

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 22, 2024**

**BRANDON J. HARRISON, CHIEF JUDGE:**

[CV-22-762](#). OCNC, Inc. d/b/a Silver Oaks Health and Rehabilitation v. Renee Lewis, Individually and as Special Administrator of the Estate of Lillie Mae Edwards, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Lillie Mae Edwards, Deceased, from Ouachita County Circuit Court. Affirmed. Virden and Barrett, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-23-12](#). Eldon Summerfield and Rebecca Summerfield v. Southeastern Freight Lines, Inc.; and David Williams, from Benton County Circuit Court. Affirmed. Gruber and Wood, JJ., agree.

[E-23-187](#). Jennifer M. Barnes v. Director, Division of Workforce Services, from the Arkansas Board of Review. Remanded to settle the record. Gruber and Wood, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-23-18](#). Joy Corp and Nazir U. Sardar, Individually v. John Roberts d/b/a Roberts Roofing, from Pope County Circuit Court. Reversed and remanded. Harrison, C.J., and Murphy, J., agree.

**RITA W. GRUBER, JUDGE:**

[CR-22-777](#). Brendan Burns v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Affirmed. Abramson and Wood, JJ., agree.

[CV-22-371](#). Darrell Smith, Jr., Successor Trustee of the Smith Family Trust; and Cole Smith, Executor of the Estate of Darrell Smith, Sr., Deceased v. Terry Orsbun and Christine Orsbun, from Crawford County Circuit Court. Affirmed on direct appeal; affirmed on cross-appeal. Abramson and Wood, JJ., agree.

[CV-23-324](#). Dakota Baker v. Shelby Baker, from Pulaski County Circuit Court, Fourteenth Division. Reversed and remanded. Abramson and Wood, JJ., agree.

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**STEPHANIE POTTER BARRETT, JUDGE**

[CV-23-114](#). Barbara Davis, Individually and as Personal Representative of the Estate of Alex Davis, Deceased v. Jefferson Hospital Association, Inc., d/b/a Jefferson Regional Medical Center; Jefferson Regional Medical Center Preferred Provider Organization; Mai Salah Abd-Alqader, M.D.; Steven H. Wright, M.D.; Ayman Abdul Hameed Alshami, M.D.; and John and Jane Does A–Z, from Jefferson County Circuit Court. Affirmed in part; reversed and remanded in part. Harrison, C.J., and Virden, J., agree.

[CV-24-3](#). Jeniveve Devary v. Arkansas Department of Human Services and Minor Children, from Scott County Circuit Court. Affirmed. Thyer and Brown, JJ., agree.

**CINDY GRACE THYER, JUDGE:**

[CR-23-527](#). DeWayne Cartwright v. State of Arkansas, from Phillips County Circuit Court. Affirmed. Barrett and Brown, JJ., agree.

**WENDY SCHOLTENS WOOD, JUDGE:**

[E-23-188](#). Jennifer M. Barnes v. Director, Division of Workforce Services, from the Arkansas Board of Review. Remanded to settle the record. Abramson and Gruber, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-22-695](#). John Cochran v. Nina Cromer, Terry Cromer, and Teresa Cromer Zachary, from Johnson County Circuit Court. Affirmed on direct appeal; reversed on cross-appeal. Virden and Gladwin, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-23-334](#). Donald Wise v. State of Arkansas, Office of Child Support Enforcement Case Number 828936596; and Kimberly Huckabay, from Greene County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

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**WAYMOND M. BROWN, JUDGE:**

[CV-22-230](#). Sandra D. McClellan and Monta R. McClellan, Husband and Wife; Monica J. Newsom; and John Milam Construction, Inc., Individually and on Behalf of All Others Similarly Situated v. Ritter Cable Company, LLC; E. Ritter & Company; E. Ritter Communications, LLC; E. Ritter Communications Holdings, LLC; and E. Ritter Telephone Company, LLC, from Franklin County Circuit Court, Northern District. Affirmed. Barrett and Thyer, 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-23-186. Jennifer Barnes v. Director et al.
- E-23-189. Christina Smith v. Director et al.
- E-23-190. Morgan Humbard v. Director et al.
- E-23-191. Morgan Humbard v. Director et al.
- E-23-192. Felecca Lucas v. Director et al.
- E-23-193. Felecca Lucas v. Director et al.
- E-23-196. Jacqueline Jones v. Director et al.
- E-23-197. Jacqueline Jones v. Director et al.
- E-23-198. Tequila Estes v. Director et al.
- E-23-208. Eva Castanos v. Director et al.
- E-23-209. Lesa Reesnes v. Director et al.
- E-23-210. Maryglen Long v. Director et al.
- E-23-211. Maryglen Long v. Director et al.

