

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 5, 2023

RAYMOND R. ABRAMSON, JUDGE:

[CV-22-239](#). David Brito v. Office of Child Support Enforcement and Raquel Dunning, from Washington County Circuit Court. Affirmed. Gladwin and Thyer, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-22-474](#). Minor Child v. State of Arkansas, from Benton County Circuit Court. Affirmed. Hixson and Murphy, JJ., agree.

[CV-22-45](#). Nathan Jennings v. Jessica Jennings, from Union County Circuit Court. Reversed and remanded. Barrett and Hixson, JJ., agree.

[E-22-131](#). Linda Nance v. Director, Division of Workforce Services, from the Arkansas Board of Review. Remanded to settle and supplement the record. Gruber and Brown, JJ., agree.

[E-22-132](#). Linda Nance v. Director, Division of Workforce Services, from the Arkansas Board of Review. Remanded to settle and supplement the record. Gruber and Brown, JJ., agree.

ROBERT J. GLADWIN:

[CR-22-345](#). Danielle Smith v. State of Arkansas, from Clark County Circuit Court. Affirmed. Abramson and Thyer, JJ., agree.

[CV-22-222](#). Tracy Littlejohn v. Baptist Health Regional Hospital, also known as Van Buren HMA, LLC, and also formerly known as Sparks Medical Center-Van Buren, from Crawford County Circuit Court. Affirmed. Abramson and Thyer, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-22-587](#). Lamarius Curry v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Wood and Hixson, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-22-566](#). Randy Hyatt v. State of Arkansas, from Grant County Circuit Court. Rebriefing ordered. Virden and Brown, JJ., agree.

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STEPHANIE POTTER BARRETT, JUDGE:

[CR-22-364](#). Rhatez Furlow v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Murphy, J., agree.

CINDY GRACE THYER, JUDGE:

[CV-21-237](#). Halon V, LLC v. Thomas Terminella a/k/a Tom Terminella; Monica Terminella; The Terminella Company, Inc.; Monica's Meadow, LLC; Wedington Mine, LLC; and Johnson Mine, LLC, from Benton County Circuit Court. Reversed and remanded. Abramson and Gladwin, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CV-20-356](#). S & J Construction Co., Inc. v. Engineering Services, Inc.; and Ozark Mountain Regional Public Water Authority of the State of Arkansas, from Newton County Circuit Court. Reversed and remanded. Klappenbach and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-22-275](#). Jimmy Dion Bardin v. Margaret Bardin, from Ashley County Circuit Court. Rebriefing ordered. Klappenbach and Wood, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-22-115](#). SNC Revocable Trust v. Gerardo R. Galdamez and Amy B. Galdamez, from Cleburne County Circuit Court. Affirmed. Harrison, C.J., and Barrett, J., agree.

[CV-22-197](#). Physicians' Specialty Hospital, LLC v. Arkansas Department of Human Services, Division of Medical Services; and Arkansas Hospital Association, from Washington County Circuit Court. Affirmed. Harrison, C.J., and Barrett, J., agree.

WAYMOND M. BROWN, JUDGE:

[CV-22-199](#). Ron Pruitt v. Diane Barclay, from White County Circuit Court. Affirmed on direct appeal; cross-appeal dismissed. Virden and Gruber, JJ., agree.

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PER CURIAM ORDERS

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

CV-21-398. Sharon Parker Ivy, and as Administratrix of the Estate of Earl Lee Parker, and on Behalf of All Wrongful Death Beneficiaries of Earl Lee Parker, Deceased v. David D. Nugent; Propane Resources Supply and Marketing, LLC; Propane Resources Transportation, LLC; and Propane Resources, LLC, from Crittenden County Circuit Court. Thyer, J., not participating.

CV-21-509. Vincent Osric Johnson, Tammy Johnson, Trinia Surratt, Shayla Brently Moore, Stacy Rogers, Demarlone Bell, and Kenneth Johnson v. Sandra Johnson, from Jefferson County Circuit Court.

CV-21-608. David A. Smith v. Bobbie J. Smith, from Craighead County Circuit Court, Western District. Abramson and Thyer, JJ., not participating.

CR-21-254. Logan Morrison v. State of Arkansas, from Benton County Circuit Court. Motion of Brian G. Brooks to be relieved as counsel is granted.

CR-22-23. Xavier Juwon Lacey v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is moot. Barrett, J., not participating.

CR-22-23. Xavier Juwon Lacey v. State of Arkansas, from Miller County Circuit Court. Amended motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$2250.00. Barrett, J., not participating.

CR-22-24. Xavier Juwon Lacey v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$2216.00. Barrett, J., not participating.

CR-22-171. Dartanya Stapleton v. State of Arkansas, from Clark County Circuit Court. Motion of Lee D. Short for attorney's fees is granted. Allowed \$2250.00.

CR-22-214. Ricky Williams v. State of Arkansas, from Lonoke County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$2250.00.

