

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 25, 2023

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-23-14](#). Cameron Dean Wray v. State of Arkansas, from Poinsett County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

[CR-23-209](#). Olajide Roddy v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gruber and Hixson, JJ., agree.

[CV-23-9](#). Melissa Passarelli v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-22-645](#). Arkansas Enterprises for Developmentally Disabled, Inc., Employer and Risk Management Resources, Carrier/TPA v. Sandra K. Scott, from the Arkansas Workers' Compensation Commission. Reversed. Klappenbach and Thyer, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-23-141](#). Mark Mosier v. State of Arkansas, from Drew County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

[CV-22-543](#). Staci Ellis v. James Smith and Nancy Smith, from Garland County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-23-204](#). Olajide Roddy v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Hixson, J., agree.

[CR-23-205](#). Olajide Roddy v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Hixson, J., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-22-814](#). Matthew David Kimery v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

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STEPHANIE POTTER BARRETT, JUDGE: (continued)

[CR-23-54](#). Timothy Riley v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Virden and Gladwin, JJ., agree.

CINDY GRACE THYER, JUDGE:

[CV-22-646](#). Andrew Hamerlinck v. Danielle Hamerlinck, from Garland County Circuit Court. Affirmed in part; reversed and remanded in part. Abramson and Klappenbach, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CV-20-366](#). Jose Turcios v. Tabitha Carter, Michael Lundy, Andrea M. Carter, Liza Lundy, December Smith, Sara Melton, Myrtle Clifton, and Viviana Harrison, from Pulaski County Circuit Court, Seventeenth Division. Affirmed in part; reversed and remanded in part. Barrett and Thyer, JJ., agree.

[CV-23-46](#). David Brad House v. Karmen House, from Ouachita County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

[CV-22-595](#). Nathan Nicholson v. Ashley Matheny, from Sharp County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-20-213](#). Grayson & Grayson, P.A. v. David A. Couch, from Pulaski County Circuit Court, Third Division. Affirmed in part on direct appeal; reversed and remanded in part on direct appeal; cross-appeal dismissed. Harrison, C.J., and Gruber, J., agree.

[CV-21-276](#). David A. Couch, PLLC v. Grayson & Grayson, P.A., from Cleburne County Circuit Court. Order granting summary judgment reversed and remanded. Harrison, C.J., and Gruber, J., agree.

MIKE MURPHY, JUDGE:

[CV-22-812](#). Kaitlin Barnett v. Arkansas Department of Human Services and Minor Child, from Van Buren County Circuit Court. Affirmed; motion to withdraw granted. Wood and Brown, JJ., agree.

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WAYMOND M. BROWN, JUDGE:

[CV-21-133](#). Montie Hobson v. George Hobson, from Benton County Circuit Court. Rebriefing ordered. Wood and Murphy, JJ., agree.

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PER CURIAM ORDERS

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

CV-20-752. Vicky Bass Haynes v. Benton Ned Bass, from Garland County Circuit Court. Murphy, J., not participating.

CV-21-236. April Madding v. Keech Law Firm, P.A.; and PPGMR Law, P.L.L.C., from Union County Circuit Court. Gruber, J., not participating.

CV-22-570. Kymira Gant v. First Step, Inc., and Risk Management Resources, from the Arkansas Workers' Compensation Commission.

CR-22-746. Rolando Cuevas-Flores v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for leave to file belated brief is granted. Appellant's brief is due December 24, 2023.

CR-22-810. Brandy L. Harden v. State of Arkansas, from Columbia County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2,250.

CR-23-28. Cleotis Milton v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for writ of certiorari to complete the record is denied.

CR-23-69. Jacob Townsend v. State of Arkansas, from Hempstead County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$1,851.91. Klappenbach, J., not participating.

CR-23-381. Dennis Hicks v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend deadline to file supplemental record is granted. The supplemental record is due by November 24, 2023. Failure to timely return writ by then may result in a show-cause order being issued. Klappenbach, J., not participating.

CR-23-435. Durrell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted. Klappenbach, J., not participating. Appellant's brief is due November 24, 2023.

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CR-23-454. Sidney Ray Hayes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to supplement counsel of record is granted.

CR-23-455. Sidney Ray Hayes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to supplement counsel of record is granted.

CR-23-481. Timothy Finley v. State of Arkansas, from Union County Circuit Court. Motion of Andrew King for entry of appearance on behalf of the appellant is granted.

