

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 7, 2022

BRANDON J. HARRISON, CHIEF JUDGE:

[CV-21-139](#). Andrew Richards v. Tracey Richards, from Washington County Circuit Court. Affirmed in part; reversed and remanded in part. Whiteaker and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-21-391](#). J. Kirk Grynwald v. Ana Grynwald, from Pulaski County Circuit Court, Fifteenth Division. Affirmed. Gladwin and Vaught, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-20-9](#). Jack Bennett and Cindy Bennett v. Wiley B. Ballow, from Drew County Circuit Court. Affirmed. Abramson and Vaught, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-21-344](#). Arkansas Department of Human Services, Division of Medical Services v. Northwest Arkansas Hospital, Springdale, from Pulaski County Circuit Court, Sixth Division. Affirmed. Barrett and Hixson, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-21-547](#). Michael Brannigan v. University of Arkansas, Public Employee Claims Division; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Brown, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CV-21-303](#). Arkansas County Bank, Dewitt, as Trustee Under the Last Will and Testament of Godfrey Thomas; Arkansas County Bank, Dewitt, as Trustee of the Godfrey Thomas Testamentary Trust; Godfrey Thomas Foundation, Inc.; Tate Pfaffenberger; Les Pfaffenberger; Turner Farms IV; Turner Farms Partnership; and Roger Turner v. Pin Oak Hunting Club, Inc., from Arkansas County Circuit Court, Southern District. Reversed on direct appeal; affirmed on cross-appeal. Klappenbach and Hixson, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CR-21-566](#). Christopher M. Parker v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison, C.J., and Murphy, J., agree.

LARRY D. VAUGHT, JUDGE:

[CR-21-403](#). Cody Vessel v. State of Arkansas, from Garland County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-22-38](#). Bradley Uren v. Arkansas Department of Human Services and Minor Children, from Baxter County Circuit Court. Affirmed. Klappenbach and Barrett, JJ., agree.

MIKE MUPRHY, JUDGE:

[CR-21-304](#). Aaron McKay v. State of Arkansas, from Benton County Circuit Court. Reversed and remanded. Harrison, C.J., and Whiteaker, J., agree.

WAYMOND M. BROWN, JUDGE:

[CR-21-544](#). Jake Norwood v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Virden and Gruber, 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-21-453. Incy Cherry v. Director et al.

E-21-454. Yarri Clark v. Director et al.

E-21-455. Angelica Barnard v. Director et al.

E-21-456. Anthony Hentz v. Director et al.

E-21-457. Ricky Richard v. Director et al.

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E-21-458. Daniel Brownfield v. Director et al.

E-21-459. Sharon Nowden v. Director et al.

E-21-473. Kimberly Johnston v. Director et al.

E-21-474. Kenneth Boyd v. Director et al.

E-21-475. Dena Garza v. Director et al.

E-21-477. Miles Price v. Director et al.

E-21-478. Ronald Mullen v. Director et al.

E-21-479. Brandon Jett v. Director et al.

E-21-480. Jessica Mims v. Director et al.

E-21-481. Shawnta Metcalf v. Director et al.

E-21-482. Stevie Thomas v. Director et al.

E-21-483. Gary Easterling v. Director et al.

E-21-484. Antonio Williams v. Director et al.

E-21-485. Antonio Williams v. Director et al.

E-21-486. Johnathan Mason v. Director et al.

E-21-487. Terrie Frazier v. Director et al.

E-21-488. Margaret Campbell v. Director et al.

E-21-489. Linda O'Dell v. Director et al.

E-21-493. Amber Blankenship v. Director et al.

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PER CURIAM ORDERS

CR-19-622. John William Marsh v. State of Arkansas, from Nevada County Circuit Court. Motion of Craig Lambert for entry of appearance on behalf of the appellant is granted.

CR-19-622. John William Marsh v. State of Arkansas, from Nevada County Circuit Court. Appellant's motion for access to trial transcript is granted.

CR-22-436. Elvis Banks v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for the extension of time to file a brief is moot.

CV-22-260. Tracey L. Burris v. Kristen J. Simmons and James M. Simmons, from Franklin County Circuit Court, Northern district. Appellant's motion for permission to amend brief is granted. Abramson, J., not participating.

CV-22-333. Kenneth Coleman Colley II v. Audrey Hamilton (Colley), from Sebastian County Circuit Court, Greenwood District. Appellee's motion to supplement the record is granted. Harrison, C.J., not participating.

CV-22-362. Pulaski County Special School District and Arkansas School Boards Association v. Wanda Grigsby, from the Arkansas Workers' Compensation Commission. Joint motion to remand to the Arkansas Workers' Compensation Commission for a joint petition hearing is granted.

