

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 7, 2024

BRANDON J. HARRISON, CHIEF JUDGE:

[CV-22-495](#). David Heileman v. Ariel Cahoon, from Poinsett County Circuit Court. Affirmed. Gladwin, Klappenbach, and Gruber, JJ., agree. Virden, J., concurs. Barrett, Hixson, Murphy, and Brown, JJ., dissent.

[E-22-694](#). Cheryl Pillow v. Director, Department of Workforce Services, from the Arkansas Board of Review. Affirmed. Abramson and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-22-730](#). Robbie Zaragoza v. Susan and Sam McDonald, from Benton County Circuit Court. Affirmed. Harrison, C.J., and Hixson, J., agree.

BART F. VIRDEN, JUDGE:

[CV-23-490](#). Summer Kazzee v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Affirmed. Gladwin and Wood, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-23-320](#). Justin Anderson v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Virden and Wood, JJ., agree.

[CV-22-517](#). Hot Springs Nursing and Rehabilitation – A Waters Community, LLC; The Waters of Arkansas Master Tenant, LLC; Catheran Atlas, Individually and in Her Capacity as the Administrator of Hot Springs Nursing and Rehabilitation – A Waters Community, LLC; and John Doe Defendants 1 Through 5, Unknown Defendants v. Kelly C. Hooker, as Personal Representative of the Estate of Patricia Ann Greeson, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Patricia Ann Greeson, from Garland County Circuit Court. Affirmed. Virden and Wood, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-23-534](#). Shannon Hall-Elliott and Travis Wise v. Arkansas Department of Human Services and Minor Child, from Lonoke County Circuit Court. Affirmed. Barrett and Murphy, JJ., agree.

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RITA W. GRUBER, JUDGE:

[Cy-22-763](#). David Owen v. Cami Owen, from Baxter County Circuit Court. Dismissed. Thyer and Brown, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-23-299](#). Jack Rawlins v. State of Arkansas, from Polk County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

CINDY GRACE THYER, JUDGE:

[CR-23-352](#). Anthony Carter v. State of Arkansas, from Garland County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[E-22-600](#). Jean Wimbley v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed in part; remanded in part. Virden and Gladwin, JJ., agree.

[E-22-627](#). Stephanie Stark v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed. Virden and Gladwin, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-23-188](#). Scott Severance v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Harrison, C.J., and Abramson, J., agree.

MIKE MURPHY, JUDGE:

[CV-23-543](#). Brooke Wilkerson v. Arkansas Department of Human Services and Minor Children, from Franklin County Circuit Court, Northern District. Affirmed. Klappenbach and Barrett, JJ., agree.

[E-22-586](#). Stephanie Morgan v. Director, Division of Workforce Services, from the Arkansas Board of Review. Reversed and remanded. Klappenbach and Barrett, JJ., agree.

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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-22-484. Tijuana Webster v. Director et al.

E-22-572. Tammie Skaggs v. Director et al.

E-22-573. Otto Mullins v. Director et al.

E-22-574. Lakeidra Phillips v. Director et al.

E-22-576. David Lee Sanders v. Director et al.

E-22-577. James Turner v. Director et al.

E-22-579. Kathryn Robinson v. Director et al.

E-22-580. Courtney Deadner v. Director et al.

E-22-581. Landon Catlett v. Director et al.

E-22-583. Jody Boyd v. Director et al.

E-22-584. Henry Spellman v. Director et al.

E-22-585. Latonya Donahue v. Director et al.

E-22-587. Brian Qualls v. Director et al.

E-22-588. Jesus A. Sandoval v. Director et al.

E-22-589. Robert J. Gage v. Director et al.

E-22-590. Christopher Smith v. Director et al.

E-22-591. Alba Valladares v. Director et al.

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E-22-593. Jordan Walker v. Director et al.

E-22-594. Jordan Walker v. Director et al.

E-22-595. Jordan Walker v. Director et al.

E-22-596. Jordan Walker v. Director et al.

E-22-598. Melina Wilson v. Director et al.

