

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 29, 2024

RAYMOND R. ABRAMSON, JUDGE:

[CV-23-427](#). Kyle McCandlis v. Sara McCandlis, from IZARD County Circuit Court. Affirmed. Gruber and Wood, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-23-629](#). Chasity Rashelle Rogers v. State of Arkansas, from Saline County Circuit Court. Affirmed; remanded to correct sentencing order. Harrison, C.J., and Barrett, J., agree.

[CR-23-687](#). Andrea Burciaga v. State of Arkansas, from Garland County Circuit Court. Affirmed. Harrison, C.J., and Barrett, J., agree.

[CV-21-540](#). Advantage Property Management v. Christopher Burkard, from Faulkner County Circuit Court. Affirmed on direct appeal; affirmed on cross-appeal. Gladwin and Hixson, JJ., agree.

[CV-22-155](#). Advantage Property Management v. Christopher Burkard, from Faulkner County Circuit Court. Affirmed. Gladwin and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-22-545](#). Leonard C. Stephenson v. State of Arkansas, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Virden and Hixson, JJ., agree.

[CR-23-454](#). Sidney Ray Hayes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed; remanded to correct the sentencing order. Virden, J., agrees. Hixson, J., concurs.

[CR-23-455](#). Sidney Ray Hayes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Hixson, JJ., agree.

[CV-23-478](#). Amanda Wells v. Austin Wells, from Baxter County Circuit Court. Reversed and remanded. Virden and Hixson, JJ., agree.

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N. MARK KLAPPENBACH, JUDGE:

[CV-24-59](#). Fatima Hasan v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Affirmed. Harrison, C.J., and Murphy, J., agree.

RITA W. GRUBER, JUDGE:

[CV-22-336](#). Charles L. Daniels II, Individually; Charles L. Daniels II, on Behalf of Payton Daniels, a Minor; and Charles L. Daniels II, as Special Administrator of the Estate of Harmony Lynn Williams Daniels, Deceased v. C. Wayne Lyle, M.D.; C. Wayne Lyle, M.D., P.A.; Medical Services Group, Ltd.; Baptist Health; and Diamond Risk Insurance, LLC, from Pulaski County Circuit Court, Fourth Division. Remanded to supplement the record. Abramson and Wood, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-23-634](#). Dustin Kaine Smith v. State of Arkansas, from Ashley County Circuit Court. Affirmed; motion to withdraw granted. Thyer and Brown, JJ., agree.

CINDY GRACE THYER, JUDGE:

[CV-22-823](#). Dowell Road, LLC v. Five J Farms, LC, from Washington County Circuit Court. Dismissed without prejudice. Barrett and Brown, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-23-155](#). Robert Richardson v. State of Arkansas, from Benton County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-22-261](#). Preston Grumbles v. Conway Regional Medical Center, Inc.; Continental Casualty Company; and Nabholz Construction Corporation, from Faulkner County Circuit Court. Affirmed in part; reversed and remanded in part. Virden, Barrett, and Wood, JJ., agree. Harrison, C.J., and Brown, J., dissent.

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KENNETH S. HIXSON, JUDGE: (continued)

[CV-22-786](#). Patricia Ann Betzinger and Steven Michael Betzinger 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. Affirmed. Virden and Gladwin, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-23-480](#). Cortez Devante Banks v. State of Arkansas, from Phillips County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

[CV-21-422](#). Cody Tackett v. Amy Freedman, Special Administratrix of the Estate of John Z. Tackett, Jr., from Sevier County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

[CV-22-348](#). Cody S. Tackett, Individually; TTC, Inc.; Red River Sand and Gravel, Inc.; S.W.A.T., Inc.; Synergy Logistics, Inc.; and CST Logistics, Inc. v. Miller-Claborn Oil Distributing Co., Inc.; Amy Freedman, Special Administratrix of the Estate of John Z. Tackett, Jr.; Melissa Wright Tackett, Individually; Hwy 71 Trucking, LLC; and JZT's Hwy 71 Trucking, LLC, from Little River County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

[CV-22-680](#). Cody S. Tackett, Individually; TTC, Inc.; Red River Sand and Gravel, Inc.; S.W.A.T., Inc.; Synergy Logistics, Inc.; and CST Logistics, Inc. v. Miller-Claborn Oil Distributing Co., Inc.; Amy Freedman, Special Administratrix of the Estate of John Z. Tackett, Jr.; Melissa Wright Tackett, Individually; Hwy 71 Trucking, LLC; and JZT's Hwy 71 Trucking, LLC, from Little River County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

WAYMOND M. BROWN, JUDGE:

[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. Motion granted; appeal dismissed. Barrett and Thyer, 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-23-221. Stephanie Owens v. Director et al.

E-23-224. Eric Richardson v. Director et al.

E-23-225. Eric Richardson v. Director et al.

E-23-226. Eric Richardson v. Director et al.

E-23-227. Eric Richardson v. Director et al.

E-23-228. Eric Richardson v. Director et al.

E-23-229. Lori Pierce v. Director et al.