CR-23-481. Timothy Finley v. State of Arkansas, from Union County Circuit Court. Motion of McKenzie Raub for entry of appearance on behalf of the appellant is granted.

CR-23-481. Timothy Finley v. State of Arkansas, from Union County Circuit Court. Motion of Helen Newberry and Riley Cauley to withdraw as counsel for the appellant is granted.

CR-23-496. Owen Watson v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for extension of time to file brief is granted. Thyer, J., not participating. Appellant's brief is due November 24, 2023.

CR-23-506. Mitchell Wine v. State of Arkansas, from Saline County Circuit Court. Appellee's petition for writ of certiorari to complete the record and motion to stay the briefing schedule is granted. Writ issued; returnable December 24, 2023. The circuit court is directed to ensure that a court reporter besides Ms. Brittney Ridge completes the record. To that end, the circuit court may contact the Administrative Office of the Courts to employ a substitute court reporter to complete the record.

CR-23-531. Jeremy Jermene Hawkins v. State of Arkansas, from Ouachita County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted. Appellant's brief is due November 24, 2023.

CR-23-558. Johnathan David Dial v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted. Tendered appellant's brief filed this date.

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CR-23-566. David Hightower v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to supplement the record is granted. Tendered supplemental record filed this date. Appellant's brief is due November 24, 2023.

CR-23-569. Darryl Bunton v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted. Tendered appellant's brief filed this date.

CR-23-657. Patrick Adam Ables v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's petition for writ of certiorari to complete the record is granted. Writ issued; returnable November 24, 2023. The circuit court is directed to ensure that a court reporter besides Ms. Jordan Cortez completes the record. To that end, the circuit court may contact the Administrative Office of the Courts to employ a substitute court reporter to complete the record.

CV-21-618. Bryan Gadberry v. Autumn Gadberry, from Pulaski County Circuit Court, Fifteenth Division. Motion of Robert S. Tschiemer to withdraw as counsel is granted. Gruber, J., not participating.

CV-22-125. Jade Property Holdings, LLC; Jonathan J. Dunkley; Jacquelyn Castaing Dunkley; and Bellatori, LLC v. First Service Bank, from White County Circuit Court. Appellants' motion to update jurisdictional statement is denied.

CV-23-66. Caroline Lasiter v. Newland & Associates, PLLC, as Trustee of the Michael Allen Lasiter Revocable Trust and as Trustee of the MAL Irrevocable Insurance Trust, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to expand word-count limits is granted. Gruber, J., not participating. Tendered reply brief filed this date.

CV-23-193. Marty Lane Taylor and Angie Taylor v. Estate of Rose Ann Lewis, Deceased, from Montgomery County Circuit Court. Appellee's motion to dismiss appeal and brief in support is passed until the case is submitted.

CV-23-210. Marvin L. Hughes II v. Mark E. Turner, Individually; Steve Turner; and Mark E. Turner, as Trustee of the Mark E. Turner Revocable Trust, from Poinsett County Circuit Court. Appellees' motion to dismiss appeal for want of a final order and alternative motion for extension of time to file appellees' brief is passed until the case is submitted. Thyer, J., not participating. Appellees' brief is due November 24, 2023.

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CV-23-226. Little Rock Police Department and City of Little Rock v. Charles Starks, from Pulaski County Circuit Court, Sixth Division. Appellee's motion for oral argument is granted. Klappenbach, J., not participating.

CV-23-250. Layman Lane, LLC v. Suburban Sewer Improvement District #239, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion in support of request for oral argument is granted.

CV-23-421. Detric Wilson v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for default judgment is denied.

CV-23-421. Detric Wilson v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to obtain ruling, judgment, or response pursuant to Rule 60 is denied.

CV-23-530. Ross Warren Ferguson v. Maria Guadalupe Campos Ferguson, from Washington County Circuit Court. Motion of Jane Watson Sexton to withdraw as counsel for appellee is granted. Murphy, J., not participating. Pro se appellee's brief is due November 24, 2023.

CV-23-600. Israel Schwartz v. Robert Smith and Jessica Smith, from Polk County Circuit Court. Appellant's pro se motion to deny extension of time to attorney for defendants is moot. Harrison, C.J., and Abramson, J., not participating.