E-22-599. Jean Wimbley v. Director et al.

E-22-602. Jaban Fraction v. Director et al.

E-22-603. Michelle Tobin v. Director et al.

E-22-609. Max Wagner v. Director et al.

E-22-611. Thomas Dunn v. Director et al.

The following cases appealed from the Arkansas Board of Review are dismissed without written opinion for lack of jurisdiction.

E-22-616. Thomas Dunn v. Director et al.

E-22-617. Thomas Dunn v. Director et al.

E-22-619. Thomas Dunn v. Director et al.

E-22-620. Thomas Dunn v. Director et al.

E-22-621. Thomas Dunn v. Director et al.

E-22-622. Thomas Dunn v. Director et al.

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PER CURIAM ORDERS

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 is moot.

CR-22-402. Evan Columbus Anderson v. State of Arkansas, from Benton County Circuit Court. Second motion of Andrew R. Miller and Alicia Canfield for attorneys' fees is granted. Allowed \$2,250.

CR-22-424. Douglas Eugene Causey v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion for leave to file belated brief and for brief time is granted. Appellant's brief is due March 8, 2024. This is a final extension.

CR-22-657. Gary Wayne Johnson v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,400.

CR-23-245. Hughey Brooks v. State of Arkansas, from Washington County Circuit Court. Motion of Trent T. Thomas for attorney's fees is granted. Allowed \$2,250. Virden, J., not participating.

CR-23-271. Donald Ray Mouse, Jr. v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for acceptance of late filing is granted. Tendered supplemental record filed this date.

CR-23-278. Jarvis Dillard v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2,250.

CR-23-606. Jacinto Martinez v. State of Arkansas, from Lonoke County Circuit Court. Appellant's pro se motion to amend brief is moot.

CR-23-606. Jacinto Martinez v. State of Arkansas, from Lonoke County Circuit Court. Appellee's motion to dismiss appeal is granted.

CR-23-610. Courtney Anselmi v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to accept late filing is granted.

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CR-23-610. Courtney Anselmi v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to extend time to return writ is granted. Tendered supplemental record filed this date.

CR-23-782. Assefa Gabriel Egziabher, Jr. v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion to withdraw pursuit of appeal is granted. Klappenbach, J., not participating.

CR-23-790. Tremain Huggins v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for reconsideration of the motion for appointment of counsel with current affidavit of indigency is granted. Harrison, C.J., not participating.

CR-23-790. Tremain Huggins v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for appointment of counsel is granted. Harrison, C.J., not participating. Brett D. Watson is appointed as counsel for the appellant.

CR-23-821. Kenneth Steward v. State of Arkansas, from Benton County Circuit Court. Joint motion to substitute counsel is granted.

CR-24-4. Ivan Santos v. State of Arkansas, from Crawford County Circuit Court. Motion of Sonia Kezhaya to supplement counsel of record is granted.

CR-24-16. Joseph Warren v. State of Arkansas, from Faulkner County Circuit Court. Motion of Chris T. Murray to be relieved as counsel for the appellant is granted. Samantha Carpenter is appointed as counsel for the appellant.

CR-24-39. Kelly Dunning 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 is granted. Klappenbach, J., not participating. Writ issued; returnable March 8, 2024. The clerk is directed to set a briefing schedule when the writ is returned and the electronic supplemental record is lodged.

CV-23-474. Privilege Underwriters Reciprocal Exchange v. Brandon Adams, from Washington County Circuit Court. Motion of Kelsey McLean to withdraw as counsel for appellant is granted. Murphy, J., not participating.

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CV-23-756. Don L. Kittler, Jr. v. Entergy Arkansas, LLC; and the Arkansas Public Service Commission, from the Arkansas Public Service Commission. Motion of separate appellee Entergy Arkansas, LLC, to dismiss appeal is denied.

CV-23-832. Charity Tarr v. Arkansas State Board of Nursing, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to supplement record with hearing transcript is granted. Harrison, C.J., not participating. Tendered supplemental record filed this date.

