

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JULY 13, 2022**

**PER CURIAM ORDERS**

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

CR-21-553. P.R. v. State of Arkansas, from Garland County Circuit Court.

CV-19-499. John Ray Dye and Bobbye Jo Dye v. Precision Foundation Specialties and Flow Rite Drainage Solutions, Inc., from Benton County Circuit Court.

CV-20-12. Action, Inc. v. McQueeney Group, Inc., from Pulaski County Circuit Court, Seventeenth Division.

CV-20-251. Larry Hamilton v. Bank of the Ozarks, Ellen B. Brantley, and Susan Cossey, from Pulaski County Circuit Court, Fifteenth Division.

CV-20-610. Petit Jean Electric Cooperative Corporation; Arkansas Electric Cooperative Corporation; and Scenic Hill Solar, LLC v. Arkansas Public Service Commission; Arkansas Advanced Energy Association, Inc.; Arkansas Electric Energy Consumers, Inc.; National Audubon Society, Inc.; and Sierra Club, from the Arkansas Public Service Commission. Abramson, Virden, Gruber, Vaught, and Hixson, JJ., not participating.

CV-21-208. Linda Bolding v. Arkansas Public Employees Retirement System; Arkansas Public Employees Retirement System Board; Candace 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; Andrea 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. Abramson and Gladwin, JJ., not participating.

CV-21-243. Kimberly Stone Griffith v. Desiderio Juarez; Pulaski Bank & Trust Co., M. Shane Brosh, Lee Ann Brosh, Veronica Kaye Allen, Richard N. Allen, and Estate of Charlotte Jeanne Stone, from Pulaski County Circuit Court, Sixth Division.

CV-21-245. Mandy James v. George's, Inc., from Washington County Circuit Court. Virden and Murphy, JJ., not participating.

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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.

CV-21-296. Curtis Scott v. Currin Nichol, M.D., from Jefferson County Circuit Court.

CV-21-308. (In the Matter of the Guardianship of Samuel Richard Gill) Marsha Dodson Gill v. Darryl Sullivan, from Stone County Circuit Court.

CV-21-360. Kyu Hwan Hwang v. Crystal Shauntae Northcutt, from Mississippi County Circuit Court, Osceola District.

CV-21-410. Sharon Baker v. Kevin Baker, Nina Cranford, Doug Baker, and David Baker, from Hot Spring County Circuit Court. Harrison, C.J., and Abramson, J., not participating.

CV-21-480. White County Medical Center, LLC; and Action Claims Administrators v. Meghan Johnson, from the Arkansas Workers' Compensation Commission.

E-21-371. Charles Lott v. Director et al., from the Arkansas Board of Review.

E-21-419. Kimberly Snowden v. Director et al., from the Arkansas Board of Review.

E-21-591. Nikiaa Warren v. Director et al., from the Arkansas Board of Review.

E-21-777. Ashanta Dunlap v. Director et al., from the Arkansas Board of Review.

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CR-99-354. Billy Mac Nichols, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Third Division. Appellant's pro se motion for extension of time to file a motion for reconsideration is denied.

CR-19-577. Angelia Lauck v. State of Arkansas, from Saline County Circuit Court. Appellant's petition to seal pursuant to Act 531 of 1993 A.C.A. section 16-93-1201 et seq. and Act 1460 of 2013 A.C.A section 16-90-1401 et seq. is denied. Barrett, J., would grant.

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CR-19-577. Angelia Lauck v. State of Arkansas, from Saline County Circuit Court. Motion for entry of appearance of Chester H. Lauck III on behalf of the appellant is granted.

CR-20-129. Jonathan Welborn v. State of Arkansas, from Saline County Circuit Court. Motion of John Ogles for attorney's fees is denied. See Ark. Sup. Ct. R. 6-6(d). Abramson, J., not participating.

CR-20-739. Marty Dean Moore v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$2250.00.

CR-21-260. Raheem Deshun Stackhouse v. State of Arkansas, from Crittenden County Circuit Court. Motion of Gregg A. Knutson for attorney's fees is granted. Allowed \$2250.00.

CR-21-306. Todd Hall v. State of Arkansas, from Benton County Circuit Court. Motion of Andrew R. Miller and Alicia Canfield for attorney's fees is granted. Allowed \$2250.00.

CR-21-393. Jeffery Dunlap v. State of Arkansas, from Saline County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$2000.00.

CR-21-394. Jeffery Dunlap v. State of Arkansas, from Saline County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$2000.00.

CR-21-429. David Ray Parret v. State of Arkansas, from Washington County Circuit Court. Motion of Nicole Gillum for attorney's fees is granted. Allowed \$2250.00.

CR-21-453. Candy Marie King v. State of Arkansas, from Greene County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$2250.00.

CR-21-462. Ryan Warren v. State of Arkansas, from Boone County Circuit Court. Motion of Sharon Kiel for award of attorneys' fees is granted. Allowed \$2250.00.

CR-21-491. Kenneth Ray Light v. State of Arkansas, from Cleburne County Circuit Court. Appellee's motion to dismiss is granted.

