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Klappenbach, JJ., agree.

[CV-20-12](#). Action, Inc. v. McQueeney Group, Inc., from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Abramson and Klappenbach, 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-21-407. Barry Fowler v. Director et al.

E-21-408. Kenneth Quarles v. Director et al.

E-21-409. Kariem Muhammad v. Director et al.

E-21-410. Kristin Pestel v. Director et al.

E-21-411. Amanda Billings v. Director et al.

E-21-412. Dickie Wilson, Jr. v. Director et al.

E-21-413. Stephanie Dority v. Director et al.

E-21-415. Michael Dewey v. Director et al.

E-21-416. Michael Dewey v. Director et al.

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PER CURIAM DECISIONS

- E-21-418. Mary Haynie v. Director et al.
- E-21-419. Kimberly Snowden v. Director et al.
- E-21-420. Kyle Flanagan v. Director et al.
- 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.
- 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.

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PER CURIAM DECISIONS

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.

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

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

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.

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 is denied. *See* Ark. Sup. Ct. R. 6-6(d).

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 is denied. Virden, J., not participating. *See* Ark. Sup. Ct. R. 6-6(d).

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 is denied.

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

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 is granted.

CR-22-180. Travis Russell v. State of Arkansas, from Baxter County Circuit Court. Motion of Sharon Kiel for award of attorney fee is granted. Allowed \$2250.00.

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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 is granted.

CV-21-627. Tina Lewis v. Peggy K. Guard, M.D.; Baptist Health d/b/a Baptist Health Medical Center Little Rock; and 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 is granted.

CV-22-155. Advantage Property Management v. Christopher Burkard, from Faulkner County Circuit Court. Appellant’s motion to consolidate records is granted. Abramson, J., not participating.

CV-22-155. Advantage Property Management v. Christopher Burkard, from Faulkner County Circuit Court. Appellant’s motion to stay briefing schedule is granted. Abramson, J., not participating.

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. Appellees’ motion to dismiss appeal is granted.

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 is moot.

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 is granted. Whiteaker, J., not participating.

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CV-22-274. Al-Aayfee Abdo Yah Ya v. City of El Dorado, from Union County Circuit Court. Appellant's motion for rule on clerk. The case is remanded to the circuit court. *See Kinder v. Kinder*, 2021 Ark. App. 40, 617 S.W.3d 307 (*Kinder I*). Supplemental record is due in thirty days (July 1, 2022).

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 is granted in part. Appellants' word-count limitation is increased to 20,000. Virden, J., not participating.

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 is granted.

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

E-21-524. Mary Richardson v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to supplement is denied. Gladwin, J., not participating.

Opinions are available on the internet at

<http://arcourts.gov>