CV-23-838. First Electric Cooperative Corporation v. Entegrity Energy Partners, LLC; Cal-Maine Foods, Inc.; and the Arkansas Public Service Commission, from the Arkansas Public Service Commission. Appellant's motion for stay and/or supersedeas is moot. Virden, J., not participating.

CV-23-838. First Electric Cooperative Corporation v. Entegrity Energy Partners, LLC; Cal-Maine Foods, Inc.; and the Arkansas Public Service Commission, from the Arkansas Public Service Commission. Motion of separate appellees Entegrity Energy Partners, LLC; and Cal-Maine Foods, Inc., to dismiss notice of appeal and petition for review and motion to stay filing of complete record is granted. Virden, J., not participating.

CV-23-838. First Electric Cooperative Corporation v. Entegrity Energy Partners, LLC; Cal-Maine Foods, Inc.; and the Arkansas Public Service Commission, from the Arkansas Public Service Commission. Motion of separate appellee Arkansas Public Service Commission to dismiss is granted. Virden, J., not participating.

CV-24-25. Cherokee Nation of Oklahoma v. Arkansas Department of Human Services, Minor Child, Heath Burger, and Kari Burger, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to stay briefing schedule pending mandate in CV-23-642 is denied. Appellant's brief is due March 8, 2024.

CV-24-28. Angela R. Styles v. James D. Styles, from Pope County Circuit Court. Appellant's motion for stay and supersedeas is denied. Harrison, C.J., not participating.

E-23-335. Manali Patel v. Director et al., from the Arkansas Board of Review. Respondent's motion to dismiss appeal is granted.

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PER CURIAM ORDERS

E-23-342. Glenn Gray v. Director et al., from the Arkansas Board of Review. Respondent's motion to dismiss appeal is granted.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-21-293. Ashley Jacks, Individually and as Parent/Legal Custodian to Minor Beneficiaries, Paris Ludwig and Bayli Ludwig, of the Havis L. Jacks Revocable Trust v. Sandra Brossett, Individually, as Executrix of the Last Will and Testament of Havis L. Jacks, and as Trustee of the Havis L. Jacks Revocable Trust, from Pulaski County Circuit Court, Fifth Division.

CR-22-545. Leonard C. Stephenson v. State of Arkansas, from Garland County Circuit Court. Motion of Bailey Ellis Farner to withdraw as counsel of record.

CR-23-122. Melvin Lamar Johnson v. State of Arkansas, from Crittenden County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-23-346. Johnathan Tyler Summons v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to file a belated appeal brief.

CR-23-506. Mitchell Wine v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se petition for writ of certiorari to complete the record and motion to stay the briefing schedule.

CR-23-550. Edward Chambers v. State of Arkansas, from Cleburne County Circuit Court. Appellee's motion to remand to settle and supplement the record or, in the alternative, motion for extension of brief time.

CR-23-790. Tremain Huggins v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for extension of time to file brief.

CR-23-821. Kenneth Steward v. State of Arkansas, from Benton County Circuit Court. Motion of Kimberly R. Weber to withdraw as counsel.

CR-24-62. Willie Taylor, Jr. v. State of Arkansas, from Drew County Circuit Court. Appellant's motion for belated appeal.

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MOTIONS SUBMITTED

CV-23-41. Zachary Oxley v. Larry Lumpkins, from Lonoke County Circuit Court. Appellant's motion for extension of time to comply with appellate order.

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-23-476. Black Farms, LLC; Rebecca Winemiller, as Co-Manager of Grand Prairie Farming & Water Company, LLC; Rebecca Winemiller, as Co-Trustee of The Ernestine Boyce Trust; and Ernestine Boyce, Co-Trustee Of The Ernestine Boyce Trust v. Grand Prairie Farming & Water Company, LLC; Jerry Lee Bogard, Co-Manager of Grand Prairie Farming & Water Company, LLC; Bogard Agriculture Consultancy Group, Inc.; Metropolitan Life Insurance Company; and James Dowden, as Receiver for Grand Prairie Farming & Water Company, LLC, from Arkansas County Circuit Court, Northern District. Appellants' motion to expedite.

