

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 11, 2010

JIM HANNAH, CHIEF JUSTICE:

CR10-103. Antwan Lavan Fowler v. State of Arkansas, from Faulkner Circuit. Court of Appeals Opinion Vacated; Circuit Court Reversed and Remanded. Brown, J., dissents.

10-105. Rhonda Calaway v. Practice Management Services, Inc. and Richard Johns, M.D., an Original Action. Certified Question Answered.

ROBERT L. BROWN, JUSTICE:

CR10-169. Travis Roberson v. State of Arkansas, from Washington Circuit. Affirmed.

09-454. Julia Carole Gunn v. Farmers Insurance Exchange, Truck Insurance Exchange, Fire Insurance Exchange, Mid-Century Insurance Company, Farmers New World Life Insurance Company, Farmers Insurance Co., Inc., and Farmers Group, Inc., from Sebastian Circuit, Fort Smith District. Affirmed. Hannah, C.J., Danielson and Wills, JJ., concur in part and dissent in part.

JIM GUNTER, JUSTICE:

09-1278. Gene Ludwig v. Bella Casa, LLC; Beau Vue Estates Property Owners' Ass'n; Terry Fleming; Ken Shollmier; Jim Butenschoen; George Ivory; Jon Jacoby; Oscar Dyer, Jr.; Shelia McHaffy; Richard Evans; Bryan Dietz; Louis Bianco; Ruby Nelson; Tommy Ready; Reginald and Latina Martin; Freddie N. Smith; Dr. Tommy and Gloria Love; and Brenda Norwood, from Pulaski Circuit, Sixth Division. Affirmed in Part; Reversed and Remanded in Part. Brown, J., concurs in part and dissents in part.

PER CURIAM OPINION:

08-433. Karon D. Trotter, Jr. v. State of Arkansas, from Drew Circuit. Affirmed.

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PER CURIAM ORDERS

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

09-1070. Baptist Health v. Bruce Murphy et al., from Pulaski Circuit, Thirteenth Division. Special Justices Julie DeWoody Greathouse, George Ellis, and Clark Mason, agree. Corbin, Danielson, and Wills, JJ., not participating.

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

CR10-998. David Wayne Fuson v. State of Arkansas, from Crawford Circuit.

REVIEW DENIED: Petition for review was denied today in the following case.

CR10-986. Emmett Lee Hillard v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CR08-1464. Justin Anderson v. State of Arkansas, from Miller Circuit. Appellant's motion to remand and reinvest circuit court with jurisdiction to reconsider retardation issue is denied without prejudice. **Danielson, J., concurs.**

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

10-257. Allstate Insurance Company v. Jon H. Dodson, M.D. et al., from Pulaski Circuit, Sixteenth Division. Appellees' motion to strike new arguments in appellant/cross-appellee's reply brief is passed until case is submitted.

10-1074. Cooper Tire & Rubber Company v. Olly Neal, Circuit Judge, et al., from Phillips Circuit. Tucker Plaintiffs' emergency motion for clarification of emergency motion for stay is granted. See **per curiam** this date.

10-1074. Cooper Tire & Rubber Company v. Olly Neal, Circuit Judge, et al., from Phillips Circuit. Tucker Plaintiffs' first motion to dissolve temporary stay is denied.

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10-1074. Cooper Tire & Rubber Company v. Olly Neal, Circuit Judge, et al., from Phillips Circuit. Tucker Plaintiffs' second motion to dissolve temporary stay is denied.

10-1094. Hempstead County Hunting Club, Inc. v. Southwestern Electric Power Company et al., an Original Action. Motion for certification of questions of law accepted. See **per curiam** this date. Gunter and Danielson, JJ., not participating.

CR10-429. Debra J. Rudrud v. State of Arkansas, from Benton Circuit. Appellant's pro se motion to file belated brief. Appellee's motion to dismiss appeal for failure to file brief. Appeal dismissed; appellant's motion to file belated brief and appellee's motion to dismiss appeal for failure to file brief moot. See **per curiam** this date.

