

## ARKANSAS SUPREME COURT

### PROCEEDINGS OF NOVEMBER 14, 2013

#### **PAUL E. DANIELSON, JUSTICE**

[CV-13-185](#). Les Marlow, Brooks "Chip" Meadows, Cary Marlow, Chad Marlow, and Leigh Carson v. United Systems of Arkansas, Inc., and Glenn Petkovsek, from Pulaski County Circuit Court, First Division. Affirmed; Court of Appeals opinion vacated. Baker, Hart, and Hoofman, JJ., dissent.

#### **KAREN R. BAKER, JUSTICE**

[CV-13-210](#). Searcy Healthcare Center, LLC d/b/a Searcy Healthcare Center; Searcy HC Holdings, LLC; Perennial Business Services, LLC; Perennial Consulting Services, LLC; Perennial Leasing, LLC; SHC Properties, LLC; V. James Santarsiero, Individually, and As the Governing Body of Searcy Healthcare Center; Jeanne Butterworth, Individually, and As the Governing Body of Searcy Healthcare Center; and Pamela Murphy, in Her Capacity as Administrator of Searcy Healthcare Center v. John Murphy, as Administrator of the Estate of John Wesley Murphy, Deceased, and On Behalf of the Wrongful Death Beneficiaries of John Wesley Murphy, from White County Circuit Court. Reversed and remanded; cross-appeal dismissed. Hannah, C.J., and Danielson, J., concur.

#### **JOSEPHINE LINKER HART, JUSTICE**

[CV-13-156](#). Lonoke County, Arkansas; Lonoke County Judge Doug Erwin; and Lonoke County Quorum Court Members Joe Farrer, Jannette Minton, Larry Odom, Tim Lemons, Barry Weathers, Alexis Malham, Adam Sims, Robert Lynch, Robert Sonny Moery, Bill Ryker, Mike Dolan, and Henry Lang v. City of Lonoke, Arkansas, and Lonoke District Court, from Lonoke County Circuit Court. Affirmed in part; reversed in part. Danielson, J., concurs. Baker and Goodson, JJ., dissent.

#### **PER CURIAM OPINION**

[CV-13-664](#). Chris Zulpo v. State of Arkansas, from Lee County Circuit Court. Order affirmed; motion to file belated reply brief moot.

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**PER CURIAM ORDERS**

PETITION FOR REHEARING: Petition for rehearing was denied in the following case.

CV-12-1043. LegalZoom.com, Inc. v. Jonathan McIllwain, from Pope County Circuit Court. Hannah, C.J., and Corbin, J., would grant.

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

CV-13-847. Mary Berryhill v. Frances Synatzske and Bryan Huffman, as Special Administrator of the Estate of Frances Synatzske, from Hot Spring County Circuit Court.

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

CV-13-851. Julia Hartsfield, Emily Hartsfield, and Gayle Fisher v. Deanna Blann, Sarah Blann, Thomas Edwin Blann, and Simmons First Trust Company, N.A., from Union County Circuit Court.

CV-13-884. Kristie Michele Cervantes v. Jeremy G. Cervantes, from Lonoke County Circuit Court.

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CV-13-592. Jesse Venable et al. v. Fred's, Inc., et al., from Desha County Circuit Court. Appellants' motion for reassignment to the Arkansas Supreme Court is denied.

CV-13-949. Kimberly Rae Stibich v. Adam S. Stibich, from Garland County Circuit Court. Motion for rule on clerk with tendered petition for writ of certiorari. Motion for rule on clerk is granted. Petition for writ of certiorari is granted. Completed record due within thirty days.

CV-13-982. Mary Elizabeth Johnston, Arkansas Bar No. 78217 v. Stark Ligon, as Executive Director, Committee on Professional Conduct, an Original Action. Petition for surrender of license (resignation). Granted; with direction to the Clerk to remove the attorney's name from the registry of attorneys licensed to practice law in the State of Arkansas.

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D-13-150. Stark Ligon, as Executive Director, Committee on Professional Conduct v. John Skylar (Sky) Tapp, Arkansas Bar No. 76123, an Original Action. Petition of John Skylar Tapp for reinstatement pro tempore in order to defend capital murder client is denied. Hart, J., would grant.

CR-11-1263. Antonio Dotson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se motion for reconsideration of dismissal of appeal. Denied.

CR-12-240. Akin O. Williams v. State of Arkansas, from Hempstead County Circuit Court. Pro se motion for reconsideration. Motion treated as petition for rehearing and denied.

CR-12-940. Jessie Hill v. State of Arkansas, from Ouachita County Circuit Court. Pro se motion for reconsideration of dismissal of appeal. Pro se motion treated as petition for rehearing and denied.