CV-22-429. Tony Dale Wagoner, Co-Trustee of the Wagoner Family Trust Dated May 24, 1995 v. Patricia Ann Wagoner, Co-Trustee; Ginger Lee Treece, Co-Trustee; Clarence Guinn, CPA, Co-Trustee; Terry Ann Deans, Co-Trustee; Bill Watkins; Ralph Williams; and Craig Campbell, from Benton County Circuit Court. Motion of separate appellee Craig Campbell to substitute counsel is granted.

CV-22-476. Kassie Swift v. Bill, Hillary and Chelsea Clinton Foundation; Accident Fund Insurance Company of America; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion for belated appeal is denied.

CV-22-512. NPC International, Inc.; Old Republic Insurance Company; and Gallagher Bassett Services, Inc., Third Party Administrator v. Pearl N. Hoffman, from the Arkansas Workers' Compensation Commission. Joint motion to remand is moot.

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CV-22-512. NPC International, Inc.; Old Republic Insurance Company; and Gallagher Bassett Services, Inc., Third Party Administrator v. Pearl N. Hoffman, from the Arkansas Workers' Compensation Commission. Second joint motion to remand is granted.

CV-22-515. Arkansas Blue Cross and Blue Shield v. Alan McClain, Arkansas Insurance Commissioner; Freeway Surgery Center; Scott Schlesinger, M.D.; Fair Park Surgery Center; Centerview Surgery Center; South Arkansas Surgery Center; Advanced Ambulatory Surgery Center; Executive Park Surgery Center of Fort Smith; Gastroenterology and Surgery Center of Arkansas; Mountain Home Surgery Center; Harrison Surgery Center; Boozman-Hof Eye Center; Physician's Day a/k/a McFarland Eye Center; Spring Creek Surgery Center; Taylor Plastic Surgery; Surgery Center of Northeast Texas; Advanced Interventional Pain Management; Precision Surgical of Northwest Arkansas; Executive Surgery Center of Little Rock; Central Arkansas Surgery Center a/k/a Arkansas Spine and Pain; and Arkansas Center for Surgical Excellence, from Pulaski County Circuit Court, Fifth Division. Appellant's petition for writ of certiorari to complete the record is granted. Gruber, J., not participating.

CV-22-515. Arkansas Blue Cross and Blue Shield v. Alan McClain, Arkansas Insurance Commissioner; Freeway Surgery Center; Scott Schlesinger, M.D.; Fair Park Surgery Center; Centerview Surgery Center; South Arkansas Surgery Center; Advanced Ambulatory Surgery Center; Executive Park Surgery Center of Fort Smith; Gastroenterology and Surgery Center of Arkansas; Mountain Home Surgery Center; Harrison Surgery Center; Boozman-Hof Eye Center; Physician's Day a/k/a McFarland Eye Center; Spring Creek Surgery Center; Taylor Plastic Surgery; Surgery Center of Northeast Texas; Advanced Interventional Pain Management; Precision Surgical of Northwest Arkansas; Executive Surgery Center of Little Rock; Central Arkansas Surgery Center a/k/a Arkansas Spine and Pain; and Arkansas Center for Surgical Excellence, from Pulaski County Circuit Court, Fifth Division. Appellant's supplement to petition for writ of certiorari to complete the record is moot. Gruber, J., not participating.

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MOTIONS SUBMITTED

CR-22-99. Luther Shaw v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to preserve anonymity of a juvenile pursuant to Ark. Sup. Ct. R. 6-3(a).

CR-22-224. Donald Thatcher v. State of Arkansas, from Benton County Circuit Court. Petition of Joseph Williams to withdraw as counsel.

CR-22-341. Nahaman Castillo v. State of Arkansas, from Conway County Circuit Court. Appellee's motion to preserve anonymity of a juvenile pursuant to Ark. Sup. Ct. R. 6-3(a).

CR-22-458. Jiggs Dean Compton v. State of Arkansas, from Newton County Circuit Court. Appellee's motion to preserve anonymity of a juvenile pursuant to Ark. Sup. Ct. R. 6-3(a).

CR-22-537. Jason Ashley Ray v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion requesting this court relieve the Sixth Judicial District Public Defender's Office as defendant Ray's appellate counsel and requesting this court appoint William O. "Bill" James, Jr., Attorney at Law, to represent defendant Ray on appeal.

CV-22-371 Darrell Smith, Jr., Successor Trustee of the Smith Family Trust Dated September 22, 2017; and Cole Smith, Executor of the Estate of Darrell Smith, Sr., Deceased v. Terry Orsbun and Christine Orsbun, from Crawford County Circuit Court. Motion to lodge substitute supplemental record.

CV-22-393. Min Jeong Kim v. Love's Travel Stop Center and Crawford County Sheriff's Department, from Crawford County Circuit Court. Appellant's pro se motion to file a trial.

