

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF MARCH 20, 2014**

**PAUL E. DANIELSON, JUSTICE**

[CR-12-1129](#). James E. Montgomery v. State of Arkansas, from Greene County Circuit Court. Reversed and remanded.

**KAREN R. BAKER, JUSTICE**

[CR-10-545](#). Mickey David Thomas v. State of Arkansas, from Sevier County Circuit Court. Affirmed.

[CV-12-1058](#). Ortho-McNeil-Janssen Pharmaceuticals, Inc., f/k/a Janssen Pharmaceutica, Inc., and/or Janssen, LP; and Johnson & Johnson, Inc. v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Reversed and dismissed in part; reversed and remanded in part. Hannah, C.J., and Corbin and Danielson, JJ., concur in part and dissent in part.

**COURTNEY HUDSON GOODSON, JUSTICE**

[CV-13-468](#). Ortho-McNeil-Janssen Pharmaceuticals, Inc., f/k/a Janssen Pharmaceutica, Inc., and/or Janssen, LP; and Johnson & Johnson, Inc. v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded.

**PER CURIAM OPINIONS**

[CR-12-513](#). Nehemiah E. Armstrong v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed.

[CV-12-982](#). Richard Davis v. State of Arkansas, from Lincoln County Circuit Court. Affirmed.

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**PER CURIAM ORDERS**

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

CV-13-1136. Rose Butler v. Lake Hamilton School District et al., from the Arkansas Workers' Compensation Commission.

CV-13-1148. Robert Bird Colquitt v. Linda Colquitt, from Columbia County Circuit Court.

CV-13-1151. Debra Davis v. Schneider National, Inc.; Schneider National Carriers, Inc.; and Paul Turner, from Jefferson County Circuit Court.

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CR-11-556. Cristobal Antonio Mancía v. State of Arkansas, from Benton County Circuit Court. Motion of Craig Lambert to be substituted as counsel is granted.

[CR-12-487](#). Roy Lee Smith v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Rebriefing ordered. See **per curiam** this date.

CR-13-775. Ivor Gordon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion for extension to file record is granted.

CR-14-177. William Dewey Gill v. State of Arkansas, from White County Circuit Court. Motion to proceed in forma pauperis is denied.

CR-14-202. Larry Gene Burks v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion requesting a belated appeal and motion requesting appointment of counsel to represent appellant on direct appeal is denied.

CV-12-1058. Ortho-McNeil-Janssen Pharmaceuticals, Inc., f/k/a Janssen Pharmaceutica, Inc., and/or Janssen, LP; and Johnson & Johnson, Inc. v. State of Arkansas ex rel. Dustin McDaniel, Attorney General, from Pulaski County Circuit Court, Sixth Division. Appellee's motion for leave to file supplemental brief is denied. Hannah, C.J., would grant.

CV-13-398. Christopher Cordero v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Appellees' joint motion to set briefing schedule is denied.

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### PER CURIAM ORDERS

CV-13-950. J-McDaniel Construction Co. v. Dale Peters Plumbing et al., from Pulaski County Circuit Court, Sixth Division. Motion of appellees Robert Bostic Hauling and Excavating, Inc., d/b/a Bobby Bostic Hauling and Excavating and Robert Bostic, Individually, to reschedule oral argument is granted.

CV-13-1048. William Curtis v. Michael Lemna and New Champions Golf & Country Club, from the Arkansas Workers' Compensation Commission. Appellant's motion to file supplemental briefs is granted.

CV-13-1050. Gregory Ross Giles, Terri Giles, Karen Jean Hughes, and Kevin Hughes v. Ozark Mountain Regional Public Water Authority, from Boone County Circuit Court. Motion of Owners' Counsel of America for leave to file amicus curiae brief is denied. *See* Ark. Sup. Ct. R. 4-6(a).

CV-14-194. United Food and Commercial Workers International Union, Organization United for Respect at Walmart, and Does 1-10 v. Benton County Circuit Court, from Benton County Circuit Court. Petition for writ of prohibition and petition for writ of certiorari is denied without prejudice. Corbin, J., not participating.

CV-14-203. George Brumley v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Motion for redetermination of indigency and motion to be relieved as counsel is granted. Arkansas Public Defender Commission is appointed to represent appellant, George Brumley. Record is due April 21, 2014.

CV-14-234. Affordable Bail Bonds, Inc. v. Baxter County Circuit Court, from Baxter County Circuit Court. Petition for writ of certiorari and motion applying for temporary relief with emergency consideration requested and memorandum of authorities. Temporary relief is denied; emergency consideration is granted. (Proceedings of March 14, 2014)

CV-14-234. Affordable Bail Bonds, Inc. v. Baxter County Circuit Court, from Baxter County Circuit Court. Petition for writ of certiorari is denied.