CV-23-707. Kara McMillan v. Tina McMillan, from Saline County Circuit Court. Appellant's pro se motion to file belated response.

CV-24-49. Darby Conley v. Baptist Health d/b/a Baptist Health Medical Center - Little Rock, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to extend the time to file and petition for in forma pauperis.

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CASES SUBMITTED

CR-22-787. Glenn Robert Lema v. State of Arkansas, from Yell County Circuit Court, Southern District.

CR-23-35. Michael Whiting v. State of Arkansas, from Arkansas County Circuit Court, Southern District.

CR-23-103. James Terry v. State of Arkansas, from Logan County Circuit Court, Southern District.

CR-23-147. Travis Roberts v. State of Arkansas, from Benton County Circuit Court.

CR-23-214. Kevin Green v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-23-448. Terry Kuykendall v. State of Arkansas, from Crawford County Circuit Court.

CV-22-78. Vivek Dicholkar v. Blake McMillon, from Benton County Circuit Court.

CV-22-100. Ohana Construction & Property Maintenance, LLC, and Montana Weiner v. Greenbox Capital, from Benton County Circuit Court.

CV-22-140. Clarence E. Turnbo, Individually and as Trustee of Beau Turnbo Trust Number One v. Oscar Hamlett, Jr., from Pulaski County Circuit Court, Fifth Division.

CV-22-405. Estate of Charles Daniel and Wilma Sharon Daniel v. Estate of George Daniel, from Searcy County Circuit Court.

CV-23-45. Simon Pockrus v. Kristy Pockrus, from Benton County Circuit Court.

CV-23-65. Catherine Powell v. Kavin Powell, from Crawford County Circuit Court.

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

E-22-419. Daniel Abadom v. Director et al.

E-22-420. Daniel Abadom v. Director et al.

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CASES SUBMITTED

- E-22-499. Bridgette Robinson v. Director et al.
- E-22-500. Bridgette Robinson v. Director et al.
- E-22-592. Lisa Birdwell Anderson v. Director et al.
- E-22-604. Harold Brian Gilbert v. Director et al.
- E-22-605. Harold Brian Gilbert v. Director et al.
- E-22-606. Harold Brian Gilbert v. Director et al.
- E-22-607. Brian Gilbert v. Director et al.
- E-22-610. Rhonda Brown v. Director et al.
- E-22-612. Darren Williams v. Director et al.
- E-22-613. Darren Williams v. Director et al.
- E-22-614. Avriana Armstrong v. Director et al.
- E-22-615. Paulette Rush v. Director et al.
- E-22-623. George Mason v. Director et al.
- E-22-624. Rommie E. Graybeal v. Director et al.
- E-22-625. Mytear Berkhalter v. Director et al.
- E-22-626. Stephen Edward Griever v. Director et al.
- E-22-628. Shirley Paul v. Director et al.
- E-22-629. Shayla Monay Bolden v. Director et al.
- E-22-630. Shayla Monay Bolden v. Director et al.

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CASES SUBMITTED

- E-22-631. James G. Wesson v. Director et al.
- E-22-632. Jessica Erin Plunkett v. Director et al.
- E-22-633. Jessica Erin Plunkett v. Director et al.
- E-22-634. Holly Seigrist v. Director et al.
- E-22-635. Ricky Taylor v. Director et al.
- E-22-636. Brenda Robinson v. Director et al.
- E-22-637. Xzilah Perez v. Director et al.
- E-22-638. Dana Hoover v. Director et al.
- E-22-639. Jackie Beck v. Director et al.
- E-22-641. Jennifer Branam v. Director et al.
- E-22-642. Johnny Mangrum v. Director et al.
- E-22-643. Gerald Grasper v. Director et al.
- E-23-182. Lisa Birdwell Anderson v. Director et al.
- E-23-294. Lisa Birdwell Anderson v. Director et al.
- E-23-295. Lisa Birdwell Anderson v. Director et al.