CV-22-393. Min Jeong Kim v. Love's Travel Stop Center and Crawford County Sheriff's Department, from Crawford County Circuit Court. Appellant's pro se motion to notify.

CV-22-393. Min Jeong Kim v. Love's Travel Stop Center and Crawford County Sheriff's Department, from Crawford County Circuit Court. Appellees' motion to dismiss appeal.

CV-22-393. Min Jeong Kim v. Love's Travel Stop Center and Crawford County Sheriff's Department, from Crawford County Circuit Court. Pro se motion: informal brief.

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MOTIONS SUBMITTED

CV-22-451. Byron D. Watkins v. L.A. Darling, Co., LLC; Travelers Ins. Co.; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to introduce photographs.

CV-22-451. Byron D. Watkins v. L.A. Darling, Co., LLC; Travelers Ins. Co.; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to disregard the Arkansas Workers' Compensation Commission opinion.

CV-22-451. Byron D. Watkins v. L.A. Darling, Co., LLC; Travelers Ins. Co.; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to introduce new documents.

CV-22-451. Byron D. Watkins v. L.A. Darling, Co., LLC; Travelers Ins. Co.; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to have appellant's trust fund adjudicated.

CV-22-522. (In the Matter of the Guardianship of the Person and Estate of Amber Rose Faye Thomas and Kaitlyne Steele, Minors) Terri Simmons v. Bryan Steele, from Yell County Circuit Court, Northern District. Appellant's petition for certiorari to complete the record and to stay briefing schedule.

CV-22-529. Larry B. Jackson, Jr. v. Bass Commercial Concrete, LLC, from Pulaski County Circuit Court, Eleventh Division. Appellant's pro se petition for leave to proceed in forma pauperis.

CV-22-541. In the matter of Patty Sue Edgecomb, from Pulaski County Circuit Court, Fourteenth Division. Appellant's pro se petition for leave to proceed in forma pauperis.

E-22-456. Bertha Harper v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file belated appeal.

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CASES SUBMITTED

CR-20-385. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court.

CR-20-387. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court.

CR-20-650. Brittnie Renee Lee v. State of Arkansas, from Crittenden County Circuit Court.

CR-21-407. Taylor Miller v. State of Arkansas, from Crawford County Circuit Court.

CR-21-583. Bobby Garrin v. State of Arkansas, from Crittenden County Circuit Court.

CR-22-41. Jose Cano v. State of Arkansas, from Grant County Circuit Court.

CR-22-44. Toby Carter v. State of Arkansas, from Saline County Circuit Court.

CR-22-51. Joshua Bryant v. State of Arkansas, from Conway County Circuit Court.

CR-22-96. Scott Stiles v. State of Arkansas, from Crawford County Circuit Court.

CV-19-761. Robert S. Young v. Roxanne D. Blake; Roxanne D. Blake, P.A.; George H. Niblock; George H. Niblock, LTD; The Niblock Law Firm, PLC; and John Does 1–10, from Washington County Circuit Court.

CV-19-764. Ronald E. Dana and Linda D. Dana v. Diamante Members Club, Inc., from Saline County Circuit Court.

CV-19-765. Al Faigin and N.G. Faigin v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court.

CV-19-766. John Brunner and Carolyn Brunner v. Diamante Members Club, Inc., from Saline County Circuit Court.

CV-19-767. Phillip Woodward and Katherine Woodward v. Diamante Members Club, Inc., from Saline County Circuit Court.

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CASES SUBMITTED

CV-19-768. Jerry Ann Winters v. Diamante Members Club, Inc., from Saline County Circuit Court.

CV-19-769. Mark Dana and Diana Dana v. Diamante Members Club, Inc., from Saline County Circuit Court.

CV-19-770. George Hunter and Joan Hunter v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court.

CV-20-394. (In the Matter of the Estate of Augustus Marion Fulk, Deceased) Baucum Fulk v. Marion Fulk; Austin Fulk; and Martin Fulk, from Pulaski County Circuit Court, Thirteenth Division.

CV-21-116. Rain Investments LLC d/b/a Saracen Cinema 8 v. James Vu, Thuytien Vu, John Vu, Theresa Vu, and Cameron Appraisal Group, LLC, from Jefferson County Circuit Court.

CV-21-275. James Allen, Jr. v. CHI St. Vincent Infirmiry; Morgan McDonald; Bradley Pate; and Stephanie Woolbright, from Pulaski County Circuit Court, Seventeenth Division.

CV-21-402. Yafai Investment, Inc. v. Ahmad Amdallah Naser, from Chicot County Circuit Court.

CV-21-464. Jacob Levitt and Paige Levitt v. Today's Bank, an Arkansas Banking Corporation, from Washington County Circuit Court.

CV-21-580. Shawna Jordan v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division.

CV-22-74. Ashlee Christensen v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court.