

ARKANSAS SUPREME COURT

PROCEEDINGS OF OCTOBER 4, 2012

JIM HANNAH, CHIEF JUSTICE:

12-133. Deborah Lucas v. Bill Frank Jones and Alice Fay Jones, from Washington Circuit. Affirmed. Goodson, J., not participating.

DONALD L. CORBIN, JUSTICE:

11-1061. DIRECTV, Inc. v. Jo Murray, Individually and on Behalf of an Arkansas Class of Similarly Situated Persons, from Miller Circuit. Affirmed. Hannah, C.J., and Special Justice Michael O. Parker dissent. Gunter, J., not participating.

12-713. Nancy Todd, Individually and as Nancy Todd's Poker Palace and Entertainment Venues, LLC v. Mark Martin, in His Official Capacity as Secretary of State of the State of Arkansas v. Chuck Lange, an Original Action. Petition for review of Secretary of State's sufficiency determination. Petition Moot.

ROBERT L. BROWN, JUSTICE:

CR11-271. Michael Dewayne Gulley v. State of Arkansas, from Nevada Circuit. Affirmed.

JIM GUNTER, JUSTICE:

11-1298. Patricia Cannady, Individually and as Administratrix of the Estate of Anne Pressly, Deceased v. St. Vincent Infirmary Medical Center, Jay Holland, M.D., Candida Griffin, and Sarah Elizabeth Miller, from Pulaski Circuit, First Division. Affirmed in part; reversed and remanded in part. Danielson, J., concurs.

12-798. Bill Walmsley, Darrell Meyer, and Bill McDowell, Individually and on Behalf of the Arkansas Racing Alliance v. Mark Martin, Secretary of State v. Nancy Todd, an Individual, and Nancy Todd's Poker Palace and Entertainment Venues, LLC, an Original Action under Amendment 7. Certification vacated.

PAUL E. DANIELSON, JUSTICE:

CR12-236. Benjamin Eagle v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed; Court of Appeals' opinion vacated.

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12-88. Arkansas Foundation for Medical Care; Bryant Healthcare Center, LLC d/b/a Bryant Healthcare Center; Bryant Holdings, LLC; Perennial Health Care Management, LLC; Perennial Health Care Holdings, LLC; Perennial Lease Holdings 6, LLC; Perennial Leasing, LLC; Perennial Business Services, LLC; Perennial Consulting Services, LLC; V. James Santarsiero, Individually and as Governing Body of Bryant Healthcare Center; Jeanne Butterworth, Individually and as Governing Body of Bryant Healthcare Center; and, Nancy Brown, in Her Capacity as Administrator of Bryant Healthcare Center v. Saline County Circuit Court, Second Division, from Saline Circuit. Petition for writ of certiorari denied. Corbin, Baker, and Goodson, JJ., dissent.

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PER CURIAM ORDERS

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

12-551. Wanda Louise Mills v. Arkansas State Highway and Transportation Department, Arkansas Insurance Department, and Death & Permanent Total Disability Trust Fund, from Workers' Compensation Commission. Baker, J., not participating.

12-600. Alvin Rucks v. Director et al., from Board of Review.

CACR12-266. James C. Holian v. State of Arkansas, from Faulkner Circuit. Appellant's motion to transfer is granted. Motion for oral argument is denied.

CR12-496. Anthony P. Christian v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellee's motion for compliance with Administrative Order 19 and the rules governing the contents of briefs is granted. Redacted record and brief due within thirty days.

CR12-496. Anthony P. Christian v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellee's motion for extension of brief time filed in conjunction with motion for compliance. Moot.

CR12-554. Joseph Anthony Scamardo, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion for permission to file supplemental brief is granted.

[12-763](#). Judicial Discipline and Disability Commission v. Sam Pope, Circuit Judge, an Original Action. Petitioner's report of uncontested sanction. Accepted. See **per curiam** this date. Gunter, J., not participating.

12-763. Judicial Discipline and Disability Commission v. Sam Pope, Circuit Judge, an Original Action. Motion and second motion to supplement the record are denied. Gunter, J., not participating.

CR10-796. Brian J. Woodall v. State of Arkansas, from Lonoke Circuit. Pro se motion for transcript at public expense is denied.

CACR11-747. Marcus Wayne Fields v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motion for production of documents is denied.

CR11-854. Detrick D. Croston v. Hon. Michael Maggio, Circuit Judge, from Faulkner Circuit. Pro se petition for writ of mandamus. Moot.

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PER CURIAM ORDERS

CR12-434. Maurice Meadows v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Pro se motion for belated appeal. Motion denied. See **per curiam** this date.

CR12-447. David Evans v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal; appellant's pro se motions for appointment of counsel, extension of time to file brief, and for copy of appellant's brief. Appellee's motion to dismiss appeal granted; appellant's motions for appointment of counsel and for extension of time to file brief moot; appellant's motion for copy of appellant's brief denied. See **per curiam** this date.

CR12-758. Antonio C. Robinson v. Hon. Don E. Glover, Circuit Judge, from Ashley Circuit. Pro se petition for writ of mandamus. Moot.

12-604. Gary Fuller v. State of Arkansas and Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se appellant's motions for appointment of counsel and to supplement appellant's brief and petition for writ of certiorari. Appeal dismissed; motions and petition moot. See **per curiam** this date.

In Re Arkansas Access to Justice Commission. See **per curiam** this date.

Honorable Jim Spears, circuit judge, of Fort Smith and Professor Charles W. Goldner, Jr., of Little Rock are reappointed to the Arkansas Access to Justice Commission for three-year terms to expire October 15, 2015. We thank them for their continued service.

In Re State Board of Law Examiners. See **per curiam** this date.

On June 5, 2012, Brian Meadors resigned from the State Board of Law Examiners (Board). He has secured employment in another state, and the court wishes him well in his new endeavor and thanks him for his service on the Board.

The court appoints Kirkman Dougherty of Fort Smith to fill the position vacated by Mr. Meadors. Mr. Dougherty will be a representative of the Third Congressional District and will serve the remainder of Mr. Meadors's term, which will conclude on September 30, 2015.

We extend our appreciation to Mr. Dougherty for his willingness to serve on this important Board.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

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.

PETITION FOR REVIEW:

CR12-570. Jomey Robelo v. State of Arkansas, from Saline Circuit.

CR11-1267. Marcus W. Fields v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Caroline L. Winningham to withdraw as counsel.

CR12-750. Russell Hudson v. State of Arkansas, from Faulkner Circuit. Petition and amended petition for writ of certiorari.

12-835. John R. Lambert, II v. LQ Management, L.L.C., an Original Action. Motion to certify question of law.

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CASES SUBMITTED

11-1289. Thomas W. Kimbrell, Commissioner of the Arkansas Department of Education, Only in His Official Capacity, et al. v. Bob Allen McCleskey, Individually and as a Representative of All Similarly Situated Taxpayers Who Pay Ad Valorem School Taxes for the Support of the Fountain Lake School District, et al., from Pulaski Circuit, Sixth Division. Argued orally.

CR12-128. Anthony Oral Craig v. State of Arkansas, from Washington Circuit.

12-102. Christy S. Pepper v. Wendell Garrett, DDS, from Union Circuit.

12-203. City of Marion, Arkansas, et al. v. City of West Memphis, from Crittenden Circuit.

12-211. Voltage Vehicles v. Arkansas Motor Vehicle Commission, from Pulaski Circuit, Thirteenth Division.