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CR-21-497. Jeffrey Haynes v. State of Arkansas, from Franklin County Circuit Court, Northern District. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$2250.00. Virden, J., not participating.

CR-21-520. Correy Crawford v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$2250.00.

CR-21-530. Stevie Lee Young, Jr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$2250.00.

CR-21-559. Corey Steward v. State of Arkansas, from Lincoln County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees is granted. Allowed \$2000.00.

CR-21-613. William Earl Kellybrew v. State of Arkansas, from Faulkner County Circuit Court. Motion of Robert N. Jeffrey for attorney's fees is granted. Allowed \$2000.00. Virden, J., not participating.

CR-21-615. Jeremy Lewis v. State of Arkansas, from Clark County Circuit Court. Appellee's motion to substitute brief is granted.

CR-22-3. Sterling D. Woolford v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's third motion requesting that this court enforce its issuance of a writ of certiorari to complete the record on appeal is granted. Gruber, J., not participating.

CR-22-99. Luther Shaw v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to file belated appellant's brief is granted.

CR-22-144. Michael Carr v. State of Arkansas, from Drew County Circuit Court. Appellant's motion for rule on clerk and to stay briefing schedule is granted.

CR-22-224. Donald Thatcher v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record is treated as a motion for extension of time to file the supplemental record and is granted.

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CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion default judgment is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's second pro se motion to file a nonconforming brief is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's third pro se motion to file a nonconforming brief is granted.

CR-22-232. Duane J. Gonder v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to expand the record is denied.

CR-22-232. Duane J. Gonder v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to dismiss or, in the alternative, for extension of brief time. Motion to dismiss is granted.

CR-22-232. Duane J. Gonder v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to dismiss appeal without prejudice is denied.

CR-22-245. Jamar Conic v. State of Arkansas, from Pulaski County Circuit Court, Eleventh Division. Appellant's belated motion to extend time for filing brief is granted. Gruber, J., not participating.

CR-22-286. Michael David Bolen v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion to substitute counsel and motion to stay briefing schedule are granted.

CR-22-311. Rayterius Trevon Howard v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., to withdraw and motion for extension of time to file abstract and brief are granted.

CR-22-327. Gary Don Murphy v. State of Arkansas, from Drew County Circuit Court. Motion of William O. "Bill" James, Jr., for substitution of counsel and motion to stay briefing schedule are granted.

CR-22-329. Seth Bradley Smith v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion to consolidate appellate record is granted.

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CR-22-354. Mark Allen Hansen v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to dismiss. Appeal is dismissed with prejudice.

CR-22-358. Michael Strange v. State of Arkansas, from Baxter County Circuit Court. Motion of Tara Schmutzler to withdraw as counsel for the appellant is granted.

CR-22-360. Quebec Solo Miya v. State of Arkansas, from Jackson County Circuit Court. Motion of Terrence Cain to appear as an attorney of record is granted.

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 is noted. Appellant's status report is due in ninety days (October 11, 2022).

CV-20-626. Geraldine Epps, as Personal Representative of the Estate of Melissa Dennis and as Personal Representative of the Estate of Journee Dennis v. Ouachita County Medical Center; Arkansas Health Group; and Johnathan Lewis, M.D., from Ouachita County Circuit Court. Motion of David P. Glover to withdraw as counsel for separate appellees Johnathan Lewis, M.D., and Arkansas Health Group is granted.

CV-21-51. Darrell James Brown, M.D. v. Crossett Health Foundation d/b/a Ashley County Medical Center, from Ashley County Circuit Court. Appellant's motion to advance case for decision is denied. Gruber, J., not participating.

CV-21-218. Arkansas Forestry Commission; and Arkansas Insurance Department, Public Employee Claims Division v. Thomas Lindsey, from the Arkansas Workers' Compensation Commission. Appellee's petition for approval of attorney's fee is granted. Allowed \$1000.00.

CV-21-243. Kimberly Stone Griffith v. Desiderio Juarez; Pulaski Bank & Trust Co., M. Shane Brosh, Lee Ann Brosh, Veronica Kaye Allen, Richard N. Allen, and Estate of Charlotte Jeanne Stone, from Pulaski County Circuit Court, Sixth Division. Appellant's motion for leave to file reply brief to responses to petition for rehearing is denied.

CV-21-360. Kyu Hwan Hwang v. Crystal Shauntae Northcutt, from Mississippi County Circuit Court, Osceola District. Notice of appellant's exhibit is denied.

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CV-21-529. Dan Baird v. Celina Baird (now Stelly), from White County Circuit Court. Appellee's motion and renewed motion to dismiss appeal are denied. Harrison, C.J., and Abramson, J., not participating.

CV-22-125. Jade Property Holdings, LLC; Jonathan J. Dunkley; Jacquelyn Casting Dunkley; Bellatori, LLC; Bill's Fence Company, Inc.; Lewis Jones d/b/a Lewis Jones Masonry; and Tenants of 1104 East Race, Searcy, Arkansas v. First Service Bank, from White County Circuit Court. Appellants' combined motion to supplement record and for extension of brief time is granted.