CR-12-984. Robert Coleman v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Pro se motion for copies at public expense. Denied.

CR-13-35. Ricky Ray Anderson v. State of Arkansas, from Washington County Circuit Court. Appellee's motion to strike appellant's brief or to dismiss appeal. Motion to strike appellant's brief is denied. Appeal allowed to continue with appellant's brief as filed.

[CR-13-497](#). Brian Taylor Jordan v. State of Arkansas, from Benton County Circuit Court. Pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

CV-11-120. Kenny Halfacre v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Pro se motion for reconsideration and to amend judgment. Motion treated as petition for rehearing and denied.

CV-12-49. Dennis Ray Matthews v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se petition for rehearing. Denied.

[CV-13-499](#). Billy Ray Hale v. State of Arkansas, from Lee County Circuit Court. Pro se motion for appointment of counsel and motion to file belated reply brief. Motion for appointment of counsel granted; motion to file belated reply brief moot. See **per curiam** this date.

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CV-13-666. Alfred O. King, Jr. v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's motion to dismiss appeal. Motion granted.

[CV-13-676](#). Marcus W. Fields v. State of Arkansas, from Lee County Circuit Court. Pro se motions for belated appeal of order and to complete the record. Motion for belated appeal dismissed; motion to complete record moot. See **per curiam** this date.

In Re Appointment of New Members to the Supreme Court Committee on Professional Conduct Effective January 1, 2014. See [per curiam](#) this date.

The second terms of Helen Herr of Little Rock (non-attorney, at-large member on Committee Panel A) and Beverly Morrow of Little Rock (non-attorney, at-large member on Committee Panel C), and the first terms of Danyelle Walker of Little Rock (at-large attorney member of Panel A) and Barry Deacon of Jonesboro (First Congressional District attorney member of Panel B) all expire December 31, 2013. The Court expresses its appreciation to them for their valuable and faithful service to the Court, the Committee, the legal profession, and the public.

Effective January 1, 2014, the Court reappoints Ms. Walker for a second six-year term in her present position on Panel A. The Court appoints the following new members: Karolyn Jones of Little Rock (non-attorney, at-large member on Committee Panel A), Michael Mullally of Jonesboro (First Congressional District attorney member of Panel B), and Sheila Brown of Pine Bluff (non-attorney, at-large member on Committee Panel C), for initial six-year terms commencing January 1, 2014, and expiring December 31, 2019. The Court expresses its appreciation to each of these new Committee members for their willingness to accept this important assignment.

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**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CV-12-1037. Charlotte Hall Hardin, Troy Gentry Guthrey, and Entergy Arkansas, Inc. v. India Bishop, from Jefferson County Circuit Court.

CV-13-182. Deer/Mt. Judea School District v. Thomas W. Kimbrell et al., from Pulaski County Circuit Court, Second Division.

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**PETITIONS FOR REVIEW:**

CR-13-964. Calvin Carrick v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CV-13-877. St. Edward Mercy Medical Center and Sisters of Mercy Health System v. Deborah Warnock, from Arkansas Workers' Compensation Commission.

CV-13-912. Brenda L. (Jones) Pruitt v. Community Development Institute Head Start and Zurich American Insurance Company, from Arkansas Workers' Compensation Commission.

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CR-13-598. Marion Westerman v. State of Arkansas, from Cleburne County Circuit Court. Appellant's renewed motion to supplement record and establish new briefing schedule, or in the alternative, to file a belated brief.

CV-13-959. Camden Iron & Metals, Inc. v. Cornell Clay and Adrian Hill, from Bradley County Circuit Court. Motion for rule on clerk.

CV-13-981. William O. Robinson and Brenda E. Robinson v. MidFirst Bank, from Saline County Circuit Court. Pro se writ of prohibition/motion to stay foreclosure.

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**CASES SUBMITTED**

CR-13-173. Jerry Lard v. State of Arkansas, from Greene County Circuit Court. Orally argued.

CR-12-218. Frederick Dwayne Mason v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-13-246. Mark David Johnson v. State of Arkansas, from Drew County Circuit Court.

CR-13-781. Tony Bernard Smith v. Hon. L.T. Simes, Circuit Court Judge of Phillips County, Arkansas, Criminal Division, from Phillips County Circuit Court.

CV-12-1048. Deborah Nowicki, Individually and as Executrix of the Estate of Robert Henry Nowicki, II, Deceased, and On Behalf of All Wrongful Death Beneficiaries of Robert Henry Nowicki, II v. Kenny Pigue d/b/a K & D Grain Transport, from Crittenden County Circuit Court.