E-23-230. Lori Pierce v. Director et al.

E-23-231. Kim McDougal v. Director et al.

E-23-232. John Robert Keller III v. Director et al.

E-23-233. Allison R. Holden v. Director et al.

E-23-234. Lillian Williams-Perry v. Director et al.

E-23-235. Lillian Williams-Perry v. Director et al.

E-23-236. Lillian Williams-Perry v. Director et al.

E-23-237. Lillian Williams-Perry v. Director et al.

E-23-238. Lillian Williams-Perry v. Director et al.

E-23-239. Lillian Williams-Perry v. Director et al.

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E-23-240. Melanie K. Riggs v. Director et al.

E-23-241. Stephen Goldberg v. Director et al.

E-23-242. Betty L. Thomas v. Director et al.

E-23-243. Gregory M. Volner v. Director et al.

E-23-244. Greg M. Volner v. Director et al.

E-23-245. Christopher T. Mosher v. Director et al.

E-23-246. Christopher T. Mosher v. Director et al.

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PER CURIAM ORDERS

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

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

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 is granted. Allowed \$2,500.

CR-23-420. Brittany Chambers v. State of Arkansas, from Crawford County Circuit Court. Motion of Trent D. Thomas for attorney's fees is granted. Allowed \$2,500.

CR-23-446. Lacey Hogue v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,810.

CR-23-492. Raymond Page v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,870.

CR-23-529. Derek Kilcrease v. State of Arkansas, from Ashley County Circuit Court. Motion of Lee D. Short for attorney's fees is granted. Allowed \$2,500.

CR-23-562. Brittany Chambers v. State of Arkansas, from Crawford County Circuit Court. Motion of Trent D. Thomas for attorney's fees is granted. Allowed \$2,500.

CR-23-581. Jerry Dale Cherry v. State of Arkansas, from Washington County Circuit Court. Motion of Samantha Carpenter for attorney fees is granted. Allowed \$2,500.

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 is denied. Virden, Klappenbach, and Barrett, JJ., not participating. Appellant's pro se brief is due June 9, 2024. That deadline was set as the final one in an April 10, 2024 order.

CR-24-124. Ricky Bradsher v. State of Arkansas, from Yell County Circuit Court, Northern District. Appellant's motion to file amended brief is granted. Appellant's amended brief is due June 1, 2024.

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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 is denied.

CR-24-202. Charles Youngberg v. State of Arkansas, from Stone County Circuit Court. Appellant's pro se motion to compel the circuit clerk of Stone County to produce a copy of the transcript on appeal is denied. Klappenbach, J., not participating.

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

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 is granted. Appellant's pro se brief is due June 28, 2024.

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 is denied.

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 is denied.

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 is granted. Tendered supplemental record filed this date. Appellant's pro se brief is due June 28, 2024.

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 is granted. Attorney Lisa-Marie Norris is appointed as counsel for the appellant. Appellant's brief is due June 28, 2024.

CV-22-789. Angela R. Styles v. James D. Styles, from Pope County Circuit Court. Appellant's motion to consolidate records is granted. The appellate court docket reflects that the two appeals are related. Harrison, C.J., and Abramson, J., not participating.

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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 is noted. Gruber and Murphy, JJ., not participating. Status report is due August 27, 2024.

CV-24-28. Angela R. Styles v. James D. Styles, from Pope County Circuit Court. Appellant's motion to consolidate records is granted. The Appellate Court docket reflects that the two appeals are related. Harrison, C.J., and Abramson, J., not participating.

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 is denied.

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 is moot.

CV-24-270. Andrew Bradford Allender v. Alisha Louise Allender (Stotlar), from Independence County Circuit Court. Appellant's petition for leave to proceed in forma pauperis is denied.

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 is denied.

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PER CURIAM ORDERS

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 is denied.

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 is granted. Virden and Thyer, JJ., not participating. Writ issued; returnable June 28, 2024. Appellants' brief is due thirty days after the writ is returned and the complete electronic record is filed.

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PROCEEDINGS OF MAY 29, 2024

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-22-315. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court.

CV-23-311. Juan Fernandez and Elisa Haro v. Steve Serrano, from Benton County Circuit Court.

CR-23-368. Curtis Jay Carnley v. State of Arkansas, from Miller County Circuit Court. Motion of Brett D. Watson for attorney fees.

CR-23-489. Matthew Gonzales v. State of Arkansas, from Faulkner County Circuit Court. Motion of Eric N. Wilson for fees.

CR-23-496. Owen Delance Watson v. State of Arkansas, from Crittenden County Circuit Court. Motion of Sharon Kiel for award of attorney's fees.

CR-23-509. Eugene Hare v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

CR-23-510. Jimmy Woodard v. State of Arkansas, from Craighead County Circuit Court, Western District. Amended motion of Terry Goodwin Jones for attorney's fee.

CR-23-510. Jimmy Woodard v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

CR-23-513. Jimmy Woodard v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

CR-23-638. Devonte Washington v. State of Arkansas, from St. Francis County Circuit Court. Appellant's motion for leave to file amended appellant's brief.

