

ARKANSAS DEPARTMENT of HEALTH &
HUMAN SERVICES *v.* CIRCUIT COURT of PULASKI
COUNTY, ARKANSAS, FOURTEENTH DIVISION

06-06

254 S.W.3d 726

Supreme Court of Arkansas
Opinion delivered April 5, 2007

APPEAL & ERROR — RESPONDENT'S DEATH DID NOT EXTINGUISH THE CAUSE OF ACTION. — Where, upon remand, the circuit court found that the respondent's death did not extinguish the cause of action and that revivor was appropriate and the cause of action should proceed, the supreme court granted the motion for writ of prohibition, or in the alternative, writ of certiorari.

Motion to reinstate petition for writ of prohibition, or in the alternative, writ of certiorari.

Richard Barthold Dahlgren, for appellant.

Mike Beebe, Att'y Gen., by: *Patricia Bell*, Ass't Att'y Gen., for appellee Honorable Vann Smith.

Rebecca Hodges Winburn, for Karen Blaylock.

PER CURIAM. This case came to us on January 4, 2006, when Appellant, Arkansas Department of Health and Human Services (DHHS), filed a petition for writ of prohibition, or, in the alternative, a writ of certiorari directed to Appellee Honorable Vann Smith of the Pulaski County Circuit Court. While the appeal was pending, Alan Blaylock, the respondent in these proceedings, died. We remanded the case to the circuit court to determine whether the cause of action was extinguished by the death of Blaylock.

The circuit court has found that Blaylock's death does not extinguish the cause of action and that (1) revivor is appropriate and (2) the cause of action should proceed. Now DHHS asks us to reinstate its appeal. Respondent, represented by Karen Blaylock, his surviving spouse and the executrix of his estate, joins.

[1] We grant the motion to reinstate the petition for writ of prohibition, or in the alternative, writ of certiorari, to the active docket. The parties may supplement the record with the order of the circuit court on remand within fifteen (15) days of this order. This court will decide the case on the original briefs.

Petition granted.