

ARKANSAS SUPREME COURT

PROCEEDINGS OF MAY 30, 2013

JIM HANNAH, CHIEF JUSTICE:

[CV-12-873](#). Courtyard Gardens Health and Rehabilitation, LLC; Arkadelphia Holdings, LLC; SLC Operations Master Tenant, LLC; SLC Operations, LLC; SLC Professionals of Arkansas, LLC; SLC Administrative Services of Arkansas, LLC; Capital Senior Care Ventures, LLC; SLC Properties, LLC; 2701 Twin Rivers Drive, LLC; Angela Marlar, in Her Capacity as Administrator/Executive Director of Golden Living Center-Arkadelphia, N/K/A Courtyard Gardens Health and Rehabilitation, LLC; and Deborah Thornton, in Her Capacity as Administrator of Courtyard Gardens Health and Rehabilitation, LLC, F/K/A Golden Living Center-Arkadelphia v. Kenny Quarles, as Special Administrator of the Estate of Bennie Jean Quarles, Deceased, and on Behalf of the Wrongful-Death Beneficiaries of Bennie Jean Quarles, Deceased, from Clark Circuit. Affirmed on direct appeal; cross-appeal moot. Goodson, J., dissents.

KAREN R. BAKER, JUSTICE:

[CV-12-829](#). Board of Trustees of the University of Arkansas v. Pulaski County; Janet Ward, Pulaski County Tax Assessor; and Debra Buckner, Pulaski County Treasurer and Tax Collector, from Pulaski Circuit, Sixth Division. Appeal dismissed. Special Justice Andrew Fulkerson joins in this opinion. Goodson, J., not participating.

COURTNEY HUDSON GOODSON, JUSTICE:

[CV-12-742](#). Barton Land Services, Inc.; Martha Thomas; Dee Thomas; Theresa L. Townsend; Tanya Thomas; Guenvear Ward McKim; Bobby R. Ward; Nina Ward Johnston; Nina Ward Johnston by Her Attorney-in-fact, Bobby R. Ward; Frankie A. Ward Glover; Frankie A. Ward Glover by His Attorney-in-fact, Bobby R. Ward v. SEECO, Inc.; Donald Lea Stanton; Linda Stanton; Janet Stanton Farrar; Cheryl Stanton Hamlin; Alan Stanton; Brian J. Galka; Max Foster; Rachel Galka; Anne Stanton Yust; David Taggart; Jean Stanton; Sandra Stanton Strickland; Daniel Thomas Stanton; James Tagg, from Van Buren Circuit. Affirmed. Baker, J., not participating.

JOSEPHINE LINKER HART, JUSTICE:

[CV-12-510](#). Arkansas Lottery Commission, Bishop Woosley, Director v. Alpha Marketing, from Pulaski Circuit, Fifth Division. Reversed and dismissed. Special Justice J. Shepherd Russell, III, joins and concurs. Corbin, Danielson, and Goodson, JJ., dissent. Hoofman, J., not participating.

[CV-12-886](#). Jonathan Parker v. Erin Parker, from Benton Circuit. Reversed and remanded. Goodson, J., not participating.

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PER CURIAM OPINION:

[CR-11-60](#). George Hickey v. State of Arkansas, from Pulaski Circuit, Fourth Division.
Affirmed.

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PER CURIAM ORDERS

REHEARINGS DENIED: PETITIONS FOR REHEARING WERE DENIED TODAY IN THE FOLLOWING CASES.

CV-12-298. J-MCDANIEL CONSTRUCTION CO., INC., ET AL. V. DALE E. PETERS PLUMBING LTD. CO., ET AL., FROM PULASKI CIRCUIT, SIXTH DIVISION.

CV-12-540. FIRST ARKANSAS BANK & TRUST, TRUSTEE, ET AL. V. GILL ELROD RAGON OWEN AND SHERMAN, P.A., ET AL., FROM PULASKI CIRCUIT, FIFTH DIVISION. BAKER AND HART, JJ., WOULD GRANT.

REVIEW GRANTED: PETITION FOR REVIEW WAS GRANTED TODAY IN THE FOLLOWING CASE.

