

ARKANSAS SUPREME COURT

PROCEEDINGS OF OCTOBER 28, 2010

JIM HANNAH, CHIEF JUSTICE:

09-1333. Bank of America, N.A. v. Charles A. Brown, Roy Lyndell Sharpe Testamentary Trust and Roy Lyndell Sharpe Inter Vivos Trust, from Pulaski Circuit, Fourteenth Divison. Remanded.

DONALD L. CORBIN, JUSTICE:

09-1276. SubTeach USA v. Artee Williams, Director of Department of Workforce Services, and Lajuanda Coleman, from Board of Review. Board of Review Reversed and Remanded; Court of Appeals Opinion Vacated. Danielson, J., dissents.

10-985. April Forrester, individually and as a representative of all similarly situated voter-citizens of Arkansas v. Charlie Daniels, Secretary of the State of Arkansas, in his official capacity v. Randy Zook, Randy Wilbourn, Ray C. Dillon, David Byerly, Don Zimmerman, and Mark McBryde, individually and on behalf of Committee for Arkansas's Future, an Original Action seeking injunctive relief and a petition for writ of mandamus. Dismissed. (Proceedings of October 22, 2010)

ROBERT L. BROWN, JUSTICE:

10-1020. Kenneth L. Edwards, Jr. v. Garry Campbell, from Sebastian Circuit, Greenwood District. Affirmed. (Proceedings of October 26, 2010)

PAUL E. DANIELSON, JUSTICE:

CR09-15. Christopher Branning v. State of Arkansas, from Boone Circuit. Reversed and Remanded; Appellant's motion to take judicial notice moot. Corbin and Wills, JJ., dissent.

ELANA CUNNINGHAM WILLS, JUSTICE:

09-1011. Grand Valley Ridge, LLC; Thomas "Tom" A. Terminella; Myron T. Morter; Tom and Anna Morter Living Trust; Milton T. Morter, III; Milton T. Morter, III Living Trust v. Metropolitan National Bank, from Washington Circuit. Appeal dismissed without prejudice. Special Justice Missy McJunkins Duke joins; Brown, J., not participating.

10-356. Pat Matsukis, Karen Linblad, Rae Hahn, Lany Ballance, and Charlie Wurmnest v. Dani Joy, Mayor; Robert "Butch" Berry; Beverly Blankenship; James DeVito; Joyce Zeller; and Mary Jean Sell, from Carroll Circuit, Western District. Reversed and Remanded.

PER CURIAM OPINION:

CR08-1334. Sedric Anderson v. State of Arkansas, from Craighead Circuit, Western District. Affirmed.

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PER CURIAM ORDERS

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

CR09-833. Myka Talley v. State of Arkansas, from Miller Circuit.

09-1222. Carlos Honeysuckle v. Curtis H. Stout, Inc., et al., from Workers' Compensation Commission.

09-1269. Tommy Reed, Executive Director of Arkansas Professional Bail Bond Company and Professional Bail Bond Licensing Board et al. v. Arvis Harper Bail Bonds, Inc., and Arvis Harper, Jr., from Pulaski Circuit, Fifth Division. Hannah, C.J., would grant.

REVIEW GRANTED: Petition for review was granted today in the following case.

10-246. Tremayne Scoggins v. Evon M. Medlock, from Pulaski Circuit, Ninth Division.

REVIEWS DENIED: Petitions for review were denied today in the following cases.

CR10-1034. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit.

10-392. Cheryl Lynn Prickett, as Executrix of the Estate of Shirley Harmor, Deceased v. Hot Spring County Medical Center et al., from Hot Spring Circuit.

10-400. Winrock Grass Farms, Inc. v. Affiliated Real Estate Appraisers of Arkansas, Inc., from Pulaski Circuit, Sixth Division.

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CR10-456. Charles Jason Baldwin and Jessie L. Misskelley v. State of Arkansas, from Craighead Circuit, Western District. Appellants' joint motion for extension of time to comply with remand requirements is granted. Corbin, J., not participating.

CR10-476. State of Arkansas v. Demetrice D. Jenkins, from Craighead Circuit, Western District. Appellant's motion to file a belated reply brief is granted.

CR10-511. Billy Dale Green v. State of Arkansas, from Randolph Circuit. Appellant's motion to enlarge the record is denied.

CR10-661. Chamika Rogers v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to continue abeyance status is granted.

CR10-990. Gregory R. Smith v. State of Arkansas, from Faulkner Circuit. Appellant's petition for writ of certiorari to complete the record is denied without prejudice.

CR10-1012. David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division. Motion for rule on clerk is granted. See **per curiam** this date.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Appellee's motion to reschedule oral argument is denied.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Motion of M. Courtney Koger to withdraw as counsel for appellee is granted.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Motion of Robert M. Slovek to withdraw as counsel for appellee is granted.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Motion of Suzanne Clark to withdraw as counsel for appellee is granted.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Motion of Tyler McClay to withdraw as counsel for appellee is granted.

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CA09-1311. King's Ranch of Jonesboro, Inc. v. City of Jonesboro et al., from Craighead Circuit, Western District. Appellant's motion to certify appeal to the Arkansas Supreme Court is granted.