CV-22-129. Anita Farfan v. Arkansas Department of Human Services and Minor Child, from Van Buren County Circuit Court. Appellees' motion to expand word count is granted. Whiteaker, J., would deny.

CV-22-134. Ben Edwards v. Riverwalk Arkansas, LLC; and Somerset Apartment Management, LLC, from Pulaski County Circuit Court, Fifth Division. Motion for expansion of word-count limitations for appellant's reply brief is denied. Gruber, J., not participating.

CV-22-134. Ben Edwards v. Riverwalk Arkansas, LLC; and Somerset Apartment Management, LLC, from Pulaski County Circuit Court, Fifth Division. Appellees' motion to take judicial notice of supplemental authority is granted. Gruber, J., not participating.

CV-22-145. Tracy Lee "Skip" Warner, in His Capacity as Trustee of the Bobbie D. Warner Revocable Trust Dated February 9, 2013 v. Richard Ford, from Pulaski County Circuit Court, Eleventh Division. Motion of Jordan B. Tinsley to withdraw as counsel and stay briefing schedule is granted.

CV-22-160. Israel Yakab Schwartz, Executive Trustee v. Ivy Sales, as Executrix of the Estate of Eve Wilde; and Robert L. Smith, from Polk County Circuit Court. Appellant's pro se motion and amended motion for reconsideration are denied. Harrison, C.J., and Abramson, J., not participating.

CV-22-166. John Wesley Hall, Jr., and Alison Hall, Husband and Wife v. Arkansas State Highway Commission, from Cleburne County Circuit Court. Appellee's motion to strike portions of the appellants' brief and brief in support is passed until the case is submitted. Whiteaker, J., not participating.

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CV-22-185. Kayla Fitts and Colby Fitts v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Appellees' joint motion to dismiss appeal is granted. Appellants' motion to supplement the record is denied.

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. Appellants' motion for sanctions 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. Appellees' motion to strike appellants' motion for sanctions due to attempt to circumvent the appellate procedure—civil rules with respect to the record 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. Appellees' motion to correct and modify the record on appeal. Motion to correct the record is granted. Motion to modify the record is denied. Harrison, C.J., and Abramson, J., not participating.

CV-22-250. Risie Howard, as Special Administratrix of the Estate of Mrs. George Howard, Jr. (Vivian), Deceased v. Baptist Health a/k/a Baptist Health Home Health Network; Diamond Risk Insurance Company, LLC; John Harris, M.D.; Leah Willett, B.S.N., R.N., Individually; Alicia Brucks, S.L.P., Individually; and Brandy M. Cantwell, P.T., Individually, from Pulaski County Circuit Court, Eleventh Division. Motion of David P. Glover to withdraw as counsel for separate appellee John Harris, M.D., is granted.

CV-22-270. (In the Matter of the Estate of Adolph Johnson, Deceased) Stephanie Johnson v. Felecia Parker-Green, from Pulaski County Circuit Court, Thirteenth Division. Motion of Kacey Ziegler to withdraw as counsel for the appellee is granted.

CV-22-310. April Blankenship and Donald Ross v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Agreed motion to correct the record and to stay the briefing schedule is granted.

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CV-22-318. James Corter v. Nakisha Corter, from Independence County Circuit Court. Appellant's motion for belated appeal is granted.

CV-22-337. Travis Scherling v. Jessica Scherling, from Benton County Circuit Court. Motion of Jenae Randall to withdraw as counsel of record for the appellee is moot.

CV-22-337. Travis Scherling v. Jessica Scherling, from Benton County Circuit Court. Amended motion of Jenae Randall to withdraw as counsel of record for the appellee is granted.

CV-22-339. Chelsie Hunt v. Arkansas Department of Human Services and Minor Child, from Pope County Circuit Court. Appellees' joint motion to dismiss is granted.

CV-22-369. D.G. Graham v. Steven Alzo French, from Desha County Circuit Court. Appellee's motion to dismiss appeal is granted. Barrett, J., not participating.

CV-22-378. Holly Ellis and Jeremy Ellis v. Matthew Davis, from Greene County Circuit Court. Appellants' pro se petition for writ of certiorari to complete the record is denied.

E-21-595. Vanders Jenkins v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to add new evidence is denied.

E-21-662. Lonnie Smith v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to add evidence is denied.

E-22-100. Judith Zimpel v. Director et al., from the Arkansas Board of Review. Appellees' motion to remand is granted.

E-22-127. Emanuel Tolbert v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to add evidence is denied.

E-22-128. Emanuel Tolbert v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to add evidence is denied.

E-22-214. Angela Goodwin v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to add evidence is denied.

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E-22-269. Shaquita Jackson v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to file belated appeal is denied.

E-22-279. Linda Wright v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to file belated appeal is denied.

E-22-323. Roderick Thompson v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to file belated appeal is denied.

E-22-328. Tiffany Bates v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to file belated appeal is denied.