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E-23-212. Kelly Sullins v. Director et al.

E-23-213. Kelly Sullins v. Director et al.

E-23-214. Kelly Sullins v. Director et al.

E-23-215. Kelly Sullins v. Director et al.

E-23-216. Reneisha Phillips v. Director et al.

E-23-217. Reneisha Phillips v. Director et al.

E-23-218. Reneisha Phillips v. Director et al.

E-23-219. Rozthanne R. Lewis v. Director et al.

E-23-220. Tiffany B. Stark v. Director et al.

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**PER CURIAM ORDERS**

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

CV-22-579. Shelter Mutual Insurance Company v. Karen Chitwood Berry, from Crawford County Circuit Court.

CV-23-212. Jim Rogers Nash v. John Nash, Jr., and Pam Nash Glover, Personal Representatives of the Estate of Norma Nash, Deceased, from Pulaski County Circuit Court, Third Division. Gruber, J., not participating.

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CR-22-716. Lamiesha Toney v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion for extension of time to file appellant's brief is granted. Appellant's brief is due June 5, 2024.

CR-23-301. Kris Troy Hanson v. State of Arkansas, from Benton County Circuit Court. Motion of Lisa-Marie Norris for award of attorney's fees and costs is granted. Allowed \$2,500.

CR-23-555. Vincent Peal v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for appointment of counsel is granted. Attorney Dusti Standridge is appointed as counsel for the appellant.

CR-23-661. Sentoren Brooks v. State of Arkansas, from Chicot County Circuit Court. Motion of Lee D. Short for attorney's fees is granted. Allowed \$2,500.

CR-23-803. Rodney Darrell Martin v. State of Arkansas, from Johnson County Circuit Court. Appellant's motion to file brief out of time is granted. Virden, J., not participating. Tendered appellant's brief filed this date.

CR-23-816. Zereak Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to correct the record is granted. Gruber, J., not participating. Corrected record is due June 21, 2024. Appellant's brief is due thirty days after the corrected record is filed.

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CR-24-67. Joe Bethune v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for extension of time to file brief is granted. Appellant's brief is due June 6, 2024.

CR-24-80. Robert Wallace v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion to supplement record is granted. Virden and Thyer, JJ., not participating. Tendered supplemental record filed this date.

CR-24-90. Danny Hopper v. State of Arkansas, from Crawford County Circuit Court. Appellant's pro se motions and objection with affidavit is denied.

CR-24-168. Larry Davis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for appeal bond is denied.

CR-24-175. Samuel Golden v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time to file pro se points is granted. Appellant's pro se points for reversal are due June 28, 2024. This is a final extension.

CR-24-202. Charles Youngberg v. State of Arkansas, from Stone 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 June 21, 2024.

CR-24-202. Charles Youngberg v. State of Arkansas, from Stone County Circuit Court. Appellant's pro se motion for appointment of counsel is granted. Attorney Michael Kaiser is appointed as counsel for the appellant. Klappenbach, J., not participating.

CR-24-275. Jimmy Wade v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for rule on clerk to lodge late appeal record and for appointment of counsel is granted. Record filed in the Arkansas Court of Appeals this date as case No. CR-24-275. Attorney Eric Wilson is appointed as counsel for the appellant. Appellant's brief is due June 21, 2024.

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**PER CURIAM ORDERS**

CV-22-683. Jeffery C. Frazier v. Jana L. Bland and Paige E. Bland, from White County Circuit Court. Appellant’s motion for supplemental briefing is granted. Harrison, C.J., not participating. Appellant’s supplemental brief is due June 21, 2024. Allowed 2,500 words. Appellees’ supplemental brief is due thirty days after the filing of the appellant’s supplemental brief. Allowed 2,500 words. No further briefing will be permitted.

CV-23-171. Michael Ward v. Commerce Construction Company, Inc., from Washington County Circuit Court. Appellant’s motion to extend stay or, in the alternative, motion for extension of brief time is granted. Murphy, J., not participating. Appellant’s brief is due June 5, 2024.

