

ARKANSAS SUPREME COURT

PROCEEDINGS OF SEPTEMBER 6, 2012

PER CURIAM ORDERS

REVIEWS GRANTED: Petitions for review were granted today in the following cases.

CR12-554. Joseph Anthony Scamardo, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Hannah, C.J., and Corbin, J., would deny. Brown, J., not participating.

12-530. Dee Ann Miller and Clayton Bratt v. Dennis C. Enders, from Workers' Compensation Commission.

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

12-339. James Merryman and Phyllis Merryman v. Debra Cargile, from Van Buren Circuit.

12-454. Raju Patil, M.D. v. Gary Kevin Hoover, from Faulkner Circuit.

12-543. Elbert Brown v. Director et al., from Board of Review.

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[CR11-271](#). Michael Dewayne Gulley v. State of Arkansas, from Nevada Circuit. Report and amended report and finding by Master. Contempt citations issued. See **per curiam** this date. Danielson, J., dissents.

[CR11-884](#). Walter Lee Walton v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Supplemental addendum ordered. See per curiam issued. (Proceedings of August 30, 2012)

CR12-243. Louis Oberlin Morris v. Honorable Timothy W. Weaver, Circuit Judge, from Fulton Circuit. Appellee's motion to supplement the record is granted. Brown, J., not participating.

CR12-494. Ira Gene Vankirk v. State of Arkansas, from Greene Circuit. Appellant's motion for writ of certiorari to complete the record and to stay brief time is granted. Complete record due within thirty days. Brief due thirty days thereafter.

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CR12-537. Michael S. Winters v. State of Arkansas, from Benton Circuit. Joint motion to be relieved as attorney of record and for entry of appearance and for extension of time is granted.

[CR12-644](#). Bobby Charles Nelson v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion for rule on clerk is granted. See **per curiam** this date.

CR12-694. Andrew R. Engram v. State of Arkansas, from Pulaski Circuit, Seventh Division. Application of Dale Adams and Julie Pitt for permission to appear as counsel on behalf of appellant is granted. Brown, J., not participating.

CR12-694. Andrew R. Engram v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion for leave to proceed in forma pauperis is granted. Brown, J., not participating.

[03-308](#). Nancie Givens, Acting Executive Director, Supreme Court Committee on Professional Conduct v. James S. Scott, Jr., Arkansas Bar No. 87154, an Original Action. Resubmission after remand of petition to surrender is accepted. See **per curiam** this date.

09-145. Kuntrell Jackson v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson Circuit. Appellee's motion to brief issues on remand from the United States Supreme Court is granted.

CA11-1168. Falcon Cable Media LP et al. v. Arkansas Public Service Commission, from Pulaski Circuit, Third Division. Joint motion to transfer is granted.

12-73. Greg Prock v. Bull Shoals Boat Landing, American Home Assurance, and AIG Claim Services, from Workers' Compensation Commission. Appellant's motion to supplement brief is granted.

12-75. Matthew L. Edmisten v. Bull Shoals Landing, American Home Assurance, and AIG Claim Services, from Workers' Compensation Commission. Appellant's motion to supplement brief is granted.

12-252. Arkansas Public Employees Retirement System et al. v. Jo West Taylor et al., from Pulaski Circuit, Sixth Division. Unopposed motion of Appellee Jo West Taylor to file belated brief is granted.

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12-252. Arkansas Public Employees Retirement System et al. v. Jo West Taylor et al., from Pulaski Circuit, Sixth Division. Appellants' motion to dismiss appeal/cross-appeal is granted. Brown, J., would moot.

12-252. Arkansas Public Employees Retirement System et al. v. Jo West Taylor et al., from Pulaski Circuit, Sixth Division. Appellees'/Cross-Appellants' motion to withdraw notice of cross-appeal as to dismissal of complaint is moot. Brown, J., would grant.

12-252. Arkansas Public Employees Retirement System et al. v. Jo West Taylor et al., from Pulaski Circuit, Sixth Division. Motion to withdraw Heather Goodson Zachary as counsel for appellees is granted. Brown, J., not participating.

CA12-303. International Fidelity Insurance Company v. NISHA, LLC, and NK Plastering, LLC, from Faulkner Circuit. Appellant's motion to transfer or certify appeal to Supreme Court is granted. Brown, J., not participating.

[12-459](#). Stark Ligon, Executive Director of the Supreme Court Committee on Professional Conduct v. Heather Patrice Hogrobrooks, Arkansas Bar ID #92029, an Original Action. Motion for appointment of special judge. Special judge appointed. See per curiam issued. (Proceedings of August 27, 2012)

12-540. First Arkansas Bank & Trust, Trustee, et al. v. Gill, Elrod, Ragon, Owen & Sherman, P.A., et al., from Pulaski Circuit, Fifth Division. Motion of Arkansas Bankers Association for permission to file an amicus curiae brief is granted. Danielson, J., would deny. Brown, J., not participating.

12-540. First Arkansas Bank & Trust, Trustee, et al. v. Gill, Elrod, Ragon, Owen & Sherman, P.A., et al., from Pulaski Circuit, Fifth Division. Motion of Arkansas State Chamber of Commerce and the Arkansas School Boards Association for permission to file an amicus curiae brief is granted. Danielson, J., would deny. Brown, J., not participating.