CR-24-90. Danny Hopper v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion for appearance as co-counsel.

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MOTIONS SUBMITTED

CR-24-90. Danny Hopper v. State of Arkansas, from Crawford County Circuit Court. Appellant's pro se motion for appearance.

CR-24-90. Danny Hopper v. State of Arkansas, from Crawford County Circuit Court. Appellant's pro se motion for writ of certiorari to complete the record and motion to stay proceedings.

CR-24-135. Jorge Antonio Casillas v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to require correction of the record and abeyance of brief time.

CR-24-324. Dorletha L. Lambert v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's pro se motion for rule on clerk.

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

CV-23-831. Jonathan Nonmacher; Brian Hudson; Madison Nonmacher; NHS Metals, LLC; Aero Parts, LLC; and Aero Auto Salvage RP, LLC v. Tri-State Iron and Metal Co., from Miller County Circuit Court. Appellants' motion to expedite ruling.

CV-24-239. Mighty Good Solutions, LLC; and Benjamin Rendo v. The Retail Firm, LLC, from Benton County Circuit Court. Joint motion to supplement the record.

CV-24-288. John Patrick Cullen v. Kathi Jo Brinkley, Katie Elizabeth Knight-Kewak, Jarrett Cantrell, Chris Chapman, Billy Joe Burrough, and Shana Dianne Alexander, from Jefferson County Circuit Court. Motion of Nicholas J. French to withdraw as counsel for separate appellee Katie Kewak.

CV-24-288. John Patrick Cullen v. Kathi Jo Brinkley, Katie Elizabeth Knight-Kewak, Jarrett Cantrell, Chris Chapman, Billy Joe Burrough, and Shana Dianne Alexander, from Jefferson County Circuit Court. Motion to withdraw motion of Nicholas J. French to withdraw as counsel for separate appellee Katie Kewak.

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CASES SUBMITTED

CR-23-545. Ryecus Ward v. State of Arkansas, from Washington County Circuit Court.

CR-23-605. Colton Patrick v. State of Arkansas, from Franklin County Circuit Court, Northern District.

CR-23-647. Sethphrom Henderson v. State of Arkansas, from Lonoke County Circuit Court.

CR-23-659. Craig Henry v. State of Arkansas, from Arkansas County Circuit Court, Northern District.

CR-23-676. George Bigelow v. State of Arkansas, from Van Buren County Circuit Court.

CR-23-700. Jennifer Leigh Hill v. State of Arkansas, from Ashley County Circuit Court.

CR-23-741. Samuel Golden v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-23-763. James Curtis Kennedy v. State of Arkansas, from Saline County Circuit Court.

CR-23-780. Tyler Preston Nixon v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-23-725. Veronica Kira v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-23-825. Danie'l Garcia Harlow v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court.

CV-24-91. John Braswell v. Arkansas Department of Human Services and Minor Children, from Little River County Circuit Court.

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

E-23-199. Ariel Callaway v. Director et al.

E-23-200. Ariel Callaway v. Director et al.

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CASES SUBMITTED

- E-23-201. Ariel Callaway v. Director et al.
- E-23-202. Ariel Callaway v. Director et al.
- E-23-203. Ariel Callaway v. Director et al.
- E-23-204. Ariel Callaway v. Director et al.
- E-23-205. Ariel Callaway v. Director et al.
- E-23-206. Ariel Callaway v. Director et al.
- E-23-207. Ariel Callaway v. Director et al.
- E-23-272. Araceli Harding v. Director et al.
- E-23-273. Araceli Harding v. Director et al.
- E-23-274. Araceli Harding v. Director et al.
- E-23-275. Araceli Harding v. Director et al.
- E-23-276. Araceli Harding v. Director et al.
- E-23-277. Araceli Harding v. Director et al.
- E-23-278. Justin Conner v. Director et al.
- E-23-279. Judy M. White v. Director et al.
- E-23-280. Alfreddie Neal v. Director et al.
- E-23-281. Lynne Ann Gluck-Berry v. Director et al.
- E-23-282. Lynne Ann Gluck-Berry v. Director et al.
- E-23-283. Tanya Johnson v. Director et al.

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CASES SUBMITTED

E-23-284. Georgianna Booker v. Director et al.

E-23-285. Consuela Lowe v. Director et al.

E-23-286. James Dyer v. Director et al.

E-23-287. Janice Atkinson v. Director et al.

E-23-288. Janice Atkinson v. Director et al.

E-23-289. Janice Atkinson v. Director et al.

E-23-290. Janice Atkinson v. Director et al.

E-23-291. Brett Chisum v. Director et al.

E-23-293. Katie Brokaw v. Director et al.

E-23-296. Terri Aikman v. Director et al.

E-23-297. Terri Aikman v. Director et al.

E-23-298. Mechelle Chew v. Director et al.

E-23-300. Thomas Pipkin v. Director et al.

E-23-301. Thomas Pipkin v. Director et al.

E-23-302. Thomas Pipkin v. Director et al.