CV-23-370. Melanie Foster; Forest Roberts; Kathryn Clark; Christie Waggoner; Lillian Van Houten; Sawney Huckabay; and Allen Family Farm, Inc., an Arkansas Non-Profit Corporation v. Carla Muruaga-Atkins; Carol Ann Martin; Laura Martin, Individually; Laura Martin, as Mother and Next Friend of Two Unemancipated Minor Children; Caitlyn Peterson, Individually; Caitlyn Peterson, as Mother and Next Friend of Three Unemancipated Minor Children; and Kathryn Ahlefeld, from Benton County Circuit Court. Motion of Lisa M. Geary to withdraw as additional counsel of record is granted. Gladwin, J., not participating.

CV-23-598. LeTara Davis and Jared Davis v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Appellants’ motion requesting permission for belated filing is denied.

CV-23-667. Matthew Fritchie and Katherine Fritchie v. Kipp Hearne and Lisa Hearne, Individually; Big Sky Family Trust dated September 28, 2020; and Kipp G. Hearne and Mary E. “Lisa” Hearne as Trustees of the Big Sky Family Trust, from Washington County Circuit Court. Motion of Lisa M. Geary to withdraw as additional counsel of record is granted.

CV-23-764. Emily Reynolds v. Jerry Alan Parker, Individually and in His Fiduciary Capacity as Co-Trustee of the Parker Family Irrevocable Trust; and William David Parker, Individually and in His Fiduciary Capacity as Co-Trustee of the Parker Family Irrevocable Trust, from Garland County Circuit Court. Motion of Ray Slaton to withdraw as counsel for the appellees is granted. Murphy, J., not participating.

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**PER CURIAM ORDERS**

CV-24-266. Brandy McCormick (now Horton) v. Joshua Fletcher, from Benton County Circuit Court. Appellant's petition for leave to proceed in forma pauperis on petition for appeal, indigent transcripts/record, and extension of time to file brief. Denied without prejudice. Harrison, C.J., and Thyer, J., would grant. Filing fee of \$165 is due June 21, 2024.

E-24-32. Amber Renee Hill v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add new evidence is denied.

**Pursuant to Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following cases have been dismissed for failure to file an appellant's brief.**

CV-22-275. Jimmy Dion Bardin v. Margaret Bardin, from Ashley County Circuit Court. Gruber, J., not participating.

CV-23-632. Rufus Antonio Box v. Dexter Payne, Director, Arkansas Division of Correction; Joseph Bivens; Caitlin Thrower; Scott Taylor; Brian Perkins; Mary Lloyd; Brandon Carroll; Cantrell Bass; James Gibson; Jonathan Martin; Anthony Jackson; Latasha Williams; and Rodney Brown, from Lincoln County Circuit Court.



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**PROCEEDINGS OF MAY 22, 2024**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CR-23-573. John Damron v. State of Arkansas, from Baxter County Circuit Court.

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CR-23-272. James McElroy v. State of Arkansas, from Howard County Circuit Court. Motion of Sonia Kezhaya and Matt Kezhaya for attorney's fees.

CR-23-420. Brittany Chambers v. State of Arkansas, from Crawford County Circuit Court. Motion of Trent D. Thomas for attorney's fees.

CR-23-446. Lacey Hogue v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-23-492. Raymond Page v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-23-529. Derek Kilcrease v. State of Arkansas, from Ashley County Circuit Court. Motion of Lee D. Short for attorney's fees.

CR-23-562. Brittany Chambers v. State of Arkansas, from Crawford County Circuit Court. Motion of Trent D. Thomas for attorney's fees.

CR-23-581. Jerry Dale Cherry v. State of Arkansas, from Washington County Circuit Court. Motion of Samantha Carpenter for attorney fees.

CR-24-118. James Andrew Taylor v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for second extension of time to file brief.

CR-24-124. Ricky Bradsher v. State of Arkansas, from Yell County Circuit Court, Northern District. Appellant's motion to file amended brief.

CR-24-168. Larry Davis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion to reinstate petition to revoke.

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**MOTIONS SUBMITTED**

CR-24-238. Adam Maskell v. State of Arkansas, from Bradley County Circuit Court. Appellant's pro se motion to supplement the record.

CR-24-260. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-24-260. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion for access to sealed record.

CR-24-260. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se petition for writ of certiorari to complete/settle the record on appeal.

CR-24-265. Derek Dewayne Blasingame v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion to supplement the record on appeal.

CR-24-304. Minor Child v. State of Arkansas, from Faulkner County Circuit Court. Motion of James F. Lane to be relieved as counsel and to stay briefing schedule.

CV-22-789. Angela R. Styles v. James D. Styles, from Pope County Circuit Court. Appellant's motion to consolidate records.

