

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 3, 2014

JIM HANNAH, CHIEF JUSTICE

CV-13-733. Jon Hopkins v. The City of Brinkley, Arkansas; and The Brinkley Water and Sewer Department, from Monroe County Circuit Court. Reversed and remanded. Hoofman, J., dissents.

KAREN R. BAKER, JUSTICE

CR-13-690. Derek Coy Holcomb v. State of Arkansas, from Crawford County Circuit Court. Reversed and dismissed. Hannah, C.J., and Corbin and Danielson, JJ., dissent.

JOSEPHINE LINKER HART, JUSTICE

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 Bliss, Rita Gilliam, Gene Bryant, Billy Ray Bryant, and Beverly Beeman, from Jackson County Circuit Court. Reversed and remanded.

CLIFF HOOFFMAN, JUSTICE

CV-12-1011. GSS, LLC v. Centerpoint Energy Gas Transmission Company, from Garland County Circuit Court. Affirmed. Hart, J., dissents.

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. Affirmed.

PER CURIAM OPINIONS

CR-12-492. Darrell F. Watson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed.

CR-12-774. Donald Ray Mathis v. State of Arkansas, from Union County Circuit Court. Affirmed.

CR-12-906. Michael Gilliland v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed.

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PER CURIAM ORDERS

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

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.

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

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

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

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 is granted. Hannah, C.J., and Danielson, J., would remand for further findings.

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. Second motion for order of default judgment of disbarment. Granted. See **per curiam** this date.

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). 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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PER CURIAM ORDERS

CR-13-979. Xavier Francis Haynes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se motion for transcript and for extension of time to file brief. Appeal dismissed; motion moot. Hart, J., would deny by syllabus entry. See **per curiam** this date.

CR-13-1021. Michael Everett Ball v. State of Arkansas, from Washington County Circuit Court. Appellee's motion to dismiss appeal. Motion granted. See **per curiam** this date.

CR-14-183. Lewis J. White v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se appellant's motion to withdraw appeal. Motion granted.

CV-13-829. Edwin Jon Cridge v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se motion to file belated brief. Appeal dismissed; motion moot. See **per curiam** this date.

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

Judge Vic Harper, District Judge, Lincoln County District Court in Star City, Arkansas, is appointed to the Access to Justice Commission for a three-year term to fill the unexpired term of Judge David Switzer, to expire on October 15, 2016. We thank Judge Harper for accepting this important position.

The court thanks Judge David Switzer for his service to this important committee.

In Re April 10, 2014 Session of the Arkansas Supreme Court. See **per curiam** this date.

On April 10, 2014, the Supreme Court will convene at 9:00 a.m. at Northside High School, in Fort Smith, Arkansas.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-12-73. Greg E. Prock v. Bull Shoals Landing and AIG Domestic Claims, Inc., from the Arkansas Workers' Compensation Commission.

CV-12-75. Matthew L. Edmisten v. Bull Shoals Landing and AIG Domestic Claims, Inc., from the Arkansas Workers' Compensation Commission.

PETITIONS FOR REVIEW:

CR-14-201. Leonard Leon Bean v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-13-1031. State of Arkansas Sex Offender Risk Assessment Committee v. Michael G. Wallace, from Garland County Circuit Court.

CV-13-1158. Vernon Hardesty and Martha Hardesty v. Baptist Health d/b/a Baptist Health Medical Center, Dr. Raymond Remmel, and Patrick O'Connell, R.N., from Pulaski County Circuit Court, Seventeenth Division.

CV-14-101. Daryl Banks v. Director et al., from the Arkansas Board of Review.

CR-13-438. Edward Thompson, III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to settle the record.

CR-14-257. Christopher S. Grady v. State of Arkansas, from Jackson County Circuit Court. Motion for rule on clerk.

CV-13-942. Ray Hobbs, Director, Arkansas Department of Correction v. Ulonzo Gordon, from Lee County Circuit Court. Motion of Juvenile Law Center et al. to file brief as amicus curiae.

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MOTIONS SUBMITTED

CV-13-1137. Susan G. Cross v. Arkansas State Board of Law Examiners, an Original Action. Pro se motion to seal record.

CV-13-1158. Vernon Hardesty and Martha Hardesty v. Baptist Health d/b/a Baptist Health Medical Center, Dr. Raymond Rimmel, and Patrick O'Connell, R.N., from Pulaski County Circuit Court, Seventeenth Division. Arkansas Trial Lawyers Association's request to join appellants' petition for review.

CV-14-10. Charles Smith et al. v. Gloria Daniel, from Pulaski County Circuit Court, Sixth Division. Appellee's motion to dismiss appeal.

CV-14-82. Union Pacific Railroad Company v. Rusty A. Jumper, from Crittenden County Circuit Court. Renewed petition for permission to appeal.

CV-14-200. Rodney Evans v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court. Motion for reconsideration of motion to withdraw as counsel for non-indigent appellant.

CV-14-241. Linda S. Lee v. Sherlyn E. Jones, from Perry County Circuit Court. Pro se petition for writ of certiorari to complete the record.

CV-14-243. Linda S. Lee v. Sherlyn E. Jones, from Perry County Circuit Court. Pro se petition for writ of certiorari to complete the record.

CV-14-261. In Re Petition Addressing Proposed Changes to the Rules of Professional Conduct.

D-14-263. In Re Frank David Rees, Arkansas Bar No. 79238, an Original Action. Petition to surrender Arkansas law license.

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CASES SUBMITTED

CR-13-294. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-13-951. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-13-931. State of Arkansas v. Patricia West and \$7,550.00 in United States Currency, from Craighead County Circuit Court, Western District.

CV-13-955. Theresa Roeder, as the Administratrix of the Estate of Esther Kay Roeder, Deceased, and On Behalf of the Wrongful Death Beneficiaries of Esther Kay Roeder; Tara Roeder, as the Administratrix of the Estate of Bruce Wayne Roeder, and On Behalf of the Wrongful Death Beneficiaries of Bruce Wayne Roeder; and Tara Roeder, as the Administratrix of the Estate of Deborah Busby Roeder, and On Behalf of the Wrongful Death Beneficiaries of Deborah Busby Roeder v. United States of America; James S. Watson, in His Individual and Official Capacity; Gloria Maples Chrismer, in Her Individual and Official Capacity; Normal L. Wagoner, in His Individual and Official Capacity; James B. Kozik, in His Individual and Official Capacity; and John Does 1-5, in their Individual and Official Capacities, from the United States District Court, Western District of Arkansas, Hot Springs Division.

CV-13-963. Kylie B. Chitwood v. Gordon G. Chitwood, Jr., from Benton County Circuit Court.