CV-13-185. LES MARLOW ET AL. V. UNITED SYSTEMS OF ARKANSAS, INC., AND GLEN PETKOVSEK, FROM PULASKI CIRCUIT, FIRST DIVISION.

[CR-10-545](#). MICKEY DAVID THOMAS V. STATE OF ARKANSAS, FROM SEVIER CIRCUIT. CERTIFIED SUPPLEMENTAL RECORD ORDERED; REBREFING ORDERED. SEE **PER CURIAM** THIS DATE.

CR-10-1200. LEMUEL SESSION WHITESIDE V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, SEVENTH DIVISION. APPELLANT'S MOTION FOR STAY OF MANDATE IS DENIED.

CR-12-721. BILLY DALE GREEN V. STATE OF ARKANSAS, FROM RANDOLPH CIRCUIT. APPELLANT'S MOTION TO FILE ENLARGED BRIEF IS GRANTED.

[CV-11-1260](#). STARK LIGON, EXECUTIVE DIRECTOR, ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT V. NEWTON DONALD JENKINS, JR., ARKANSAS BAR NO. 94231, AN ORIGINAL ACTION. ORIGINAL MOTION AND SECOND MOTION FOR SUMMARY DISPOSITION, ENTRY OF ORDER OF DISBARMENT, AND MONEY JUDGMENT FOR COSTS AND EXPENSES. MOTIONS GRANTED; DISBARMENT ORDERED. SEE **PER CURIAM** THIS DATE. GOODSON, J., NOT PARTICIPATING.

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[CV-12-73](#). GREG PROCK V. BULL SHOALS BOAT LANDING AND AMERICAN HOME ASSURANCE AIG CLAIM SERVICES, FROM THE ARKANSAS WORKERS' COMPENSATION COMMISSION. MOTION TO SUPPLEMENT THE RECORD. REMANDED TO THE ARKANSAS WORKERS' COMPENSATION COMMISSION TO SETTLE THE RECORD. SPECIAL JUSTICE TJUANA BYRD AND SPECIAL JUSTICE JUDSON KIDD JOIN. HART AND HOOFMAN, JJ., NOT PARTICIPATING. SEE **PER CURIAM** THIS DATE.

[CV-12-75](#). MATTHEW L. EDMISTEN V. BULL SHOALS LANDING AND AIG DOMESTIC CLAIMS, FROM ARKANSAS WORKERS' COMPENSATION COMMISSION. REMANDED TO THE ARKANSAS WORKERS' COMPENSATION COMMISSION TO SETTLE THE RECORD. SPECIAL JUSTICE TJUANA BYRD AND SPECIAL JUSTICE JUDSON KIDD JOIN. HART AND HOOFMAN, JJ., NOT PARTICIPATING. SEE **PER CURIAM** THIS DATE.

[CV-12-992](#). KAYLA MCPHERSON V. ARKANSAS DEPARTMENT OF HUMAN SERVICES, FROM LONOKE CIRCUIT. MOTION FOR BELATED APPEAL. MOTION GRANTED. SEE **PER CURIAM** THIS DATE.

CV-12-1058. ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., ET AL. V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, SIXTH DIVISION. APPELLEE'S MOTION TO FILE BRIEF IN EXCESS OF PAGE LIMITS IS GRANTED.

CV-12-1071. DITCH 56 FARMS, LLC, ET AL. V. STANLEY FOSTER ET AL., FROM CRAIGHEAD CIRCUIT, EASTERN DISTRICT. MOTION TO REASSIGN CASE TO THE SUPREME COURT IS DENIED.

CV-13-398. CHRISTOPHER CORDERO V. ARKANSAS DEPARTMENT OF HUMAN SERVICES, FROM LONOKE CIRCUIT. MOTION TO PROCEED IN FORMA PAUPERIS IS DENIED.

CV-13-399. CHRISTOPHER CORDERO V. ARKANSAS DEPARTMENT OF HUMAN SERVICES, FROM LONOKE CIRCUIT. MOTION TO PROCEED IN FORMA PAUPERIS IS GRANTED AND EXPEDITED. HANNAH, C.J., WOULD DENY.