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CR-22-302. Kyle Myatt v. State of Arkansas, from Greene County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$2250.00. Thyer, J., not participating.

CR-22-308. Christopher Dougan v. State of Arkansas, from Howard County Circuit Court. Motion of Gregg A. Knutson for attorney fees is granted. Allowed \$2250.00.

CR-22-322. Brandon Goldsmith v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2250.00.

CR-22-376. David McEuen v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Lee D. Short for attorney's fees is granted. Allowed \$2250.00.

CR-22-424. Douglas Eugene Causey v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to reset briefing schedule is granted. Appellant's brief is due in thirty days (May 5, 2023).

CR-22-462. Eric Romar Stanley v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$2250.00. Barrett, J., not participating.

CR-22-501. Tyra McKellar v. State of Arkansas, from Poinsett County Circuit Court. Motion of Benjamin Bristow for attorney's fee is granted. Allowed \$2250.00. Thyer, J., not participating.

CR-22-523. Eric Romar Stanley v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$1376.00. Barrett, J., not participating.

CR-22-588. Corey Steward v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion to file appellant's reply brief with an addendum or, in the alternative, to have the addendum removed and the reply brief filed without it is granted. Appellant's tendered reply brief filed this date without addendum.

CR-22-765. Roy Ugartechea v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to file belated brief is granted.

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CR-22-768. Roy Ugartechea v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to file belated brief is granted.

CR-22-791. Daniel McGuire v. State of Arkansas, from Yell County Circuit Court, Northern District. Motion to supplement counsel of record is granted.

CR-23-35. Michael Preston Whiting v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Petition for writ of certiorari to issue appeal bond under Rule 6 is denied.

CR-23-113. Angela Downing v. State of Arkansas, from Conway County Circuit Court. Appellant's petition to proceed in forma pauperis is granted. Virden, J., not participating.

CR-23-122. Melvin Lamar Johnson v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., to withdraw is granted. Michael K. Kaiser is appointed as counsel for the appellant. Klappenbach and Thyer, JJ., not participating.

CR-23-162. James Williams v. State of Arkansas, from Union County Circuit Court. Appellant's motion for rule on clerk is granted.

CR-23-166. Marcus Ballard v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for rule on clerk is granted.

CR-23-167. Brandon Lea v. State of Arkansas, from Pulaski County Circuit Court, Third Division. Appellant's motion for rule on the clerk is granted.

CV-21-614. Richard Mays, Jr.; Mays, Byrd & Associates, P.A.; Derrick Stephens; D. Stephens Management & Consulting, LLC; and Olena "Lola" Korneevets v. Viva La Vegan Grocery, Inc., from Pulaski County Circuit Court, Sixth Division. Suggestion of death upon the record is noted. Brown, J., not participating.

CV-22-527. Springfield Grocer Co. and Indemnity Ins. Co. of North America/Sedgwick Claims Services, Inc. v. Dillon Chaulsett, from the Arkansas Workers' Compensation Commission. Motion of Eddie H. Walker, Jr., for an award of attorney's fees is granted. Allowed \$1000.00.

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CV-22-605. Estate of Mrs. George Howard, Jr. (Vivian); and Risie Howard, Special Administratrix v. Dr. John Harris, M.D., from Jefferson County Circuit Court. Appellee's motion to strike portions of appellant Risie Howard's reply brief is passed until the case is submitted.

CV-22-786. Patricia A. Rosales Betzinger; John Doe a/k/a Kenneth Fuchs; and the Unknown Occupants of 13 Lawrence Road, Greenbrier, AR 72058 v. U.S. Bank, N.A., as Trustee for Manufactured Housing Contract Senior/Subordinate Pass-Through Certificate Trust 1997-3, as Servicer, from Faulkner County Circuit Court. Pro se motion of appellant Patricia A. Rosales Betzinger to file a belated brief is granted.

CV-22-819. Kaylee Cathcart v. Charles Darwin "Skip" Davidson; J. Blake Hendrix; Annie Depper; and Fuqua Campbell, PA, from Pulaski County Circuit Court, Fifth Division. Appellees' motion to dismiss appeal is denied. Harrison, C.J., and Virden and Gruber, JJ., not participating.

CV-22-819. Kaylee Cathcart v. Charles Darwin "Skip" Davidson; J. Blake Hendrix; Annie Depper; and Fuqua Campbell, PA, from Pulaski County Circuit Court, Fifth Division. Appellees' motion to stay appeal is granted. Appellees' brief is due in thirty days (May 5, 2023). Harrison, C.J., and Virden and Gruber, JJ., not participating.

CV-22-819. Kaylee Cathcart v. Charles Darwin "Skip" Davidson; J. Blake Hendrix; Annie Depper; and Fuqua Campbell, PA, from Pulaski County Circuit Court, Fifth Division. Appellant's petition for writ of certiorari to complete the record is granted. Harrison, C.J., and Virden and Gruber, JJ., not participating.