[CR-86-181](#). Charles Philyaw v. State of Arkansas, from Miller County Circuit Court. Pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis and motion for appointment of counsel. Petition and motion denied. Baker and Hart, JJ., dissent. *See per curiam* this date.

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[CR-07-110](#). Kenneth Ray Pitts v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis and motion for appointment of counsel. Petition and motion denied. Baker and Hart, JJ., dissent. See **per curiam** this date.

CR-13-895. Samuel Pierre Moore v. State of Arkansas, from Pulaski County Circuit Court, First Division. Pro se motion for belated appeal. Motion denied.

CR-13-1044. Marl K. Gray v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se motion for belated appeal. Motion denied.

[CR-14-132](#). James E. McNichols v. Honorable Barbara Elmore, Circuit Judge, from Lonoke County Circuit Court. Pro se petition for writ of mandamus. Petition moot. See **per curiam** this date.

[CV-13-665](#). Antonio Britt v. State of Arkansas, from Lee County Circuit Court. Pro se motions for appointment of counsel and for extension of time to file brief. Appeal dismissed; motions moot. See **per curiam** this date.

[CV-13-818](#). Doyle Anthony Jones v. Arkansas Department of Correction Sex Offender Screening & Assessment Committee, from Jefferson County Circuit Court. Pro se motions for extension of time to file brief. Appeal dismissed; motions moot. See **per curiam** this date.

In Re First Judicial Circuit. See [per curiam](#) this date.

In Re Arkansas Supreme Court Committee on Civil Practice. See [per curiam](#) this date.

Ken Gould, Professor Emeritus of the William H. Bowen School of Law, has submitted his resignation as Reporter for the Supreme Court Committee on Civil Practice. Professor Gould was appointed to the position of reporter in 2010, and we appreciate his time and dedication while serving in that capacity. We are fortunate that he has agreed to continue his work with the committee as a nonvoting advisor. The committee will benefit from his knowledge and experience, and we thank him for this commitment.

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**MOTIONS SUBMITTED**

PETITIONS FOR REVIEW:

CR-14-208. Walter Allen Brooks v. State of Arkansas, from St. Francis County Circuit Court.

CV-13-1154. The Evangelical Lutheran Good Samaritan Society, The Evangelical Lutheran Good Samaritan Society d/b/a Good Samaritan Society - Hot Springs Village, Corinne White, in her Capacity as Administrator of Good Samaritan Society - Hot Springs Village v. Robert Kolesar, as Attorney in Fact for Vera Kolesar, from Saline County Circuit Court.

CV-13-1157. John Gerard d/b/a Quality Construction v. Jason Novak and Brittney Novak, from Lonoke County Circuit Court.

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CV-13-1134. Albert Coleman v. Eric Strom and Ida Strom, from Pulaski County Circuit Court, Sixteenth Division. Resubmission of motion for rule on clerk after remand.

CV-14-173. Robert Dickinson and Pamela Dickinson, on Behalf of Themselves and All Residents of Arkansas that are Similarly Situated v. Sun Trust Mortgage, Inc., and Federal National Mortgage Association, from United States District Court, Eastern District of Arkansas. Motion to certify question of law.

D-13-428. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. Lisa Diane Davis, Arkansas Bar No. 2001072, an Original Action. Stark Ligon's second motion for order of default judgment of disbarment.

D-14-236. In Re the Matter of Hayden E. Hanna, Arkansas Bar No. 2003108, an Original Action. Petition for voluntary surrender of license (resignation).

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### CASES SUBMITTED

CV-13-828. Theresa Holbrook, Individually and on Behalf of a Class of All Other Arkansans Similarly Situated v. Healthport, Inc.; Healthport Technologies, LLC, f/k/a Smart Document Solutions, LLC; Healthport Incorporated f/k/a Companion Technologies Corporation; and Richard Weiss, in his Official Capacity as Director, Arkansas Department of Finance and Administration, from Pope County Circuit Court. Orally argued.

CR-13-21. Vernell R. Conley v. State of Arkansas, from Washington County Circuit Court.

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.

CV-13-939. Billy Bryant, Betty Hamby, Norma Knight, Mabel Kimberling, and Dortha M. Whitner v. Brenda Bryant Osborn, Opal M. Garfi, Altha P. Hickman, Norma Sexton, Linda Bass, Rita Gilliam, Gene Bryant, Billy Ray Bryant, and Beverly Beeman, from Jackson County Circuit Court.