

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 14, 2024

BRANDON J. HARRISON, CHIEF JUDGE:

[CV-23-62](#). Jeffrey Parsons v. Virginia Griffin, from Saline County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-23-201](#). Jermaine Lawson v. State of Arkansas, from Clark County Circuit Court. Reversed and remanded. Harrison, C.J., and Hixson, J., agree.

[CV-23-571](#). Natalie Jones v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Affirmed. Harrison, C.J., and Hixson, J., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-22-510](#). LNH One, LLC, d/b/a Barnes Healthcare; GL Nursing, LLC; Marsh Pointe Management, LLC; Lindsey Clyburn, Individually and as Administrator of LNH One, LLC, d/b/a Barnes Healthcare; Christopher Brogdon; and John Doe Defendants 1 Through 10 v. Tara Gaspar, as Special Administrator of the Estate of Patty Jane Holder, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Patty Jane Holder, from Lonoke County Circuit Court. Affirmed. Virden and Wood, JJ., agree.

[CV-23-595](#). Brooke Hall v. Arkansas Department of Human Services and Minor Children, from Miller County Circuit Court. Affirmed. Virden and Wood, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-23-302](#). Tony Stevens v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Barrett and Murphy, JJ., agree.

[CR-23-303](#). Tony Stevens v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed; remanded for resentencing. Barrett and Murphy, JJ., agree.

[E-22-608](#). Angela Rice v. Director, Division of Workforce Services; and Thrifty Car Sales of Fort Smith, from the Arkansas Board of Review. Reversed and remanded. Barrett and Murphy, JJ., agree.

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RITA W. GRUBER, JUDGE:

[CR-23-270](#). Heather Long v. State of Arkansas, from Miller County Circuit Court. Affirmed. Thyer and Brown, JJ., agree.

[CV-22-333](#). Kenneth Colley v. Audrey Colley, from Sebastian County Circuit Court, Greenwood District. Dismissed. Thyer and Brown, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-23-445](#). Derrick Nixon v. State of Arkansas, from Desha County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

[CR-23-449](#). Daniel Robert McMahan v. State of Arkansas, from Columbia County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

[CV-22-425](#). Matthew Forrest v. Allyssa Thomlinson, from Pope County Circuit Court. Reversed and remanded. Abramson, Virden, Gladwin, and Brown, JJ., agree. Harrison, C.J., and Klappenbach, Gruber, and Thyer, JJ., dissent.

[CV-22-426](#). Matthew Forrest v. Buck Fleming, from Pope County Circuit Court. Reversed. Abramson, Virden, Gladwin, and Brown, JJ., agree. Harrison, C.J., and Klappenbach, Gruber, and Thyer, JJ., dissent.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-23-291](#). Carl Rorie v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Virden and Gladwin, JJ., agree.

[CR-23-293](#). Carl Rorie v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Virden and Gladwin, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-23-55](#). Rickie Nash v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Abramson, J., agree.

[CR-23-56](#). Rickie Nash v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Abramson, J., agree.

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MIKE MURPHY, JUDGE:

[CR-23-296](#). Tony Stevens v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Klappenbach and Barrett, JJ., agree.

[CV-22-554](#). Paul Gunn v. Steve Wortman, from Pulaski County Circuit Court, Sixteenth Division. Reversed. Klappenbach and Barrett, JJ., agree.

[CV-23-620](#). Reginald Mull v. Arkansas Department of Human Services and Minor Child, from Crittenden County Circuit Court. Affirmed. Klappenbach and Barrett, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-23-48](#). Tristen Waller v. State of Arkansas, from Union County Circuit Court. Affirmed. Gruber and Thyer, JJ., agree.

[CR-23-190](#). Demond Davis v. State of Arkansas, from Lonoke County Circuit Court. Affirmed. Gruber and Thyer, JJ., agree.

[CV-23-584](#). Larry Jackson v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed. Gruber and Thyer, JJ., agree.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

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. Gruber, J., not participating.

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 is granted.

CR-23-122. Melvin Lamar Johnson v. State of Arkansas, from Crittenden County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$2,250. Klappenbach and Thyer, JJ., not participating.

CR-23-346. Johnathan Tyler Summons v. State of Arkansas, from Saline County Circuit Court. Appellee’s motion to file a belated appeal brief is granted. Tendered appellee’s brief filed this date.

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 is denied.

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 is granted. Settled supplemental record is due March 15, 2024.

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 is moot. Harrison, C.J., not participating.

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

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PER CURIAM ORDERS

CR-24-62. Willie Taylor, Jr. v. State of Arkansas, from Drew County Circuit Court. Appellant's motion for belated appeal is granted. Record filed in the Arkansas Court of Appeals this date, as case No. CR-24-62.

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 is granted. Electronic settled record is due February 29, 2024.

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 is noted. Status report is due May 14, 2024. Gruber and Murphy, JJ., not participating.

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 is denied. Harrison, C.J., not participating.

CV-23-707. Kara McMillan v. Tina McMillan, from Saline County Circuit Court. Appellant's pro se motion to file belated response is granted. Klappenbach, Thyer, Wood, and Brown, JJ., would deny. Tendered response filed this date.