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**MOTIONS SUBMITTED**

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. Appellees' status update concerning bankruptcy proceedings.

CV-24-28. Angela R. Styles v. James D. Styles, from Pope County Circuit Court. Appellant's motion to consolidate records.

CV-24-162. Luciana Frazier v. The LJ & Gloria Randle Trust, from Jefferson County Circuit Court. Appellant's pro se motion for extension of time.

CV-24-194. Michel Pardue and Karen Pardue v. Cross Keys Property Owners' Association, Inc., from Washington County Circuit Court. Appellants' pro se motion for extension of time to file appellants' brief and to supplement the record.

CV-24-270. Andrew Bradford Allender v. Alisha Louise Allender (Stotlar), from Independence County Circuit Court. Appellant's pro se motion for rule on clerk.

CV-24-270. Andrew Bradford Allender v. Alisha Louise Allender (Stotlar), from Independence County Circuit Court. Appellant's second pro se motion for rule on clerk.

CV-24-307. Crestpark Helena, LLC; Home Office, LLC; Dilks, LLC; Melisha Dilks, and Barbara Belew v. Lashanda Albert, as Special Administrator of the Estate of Lornester Wyatt, Sr., and on Behalf of the Wrongful Death Beneficiaries of Lornester Wyatt, Sr.; and Hickory Heights Health and Rehab, LLC, from Phillips County Circuit Court. Appellants' petition for writ of certiorari to complete the record.

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**CASES SUBMITTED**

CR-23-235. Arlene Edwards v. State of Arkansas, from Saline County Circuit Court.

CR-23-431. Zachary Vermillion v. State of Arkansas, from Jefferson County Circuit Court.

CR-23-588. Larinda C. Pate v. State of Arkansas, from Hot Spring County Circuit Court.

CR-23-690. Cody Woolems v. State of Arkansas, from Garland County Circuit Court.

CR-23-714. Chad Cason v. State of Arkansas, from Grant County Circuit Court.

CV-22-429. Tony Dale Wagoner v. Patricia Ann Wagoner, Co-Trustee; Ginger Lee Treece, Co-Trustee; Clarence Guinn, Co-Trustee; Terry Ann Deans, Co-Trustee; Bill Watkins; Ralph Williams; and Craig Campbell, from Benton County Circuit Court.

CV-23-117. Melissa Kopaska v. Paula McNeil, from Benton County Circuit Court.

CV-23-189. Elizabeth Lyon v. The Academy, Inc.; and Mark Henry, from Washington County Circuit Court.

CV-23-568. Andrea Sellew (formerly Davis) v. Jacob Davis, from Pulaski County Circuit Court, Fourteenth Division.

CV-24-92. Erica Phillips v. Arkansas Department of Human Services, Minor Children, and Justin Marks, from Union County Circuit Court.

CV-24-134. Shelby Chevallier v. Arkansas Department of Human Services and Minor Child, from Marion County Circuit Court.

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

E-22-623. George Mason v. Director et al.

E-23-194. Chapman Service Co., Inc. v. Director et al.

E-23-247. Gerald Walker v. Director et al.

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**CASES SUBMITTED**

- E-23-248. Gerald Walker v. Director et al.
- E-23-249. Clevelon Nelson v. Director et al.
- E-23-250. Tanya Turney v. Director et al.
- E-23-251. Jason Whitfield v. Director et al.
- E-23-252. James Hunter Eskola v. Director et al.
- E-23-253. Rita Ivory v. Director et al.
- E-23-254. Raven White v. Director et al.
- E-23-255. Israel Mondragon v. Director et al.
- E-23-256. Laurie Foster v. Director et al.
- E-23-257. Jayne Anne Bryant v. Director et al.
- E-23-258. Jayne Anne Bryant v. Director et al.
- E-23-259. Jayne Anne Bryant v. Director et al.
- E-23-260. Geoffrey Francis v. Director et al.
- E-23-261. Geoffrey Francis v. Director et al.
- E-23-262. Kris Komula-Reid v. Director et al.
- E-23-264. Lynda Martin v. Director et al.
- E-23-265. Lynda Martin v. Director et al.
- E-23-266. Cecil Porter v. Director et al.
- E-23-267. Demetrice Betties v. Director et al.

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**CASES SUBMITTED**

E-23-269. Mia Wares v. Director et al.

E-23-270. Mia Wares v. Director et al.

E-23-271. Richard M. Ness v. Director et al.