12-540. First Arkansas Bank & Trust, Trustee, et al. v. Gill, Elrod, Ragon, Owen & Sherman, P.A., et al., from Pulaski Circuit, Fifth Division. Motion of Arkansas Securities Department, Arkansas Development Finance Authority, and Arkansas State Bank Department for permission to file an amicus curiae brief is granted. Danielson, J., would deny. Brown, J., not participating.

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12-540. First Arkansas Bank & Trust, Trustee, et al. v. Gill, Elrod, Ragon, Owen & Sherman, P.A., et al., from Pulaski Circuit, Fifth Division. Motion of Stephens Inc. for permission to file an amicus curiae brief is granted. Danielson, J., would deny. Brown, J., not participating.

12-540. First Arkansas Bank & Trust, Trustee, et al. v. Gill, Elrod, Ragon, Owen & Sherman, P.A., et al., from Pulaski Circuit, Fifth Division. Appellees given 15 additional pages to respond to the four amicus curiae briefs. Brown, J., not participating.

12-647. Arkansas Hotels and Entertainment, Inc. v. Mark Martin, Secretary of State of the State of Arkansas, in His Official Capacity Only, an Original Action. Petition for writ of mandamus against the Secretary of State is taken as a case. Simultaneous briefs are due on August 21, 2012. Petitioner's motion for oral argument is granted. Oral argument will be held on September 6, 2012, at 9:00 a.m. Respondent's motion for appointment of a special master is held in abeyance. Motion to intervene is granted. (Proceedings of August 14, 2012)

12-647. Arkansas Hotels and Entertainment, Inc. v. Mark Martin, Secretary of State of the State of Arkansas, in His Official Capacity Only, an Original Action. Motion to extend the deadline to certify the proposed amendment to the County Boards of Election Commissioners is denied. (Proceedings of August 21, 2012)

12-647. Arkansas Hotels and Entertainment, Inc. v. Mark Martin, Secretary of State of the State of Arkansas, in his Official Capacity Only, an Original Action. Resubmission of respondent's motion for appointment of special master held in abeyance is taken with the case. Brown, J., not participating.

12-679. Mickeal D. White v. Hon. David F. Guthrie, Circuit Judge, from Calhoun Circuit. Emergency pro se petition for writ of prohibition is denied. (Proceedings of August 21, 2012)

12-685. Lawrence Trammell v. Willis Hooks, from Greene Circuit. Petition for writ of certiorari to complete the record is moot.

12-685. Lawrence Trammell v. Willis Hooks, from Greene Circuit. Appellee's motion to dismiss petition for writ of certiorari to complete the record is moot.

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12-692. Benjamin Denio v. Justin Parnell, from Grant Circuit. Motion for rule on clerk is denied.

[12-713](#). Nancy Todd, an Individual, and Nancy Todd's Poker Palace and Entertainment Venues, LLC v. Mark Martin, Secretary of State of the State of Arkansas, in His Official Capacity Only, an Original Action. Petition for review of Secretary of State's determination. Petition for review granted; expedited briefing schedule ordered. See per curiam issued. (Proceedings of August 28, 2012)

12-713. Nancy Todd, an Individual, and Nancy Todd's Poker Palace and Entertainment Venues, LLC v. Mark Martin, Secretary of State of the State of Arkansas, in His Official Capacity Only, an Original Action. Requests for oral argument are granted. Brown, J., not participating.

12-720. John Westwood, M.D. v. Honorable David H. McCormick, Circuit Judge, and the Circuit Court of Yell County, Arkansas, from Yell Circuit, Southern District. Motion for expedited ruling on petition and application for temporary relief is granted. Petition and application for temporary relief is denied. Petition for writ of certiorari is denied without prejudice. (Proceedings of September 4, 2012)

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MOTIONS SUBMITTED

PETITION FOR REVIEW:

12-558. Hollie Henderson and Tommy Smith v. Arkansas Department of Human Services and Minor Children, from Conway Circuit.

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12-689. Ed Blalock v. Claudette Blalock, from Washington Circuit. Pro se petition for writ of certiorari to complete the record on appeal and/or for motion for rule on clerk.

12-702. Daisy Jackson v. Chesapeake Life Insurance Company, Angelo Arnold, and Karen Blanton, from Pulaski Circuit, Sixteenth Division. Petitioner's motion to proceed in forma pauperis on appeal.

12-713. Nancy Todd, an Individual, and Nancy Todd's Poker Palace and Entertainment Venues, LLC v. Mark Martin, Arkansas Secretary of State, in his Official Capacity, an Original Action. Intervenor's motion for special master.

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SUBMISSIONS

12-647. Arkansas Hotels and Entertainment, Inc. v. Mark Martin, Arkansas Secretary of State, in His Official Capacity, an Original Action. Argued orally.

11-1061. DIRECTV, Inc., et al. v. Jo Murray, Individually and on Behalf of an Arkansas Class of Similarly Situated Persons, from Miller Circuit. Argued orally.

11-612. Ford Motor Company v. Paulette R. Washington, from Jefferson Circuit.

11-793. Laketha Brown Fluker et al. v. Helena-West Helena School District et al., from Phillips Circuit.

11-1106. Kenneth O. Nicholson et al. v. Upland Industrial Development Company and Seeco, Inc., from White Circuit.

11-1196. Laura Neal, Individually and as Administratrix of the Estate of Arvilla Langston, Deceased; David Langston; and Lelia Branch v. Sparks Regional Medical Center, from Sebastian Circuit, Fort Smith District.