CR10-811. Fred Waller v. State of Arkansas, from Miller Circuit. Appellee's motion to dismiss appeal is granted.

CR10-971. Jimmy Lee Frost v. State of Arkansas, from Drew Circuit. Pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

CR10-1004. Jessie Earl Hill, III v. Honorable Chris E Williams, Circuit Judge, from Grant Circuit. Pro se petition for writ of mandamus and motion to file supplemental petition for writ of mandamus moot.

CR10-1007. Charles Goodman, Jr. v. Honorable Grisham Phillips, Circuit Judge, from Saline Circuit. Pro se petition for writ of mandamus moot.

CR10-1022. Willie Gaster Davis, Jr. v. State of Arkansas, from Desha Circuit, Arkansas City District. Pro se motion for belated appeal is granted.

10-816. Malik A. Khabir v. Larry Norris, from Lincoln Circuit. Appellee's motion to dismiss appeal is granted.

10-993. Alfred Lee Mauldin v. President of the United States et al., from St. Francis Circuit. Appellant's pro se motion to proceed with belated appeal in civil matter. Motion treated as a motion for belated appeal of order entered in civil matter and denied.

In Re: Proposed Amendments to Administrative Order No. 10. See **per curiam** this date.

In Re: Official Forms – Orders of Protection and Amendment of Administrative Order No. 12. See **per curiam** this date.

In Re: Judges and Lawyers Assistance Program. See **per curiam** this date.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR10-50. Jason Taylor v. State of Arkansas, from Saline Circuit.

PETITIONS FOR REVIEW:

CR10-1095. Tracie Lynn Snider v. State of Arkansas, from Jackson Circuit.

10-485. R.J. Chiodini v. David Lock, from Stone Circuit.

10-356. Pat Matsukis, Karen Linblad, Ray Hahn, Lany Ballance and Charlie Wurmnest v. Dani Joy, Mayor of the City of Eureka Springs, et al., from Carroll Circuit, Western District. Appellants' motion for taxation of costs.

CA10-742. Erin Inc. and Robert S. Harris, Jr. v. Tim Johnson, from Workers' Compensation Commission. Motion of Appellant Robert S. Harris, Jr. for reassignment of case to the Arkansas Supreme Court.

10-840. Arkansas Department of Human Services et al. v. Sheila Cole et al., from Pulaski Circuit, Second Division. Motion by Lambda Legal Defense and Education Fund, Inc., and other civil rights organizations for permission to file an amicus curiae brief in support of appellees-cross-appellants.

10-840. Arkansas Department of Human Services et al. v. Sheila Cole et al., from Pulaski Circuit, Second Division. Motion of Arkansas Law School Deans and Professors for leave to file brief as amicus curiae in support of appellees.

10-840. Arkansas Department of Human Services et al. v. Sheila Cole et al., from Pulaski Circuit, Second Division. Motion of the American Academy of Adoption Attorneys et al., for leave to file amicus curiae brief in support of appellees.

10-1123. Rhino Mini-Storage, LLC et al. v. First National Bank of Rogers f/k/a Bank of Rogers, a Division of First National Bank of Fort Smith, from Benton Circuit. Motion for rule on clerk.

10-1124. Gray Construction, Inc., et al. v. First National Bank of Rogers f/k/a Bank of Rogers, a Division of First National Bank of Fort Smith, from Benton Circuit. Motion for rule on clerk.

10-259. Christopher LaFont and Erin LaFont v. Jana C. Mooney Mixon, from Clark Circuit. Argued orally.

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SUBMISSIONS

CR10-362. Kevin Ray Percy v. State of Arkansas, from Garland Circuit.

10-8. Patsy Simmons Limited Partnership v. Jay T. Finch, Circuit Judge, from Benton Circuit.

10-9. United American Insurance Company et al. v. Jean Smith and Loria Ivie et al., from Saline Circuit.

10-112. State of Arkansas v. J.O., from Pulaski Circuit, Eleventh Division.