CV-23-115. Roger Riley and Pamela Riley v. First State Bank, Lonoke, Arkansas, from Pulaski County Circuit Court, Seventeenth Division. Suggestion of death of Pamela Riley upon the record is noted.

CV-23-181. Edward Jones v. Ralph Sigeas and Fred McDaniel, from Lee County Circuit Court. Appellant's pro se motion to request to proceed in forma pauperis is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-20-744. Metropolitan Tower Life Insurance Company and MetLife Assignment Company, Inc. v. Roosevelt Land Partners Corp. and Donald Hill, from Clark County Circuit Court.

CV-21-31. Altice USA, Inc., d/b/a Suddenlink Communications v. Tina Johnson, from Clark County Circuit Court.

CV-21-32. Altice USA, Inc., d/b/a Suddenlink Communications v. Sandra Peterson, from Clark County Circuit Court.

CV-21-33. Altice USA, Inc., d/b/a Suddenlink Communications v. Ronnie and Debbie Francis, from Clark County Circuit Court.

CV-22-234. Altice USA, Inc., d/b/a Suddenlink Communications v. William Campbell, from Clark County Circuit Court.

CV-22-236. Altice USA, Inc., d/b/a Suddenlink Communications v. Pam Runyan, from Clark County Circuit Court.

CV-22-320. Glenn Carter v. GEA North America, Inc., from The Arkansas Workers' Compensation Commission.

CV-22-335. Shane Helms v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division.

CR-22-126. David Kelley-Lucas v. State of Arkansas, from Benton County Circuit Court. Motion of Lisa-Marie Norris for award of attorney's fees and costs.

CR-22-184. Clate Alan Leonard v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Matt Kezhaya and Sonia Kezhaya for attorney's fees.

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MOTIONS SUBMITTED

CR-22-707. Aaron Scott Taylor v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for belated brief.

CR-22-746. Rolando Cuevas-Flores v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend deadline to complete the record.

CR-23-168. Marcus A. Kellebrew v. State of Arkansas, from Bradley County Circuit Court. Appellant's pro se motion for rule on clerk.

CR-23-191. Gene Jackson v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record.

CR-23-194. Marcus A. Kellebrew v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion for rule on clerk.

CR-23-207. Timothy W. Jackson v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for belated appeal and signed affidavit.

CV-22-10. Katherine McClerkin v. Rogue Construction, LLC, from Pulaski County Circuit Court, Sixth Division. Appellee's notice of settlement and motion to dismiss appeal.

CV-22-528. Southern Forestry and Wildlife, LLC v. James B. Feinman, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion for sanctions.

CV-22-552. James David v. Brittany David, from Washington County Circuit Court. Appellee's motion for leave to file belated brief.

CV-23-129. Jerry Holland and Stacie Holland v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Motion of separate appellant Stacie Holland for extension of time to file brief.

E-23-119. Pam Kelley v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion for belated appeal.

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MOTIONS SUBMITTED

E-23-120. Pam Kelley v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion for belated appeal.

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CASES SUBMITTED

CR-22-404. Kristopher Gould v. State of Arkansas, from Poinsett County Circuit Court.

CR-22-453. Dale Buckley v. State of Arkansas, from Hot Spring County Circuit Court.

CV-21-291. State of Arkansas Sex Offender Assessment Committee v. Steven A. Sera, from Pulaski County Circuit Court, Fourth Division.

CV-21-460. Ascentium Capital, LLC v. James Marshall, Individually and d/b/a Your Furniture Store, from Pulaski County Circuit Court, Fourth Division.

CV-22-228. Steven Clark Bogle v. Mary Hanna, from Saline County Circuit Court.

CV-22-272. Thompson Maner v. Kathryn Maner, from Washington County Circuit Court.

CV-22-309. Lauren E. Duensing, M.D. v. Sylvia D. Simon, M.D., in her Official Capacity as Chair of the Arkansas State Medical Board, et al., from Pulaski County Circuit Court, Eleventh Division.

CV-22-398. Salem Place Nursing and Rehabilitation Center, Inc.; Nursing Consultants, Inc.; Michael Morton, Individually and in His Capacity as the Sole Owner and Principal of Salem Place Nursing and Rehabilitation Center, Inc., and as Principal and President of Nursing Consultants, Inc.; and John Does 1 through 5, Unknown Defendants v. Vicky Diane Jefferson, as Special Administratrix of the Estate of Rhonda Lynn Jefferson, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Rhonda Lynn Jefferson, from Faulkner County Circuit Court.

CV-22-518. Jessika Goforth v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-22-559. Johnson Controls, Inc.; and Sedgwick Claims Management Services v. Wesley Miller, from the Arkansas Workers' Compensation Commission.

CV-22-577. Robin Bush v. Sherwood Tractor; Midwest Insurance Company, Carrier/TPA; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-22-788. Jeanette Macias v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Northern District.

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CASES SUBMITTED

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