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MOTIONS SUBMITTED

CR-23-63. Zachary Still v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's suggestion of mootness and constitutional objection to dismissal.

CR-23-506. Mitchell Wine v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion to stay appeal and reinvest jurisdiction in the lower court for adjudication of writ of error coram nobis.

CR-23-525. Shanteria Montgomery v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion to file belated reply brief.

CR-23-567. Lillian Houselog v. State of Arkansas, from Sevier County Circuit Court. Motion of Donn H. Mixon and Marsha L. Levick for permission to file brief of amici curiae Juvenile Law Center, Human Rights Watch, and National Center for Youth Law in support of appellant Lillian Houselog.

CR-23-593. Steven Casey v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion to file belated reply brief.

CR-24-80. Robert Wallace v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion for a rule on the clerk.

CV-23-722. Eddie Bunch and Donald Bunch v. Angela Ryland, Anna Lee Ivey, the Unknown Heirs of David Floyd, and the Unknown Heirs of Louis Floyd, from Woodruff County Circuit Court. Appellants' motion for leave to file belated brief.

CV-23-765. Nationwide Mutual Insurance Company v. N.W.A. Restore-It, Inc., from Benton County Circuit Court. Appellant's second combined motion to supplement and correct record.

CV-23-765. Nationwide Mutual Insurance Company v. N.W.A. Restore-It, Inc., from Benton County Circuit Court. Appellant's amended second combined motion to supplement and correct record.

CV-23-779. James Scholz and Susanne Scholz v. Esquire Ranches, LLC, from Saline County Circuit Court. Appellants' motion for reconsideration of January 17, 2024 orders and brief in support.

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MOTIONS SUBMITTED

CV-23-779. James Scholz and Susanne Scholz v. Esquire Ranches, LLC, from Saline County Circuit Court. Appellants' motion for oral argument on their motion for reconsideration of January 17, 2024 orders.

CV-23-825. Danie'l Harlow v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court. Appellant's pro se motion for extension to file pro se points.

CV-24-28. Angela R. Styles v. James D. Styles, from Pope County Circuit Court. Appellee's motion for leave to file belated response.

E-23-424. Lisa Fleming v. Director et al., from the Arkansas Board of Review. Appellee's motion to dismiss appeal.

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CASES SUBMITTED

CR-23-113. Angela Downing v. State of Arkansas, from Conway County Circuit Court.

CR-23-174. Jacob Lester v. State of Arkansas, from Washington County Circuit Court.

CR-23-184. Tracy Cottrell v. State of Arkansas, from Pulaski County Circuit Court, Third Division.

CR-23-199. Victor Montell Harmon v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-23-208. Sunil Kumar v. State of Arkansas, from Miller County Circuit Court.

CR-23-297. Kyler Michael Perkins v. State of Arkansas, from Washington County Circuit Court.

CR-23-322. Jayaun Durham v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-23-483. Jerry Lee Washington v. State of Arkansas, from Jefferson County Circuit Court.

CR-23-522. Timothy Sled v. State of Arkansas, from Cleveland County Circuit Court.

CV-22-400. Pines Progressive Eldercare Services, Inc., d/b/a The Pines Nursing and Rehabilitation Center; Progressive Eldercare Services, Inc.; Southern Administrative Services, Inc; ProCare Therapy Services, LLC; CarePlus Staffing Services, LLC; Professional Nursing Solutions, LLC; OHI Asset (AR) Hot Springs, LLC; and Angela D. Marlar v. Laura Carnahan, as Administratrix of the Estate of Mary Evelyn Rhea, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Mary Evelyn Rhea, from Garland County Circuit Court.

CV-22-448. Johnson Industrial Maintenance Company d/b/a JIMCO, LLC; and Andy Johnson v. William Borkowski and Mary Borkowski, Husband and Wife, from Washington County Circuit Court.

CV-22-488. Craig Ballegeer v. Holly Ballegeer, from Crawford County Circuit Court.

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CASES SUBMITTED

CV-22-549. Edward Delone Wester v. Trina Marie Wester; Floyd Prock; and Debbie Anderson, from Sharp County Circuit Court.

CV-22-593. Michael Ward v. Commerce Construction Company and Cincinnati Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-22-643. Delores Ann Smith Rawls v. Jesse Malvern Rawls, from Garland County Circuit Court.

CV-22-671. Steve O. Mauldin; Jimmy Mauldin; and Virginia Mauldin v. Centennial Bank, from Faulkner County Circuit Court.

CV-23-30. Arkansas Department of Corrections and Public Employee Claims Division v. Tereasa Washington, from the Arkansas Workers' Compensation Commission.

CV-23-85. Angie Unruh v. Five Star Painting, LLC; Keith Crooks; and KLC Group, LLC d/b/a Five Star Painting of Fayetteville, from Benton County Circuit Court.

CV-23-115. Roger Riley v. First State Bank, Lonoke, Arkansas, from Pulaski County Circuit Court, Seventeenth Division.

CV-23-144. William Andrew Day v. State of Arkansas, from Ashley County Circuit Court.

CV-23-643. Dalia Harris v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

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

E-23-35. Maegan Hollis v. Director et al.

E-23-132. Marisol Canchola v. Director et al.

E-23-195. Maegan Hollis v. Director et al.