10-26. Mary E. Green et al. v. George's Farms, Inc. et al., from Washington Circuit. Appellants' motion for oral argument is denied.

10-32. Alvin Eugene Dowty, Sr., et al. v. Evelyn Riggs, from Craighead Circuit, Western District. Appellants' motion for oral argument is denied.

10-144. Bob's Bail Bonds, Inc. v. Tommy Reed, Executive Director of the Arkansas Professional Bail Bond Licensing Board et al., from Pulaski Circuit, Sixteenth Division. Appellees' motion to dismiss appeal is granted. Danielson, J., not participating.

10-144. Bob's Bail Bonds, Inc. v. Tommy Reed, Executive Director of the Arkansas Professional Bail Bond Licensing Board et al., from Pulaski Circuit, Sixteenth Division. Appellant's motion to file a belated brief is moot. Danielson, J., not participating.

10-149. Omar Chavez et al. v. The Medical Assurance Company, Inc., et al., from Pulaski Circuit, Fifth Division. Appellants' motion to stay mandate is denied.

10-257. Allstate Insurance Company v. Jon H. Dodson, M.D., from Pulaski Circuit, Sixteenth Division. Appellant's motion to strike portions of appellee's addendum and abstract is passed until case is submitted.

10-667. Joe Capps et al. v. Carroll Electric Cooperative Corporation, from Benton Circuit. Appellants' motion for temporary stay of appeal and remand to trial court for consideration of a motion to vacate order of dismissal and grant new trial is denied.

10-1033. American Underwriters Insurance Company v. St. Francis County Circuit Court Judge, from St. Francis Circuit. Petition for writ of prohibition is denied.

CR10-549. Jesus Tapia v. State of Arkansas, from Sevier Circuit. Appellant's pro se motions for extension of time to file brief and for access to the record. Appeal dismissed; motions moot. See **per curiam** this date.

CR10-635. Damont Latrell Ewells v. State of Arkansas, from Garland Circuit. Appellant's pro se motion for extension of time to file brief and motion for access to transcript. Appeal dismissed; motions moot. See **per curiam** this date.

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CR10-752. Nathan Armstrong v. State of Arkansas, from Pulaski Circuit, Second Division. Appellee's motion to dismiss appeal is granted.

CR10-978. Timothy LaPlez Davis v. Honorable Phillip H. Shirron, from Hot Spring Circuit. Pro se motion to proceed without certified record treated as motion for rule on clerk and denied.

10-764. Patrick Robertson v. Ray Hobbs, from Jefferson Circuit. Appellee's motion to dismiss appeal is granted.

10-938. Ricky Tatum v. Honorable Olly Neal, from Lee Circuit. Pro se motion for rule on clerk to file mandamus petition without a certified record is denied.

In Re Arkansas Supreme Court and Court of Appeals Rule 5-3. See **per curiam** this date.

In Re Supreme Court Committee on Model Jury Instructions–Civil. See **per curiam** this date.

Eric Wewers, Esq., of Little Rock, Sam Ledbetter, Esq., of Little Rock, Roger Rowe, Esq., of Little Rock, and Kristine Baker, Esq., of Little Rock are reappointed to the Committee on Model Jury Instructions–Civil for three-year terms to expire on September 30, 2013. The court extends its appreciation to these members for their continued service on this important committee.

The court thanks Brooks Gill, Esq., of Dumas, whose term has expired, for his service to the committee.

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MOTIONS SUBMITTED

PETITION FOR REVIEW:

CR10-1071. Reina Isabell Vance v. State of Arkansas, from Crawford Circuit.

10-449. Darrell W. Diggs v. Cattlemen's Livestock Market, Inc., and Commerce & Industry Insurance Company, from Workers' Compensation Commission.

10-506. Roy Kilgore v. CTL Distribution, Inc., and Protective Insurance Company, from Workers' Compensation Commission.

CR10-50. Jason Taylor v. State of Arkansas, from Saline Circuit. Appellant's motion to file corrected petition for rehearing.

10-306. Audrey Hunter et al. v. Transamerica Life Insurance Company et al., from Pulaski Circuit, Third Division. Appellant's motion for extension of time to file belated reply brief.

CA10-746. Kristen Parker v. Arkansas Department of Human Services and minor child, from Saline Circuit. Joint motion to dismiss appeal.

10-1074. Cooper Tire & Rubber Company v. Hon. Olly Neal, Circuit Judge, from Phillips Circuit. Motion for expedited briefing schedule, expedited consideration of the appeal, to shorten the briefing time, and request for oral argument to be completed on or before November 18, 2010.

10-1094. Hempstead County Hunting Club, Inc. v. Southwestern Electric Power Company et al., an Original Action. Motion for certification of questions of law.

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SUBMISSIONS

CR09-788. Robert D. Loggins v. State of Arkansas, from Union Circuit.

CR09-1409. Freddie Joe Montoya v. State of Arkansas, from Benton Circuit.

CR10-346. Anthony Nicholas Dicandia v. State of Arkansas, from Perry Circuit.

09-1278. Gene Ludwig v. Bella Casa, LLC et al., from Pulaski Circuit, Sixth Division.

09-1349. William Kistner et al. v. Integrated Distributors, Inc., et al., from Pulaski Circuit, Third Division.