CV-23-628. WPH, LLC v. Ferstl Consulting, LLC, from Pulaski County Circuit Court, Sixteenth Division. Appellee's motion to dismiss appeal is passed until the case is submitted. Thyer, J., not participating.

CV-23-642. Cody Wayne Elkins and Cherokee Nation of Oklahoma v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Motion of separate appellant Cody Wayne Elkins for extension of time to lodge appellate record is granted. Tendered appellate record filed this date.

E-23-35. Maegan Hollis v. Director et al., from the Arkansas Board of Review. Petitioner's motion to supplement the record is denied.

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E-23-195. Maegan Hollis v. Director et al., from the Arkansas Board of Review. Petitioner's motion to supplement the record is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-22-775. Sean Woodruff v. State of Arkansas, from Arkansas County Circuit Court, Southern District.

CV-22-581. Teddy J. Berry and Antoinette Garcia Berry v. Frank Slack and Juanita Slack, from Pulaski County Circuit Court, Sixth Division.

CR-22-224. Donald Thatcher v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for use of a copy of the transcript.

CR-22-402. Evan Columbus Anderson v. State of Arkansas, from Benton County Circuit Court. Motion of Andrew R. Miller and Alicia Canfield for attorneys' fees.

CR-22-675. Oscar Hill v. State of Arkansas, from Van Buren County Circuit Court. Motion of Brett D. Watson for attorney fees.

CR-22-767. Damian Demarcus Williams v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney's fees and costs.

CR-22-777. Brendan Burns v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's motion to file belated supplemental record.

CR-22-782. Corie Hare v. State of Arkansas, from Faulkner County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-23-28. Cleotis Milton v. State of Arkansas, from Benton County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-23-29. Damion Norwood v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees.

CR-23-159. Rodney Dewayne Smith v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Motion of Michael Kiel Kaiser for fees.

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MOTIONS SUBMITTED

CR-23-166. Marcus Ballard v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion requesting permission to file belated brief.

CR-23-207. Timothy W. Jackson v. State of Arkansas, from Miller County Circuit Court. Appellant's second motion for remand to settle the record and stay briefing schedule.

CR-23-346. Johnathan Tyler Summons v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to remand to settle and supplement the record and motion for extension of brief time.

CR-23-369. Jerry Brown v. State of Arkansas, from Pike County Circuit Court. Motion of Clayton Tinkes to withdraw as counsel and to appoint appellant counsel.

CR-23-369. Jerry Brown v. State of Arkansas, from Pike County Circuit Court. Appellant's motion for belated extension of time to file appellant brief.

CR-23-531. Jeremy Jermane Hawkins v. State of Arkansas, from Ouachita County Circuit Court. Appellant's second pro se motion for extension of time to file brief.

CR-23-548. James Mathis Raper v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion to substitute brief.

CR-23-548. James Mathis Raper v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion to introduce additional evidence and proof of possible evidence tampering on the part of the appellee.

CR-23-548. James Mathis Raper v. State of Arkansas, from Drew County Circuit Court. Appellee's motion to dismiss appeal or, in the alternative, extension for brief time.

CR-23-573. John C. Damron v. State of Arkansas, from Baxter County Circuit Court. Motion of Jeremy B. Lowrey to enter appearance as co-counsel for appellant John Damron.

CR-23-573. John C. Damron v. State of Arkansas, from Baxter County Circuit Court. Renewed motion of Jeremy B. Lowrey to enter appearance as co-counsel for appellant John Damron.

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CR-23-576. Martavion T. Oliver v. State of Arkansas, from Crittenden County Circuit Court. Appellant’s motion to supplement the appellate record of pleadings.

CV-23-116. Lester Keith Hamaker v. Donna Hamaker, from Garland County Circuit Court. Appellee’s motion to strike appellant’s reply brief.