CR-12-527. RONALD D. GREEN V. STATE OF ARKANSAS, FROM DESHA CIRCUIT. PRO SE MOTION FOR EXTENSION OF TIME TO FILE BRIEF. GRANTED. APPELLANT'S BRIEF DUE FORTY DAYS FROM THE DATE OF THIS ORDER.

CR-13-111. LEE JAMES OWENS V. STATE OF ARKANSAS, FROM MILLER CIRCUIT. PRO SE APPELLANT'S MOTION TO DISMISS APPEAL. MOTION GRANTED.

[CR-13-168](#). JAMES J. MURPHY V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, FIRST DIVISION. APPELLANT'S PRO SE MOTION FOR EXTENSION OF TIME TO FILE BRIEF. APPEAL DISMISSED; MOTION MOOT. SEE **PER CURIAM** THIS DATE.

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CR-13-80. RODNEY D. JOHNSON V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, FIFTH DIVISION. APPELLEE'S MOTION TO DISMISS APPEAL IS GRANTED.

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MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CV-13-199. JOY B. HUGHES AND JOY B. HUGHES REVOCABLE LIVING TRUST V. ANNA DALTON, FROM SEBASTIAN CIRCUIT, FORT SMITH DISTRICT.

CV-13-410. MIKE WILSON AND JEANEAN WILSON V. MARK GOLEN AND JESSICA GOLEN ET AL., FROM FAULKNER CIRCUIT.

CR-13-20. PATRICK CINQUE SMITH V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, FIRST DIVISION. APPELLANT'S SECOND MOTION TO SUPPLEMENT THE RECORD ON APPEAL.

CV-13-230. EFFIE COLLINS AND COLLINS CHAPEL MORTUARY, INC. V. ARKANSAS BOARD OF EMBALMERS AND FUNERAL DIRECTORS, FROM MISSISSIPPI CIRCUIT, CHICKASAWBA DISTRICT. APPELLANTS' MOTION FOR LEAVE OF COURT TO SUPPLEMENT THE RECORD.

CV-13-230. EFFIE COLLINS AND COLLINS CHAPEL MORTUARY, INC. V. ARKANSAS BOARD OF EMBALMERS AND FUNERAL DIRECTORS, FROM MISSISSIPPI CIRCUIT, CHICKASAWBA DISTRICT. MOTION TO STAY DUE DATE OF APPELLANTS' BRIEF PENDING RULING ON MOTION FOR LEAVE OF COURT TO SUPPLEMENT THE RECORD.

CV-13-411. ANNA ADDISON, ADMINISTRATRIX OF THE ESTATE OF PATSY COCKRELL, DECEASED V. WOODRUFF COUNTY HEALTH CENTER ET AL., FROM WOODRUFF CIRCUIT. PETITION FOR PERMISSION TO APPEAL PURSUANT TO ARK. R. APP. P.—CIV. 2(F).

CV-13-416. PATRICIA SCALES VADEN AND MIKE MONCRIEF V. ANDERSON-TULLY COMPANY, FROM ARKANSAS CIRCUIT, SOUTHERN DISTRICT. APPELLEE'S MOTION TO DOCKET PARTIAL RECORD AND DISMISS APPEAL.

CV-13-418. ARKANSAS ANNUAL CONFERENCE OF THE AFRICAN METHODIST EPISCOPAL CHURCH V. CIRCUIT COURT OF SEBASTIAN COUNTY, FORT SMITH DISTRICT, AND DENORA COOMER, CIRCUIT CLERK, FROM SEBASTIAN CIRCUIT, FORT SMITH DISTRICT. PETITION FOR WRIT OF CERTIORARI OR MANDAMUS.

CV-13-419. THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS V. HON. MIKE MEDLOCK, CIRCUIT JUDGE, FROM CRAWFORD CIRCUIT. PETITION FOR WRITS OF MANDAMUS, PROHIBITION AND/OR CERTIORARI.

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SUBMISSIONS

CR-12-792. STATE OF ARKANSAS V. BERNARD KINDALL, FROM PULASKI CIRCUIT, FIRST DIVISION.

CV-12-1076. KAITLIN LOTT V. SUSAN LANGLEY, CITY OF LITTLE ROCK CLERK, AND PULASKI COUNTY BOARD OF ELECTION COMMISSIONERS, FROM PULASKI CIRCUIT, THIRD DIVISION.