CV-23-345. Fayetteville Arkansas Hospital Company, LLC; Northwest Arkansas Hospitals, LLC; Siloam Springs Arkansas Hospital Company, LLC; White County Medical Center; Advanced Care Hospital of White County; White River Health System, Inc.; MCSA, LLC; Baptist Memorial Hospital Jonesboro, Inc.; Forrest City Arkansas Hospital Company, LLC; and Phillips Hospital Company, LLC v. Amneal Pharmaceuticals, Inc.; Amneal Pharmaceuticals of New York, LLC; Teva Pharmaceutical Industries, Ltd.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc.; Tasmanian Alkaloids Pty. Ltd.; Abbvie, Inc.; Abbott Laboratories; Abbott Laboratories, Inc.; Endo Health Solutions, Inc.; Endo Pharmaceuticals, Inc.; Par Pharmaceuticals Companies, Inc.; Par Pharmaceutical, Inc.; Mallinckrodt, LLC; Mallinckrodt PLC; Specgx, LLC; Allergan Finance, LLC; Allergan Sales, LLC; Allergan PLC; Allergan USA, Inc.; Anda, Inc.; Cardinal Health, Inc.; CVS Health Corporation; Henry Schein, Inc.; CVS Pharmacy, Inc.; Arkansas CVS Pharmacy, LLC; and Doe 1–100, from Washington County Circuit Court. Status update concerning bankruptcy proceedings.

CV-23-636. City of Pine Bluff, Arkansas, Advertising and Promotion Commission v. Aramark Educational Services, LLC, from Jefferson County Circuit Court. Appellant’s motion to complete the record.

E-23-408. Jeremy Cook v. Director et al., from the Arkansas Board of Review. Petitioner’s pro se motion to file a belated appeal.

E-23-410. Linda White v. Director et al., from the Arkansas Board of Review. Petitioner’s motion to file belated appeal.

E-23-415. Billy Stewart v. Director et al., from the Arkansas Board of Review. Petitioner’s pro se motion to file a belated appeal.

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CASES SUBMITTED

CV-20-748. Lyle D. Foster, as Personal Representative for the Estate of Ollie Hammett, Jr., Deceased; and for the Estate of Lucille Hammett, Deceased v. Simmons Bank f/k/a Simmons First National Bank, from Pulaski County Circuit Court, Seventeenth Division. Orally argued.

CR-22-460. Bryan Smith v. State of Arkansas, from Crawford County Circuit Court.

CR-23-179. Joe Bonee v. State of Arkansas, from Benton County Circuit Court.

CV-21-414. Frank J. Iacampo v. Deborah Hoffpauir n/k/a Deborah Hoffpauir, from Mississippi County Circuit Court, Chickasawba District.

CV-22-241. Amy Smith v. Brad Smith, from Hot Spring County Circuit Court.

CV-22-330. Keith Dixon v. Holly Dixon, from Perry County Circuit Court.

CV-22-387. Jeremy Wright v. Catrina Wright, from White County Circuit Court.

CV-22-551. James Bennett Reinkoester v. Stephanie Reinkoester, from Garland County Circuit Court.

CV-22-622. William Sanchez v. Glenn E. Weeks, from Benton County Circuit Court.

CV-23-41. Zachary Oxley v. Larry Lumpkins, Patrick Blake Davis, Tiffani Davis and Minor Child, from Lonoke County Circuit Court.

CV-23-307. Ayisha Freedman v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court.

CV-23-309. Whitney Beavers v. Arkansas Department of Human Services and Minor Children, from Logan County Circuit Court, Northern District.

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

E-22-298. Dellmarie Dawson v. Director et al.

E-22-386. Charles David Anderson Williams v. Director et al.

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CASES SUBMITTED

- E-22-418. Daniel Abadom v. Director et al.
- E-22-419. Daniel Abadom Director et al.
- E-22-420. Daniel Abadom v. Director et al.
- E-22-426. Juandretta Woods v. Director et al.
- E-22-427. Veronica Whitten v. Director et al.
- E-22-428. Isaac Henderson v. Director et al.
- E-22-429. Thomas Bazzell v Director et al.
- E-22-430. Kellie Dismuke v. Director et al.
- E-22-431. Dorothy Byrd v. Director et al.
- E-22-432. Karen Johnson v. Director et al.
- E-22-433. Samuel Jackson v. Director et al.
- E-22-434. Cache Tatum v. Director et al.
- E-22-435. Carl Beasley v. Director et al.
- E-22-436. Dennis Sugg v. Director et al.
- E-22-437. Dennis Sugg v. Director et al.
- E-22-438. Ontaria Jackson v. Director et al.
- E-22-439. Sonya Russell v. Director et al.
- E-22-440. Rebecca Anderson v. Director et al.
- E-22-441. Rebecca Anderson v. Director et al.

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CASES SUBMITTED

E-22-442. Linda Hoskins v. Director et al.

E-22-443. Linda Hoskins v. Director et al.

E-22-444. Jessie Jones v. Director et al.