

ARKANSAS SUPREME COURT
PROCEEDINGS OF SEPTEMBER 25, 2014

DONALD L. CORBIN, JUSTICE

[CR-10-53](#). Derek Sales v. State of Arkansas, from Bradley County Circuit Court. Affirmed.

[CV-13-87](#). Arkansas Realtors Association v. Real Forms, LLC, from Washington County Circuit Court. Affirmed on appeal; reversed and remanded on cross-appeal. Baker and Hart, JJ., concur.

PAUL E. DANIELSON, JUSTICE

[CR-13-992](#). Gregory Decay v. State of Arkansas, from Washington County Circuit Court. Affirmed.

KAREN R. BAKER, JUSTICE

[CV-13-1051](#). Greg Bowerman, Individually, and as a Class Representative on Behalf of All Taxpayers within the State of Arkansas v. Takeda Pharmaceuticals U.S.A., formerly known as Takeda Pharmaceuticals North America, Inc.; Takeda Global Research and Development Center, Inc.; Takeda Pharmaceutical Co. Ltd.; Takeda Pharmaceuticals America, Inc.; Takeda California, Inc., formerly known as Takeda San Diego, Inc., Takeda Pharmaceuticals International, Inc.; Takeda Pharmaceuticals, LLC.; Eli Lilly and Co.; and Stephen L. LaFrance Pharmacy, LLC, from the United States District Court for the Western District of Louisiana. Certified questions answered. Corbin, Danielson, and Hoofman, JJ., concur in part and dissent in part.

JOSEPHINE LINKER HART, JUSTICE

[CV-13-962](#). Jasper School District No. 1 of Newton County; Kerry Saylor, Individually, and in His Capacity as Superintendent of the Jasper School District; and Wanda Mann, Individually, and in Her Capacity as Assistant Superintendent of the Jasper School District v. Anita Cooper, from Johnson County Circuit Court. Affirmed.

CLIFF HOOFFMAN, JUSTICE

[CR-14-145](#). Henry Harmon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Reversed and remanded; court of appeals' opinion vacated. Hannah, C.J., and Corbin and Danielson, JJ., dissent.

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[CR-12-533](#). Marcus Terrell Atkins v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed.

[CR-13-750](#). Billy V. Wilburn v. State of Arkansas, from Miller County Circuit Court. Affirmed.

[CV-13-763](#). Conray Carroll v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

[CV-13-956](#). Mario Quezada v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

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CR-09-315. Armon Houston v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion for release and retention of exhibits from appeal transcript is granted.

CR-10-53. Derek Sales v. State of Arkansas, from Bradley County Circuit Court. Appellant's motion to allow oral argument is moot.

CR-11-336. Brian Nelson v. State of Arkansas, from Grant County Circuit Court. Motion for reconsideration is denied.

[CR-13-1006](#). Rolandis Lorenzo Chatmon v. State of Arkansas, from Faulkner County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. See **per curiam** this date.

CR-14-752. Walter Howard Thrasher v. Hon. Marcia R. Hearnberger, Circuit Judge, from Garland County Circuit Court. Petition for writ of mandamus is moot.

CV-13-1133. Harold W. Planchon v. Local Police & Fire Retirement System, from Washington County Circuit Court. Appellant's motion for revivor and substitution and motion for reassignment for the purpose of this motion only to the Arkansas Supreme Court, or alternatively to remand to circuit court for entry of an order of revivor and substitution, and to stay briefing schedule. Appellant's motion for revivor and substitution is taken as a case. Hannah, C.J., and Danielson, J., would remand to the circuit court for entry of an order of revivor and substitution and to stay briefing schedule.

CV-14-39. Bayer AG; Bayer Cropscience AG; Bayer Bioscience NV; Bayer Cropscience LP; and Bayer Corporation v. BASF Corporation; BASF Agrochemical Products B.V.; BASF Plant Science LP; BASF Plant Science GMBH; and BASF SE, from Arkansas County Circuit Court, Northern District. Joint motion to dismiss appeal is granted.

CV-14-559. Dana Carol Abraham, M.D. and Gary Hooker v. Joseph M. Beck, Chairman, and Arkansas State Medical Board, from Pulaski County Circuit Court, Second Division. Appellants' motion to correct the record is granted. Corrected record due in fifteen days. Hoofman, J., not participating.

CV-14-706. In the Matter of Harold Wayne Madden, an Original Action. Petition for readmission to the Arkansas Bar is denied.

CV-14-796. George Pritchett, Cliff Jackson, and Robert Driggers v. Lance Spicer, in His Official Capacity as City Clerk of the City of Hot Springs and Garland County Election

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Commission, from Garland County Circuit Court. Joint petition for emergency stay and expedited consideration by George Pritchett, Cliff Jackson, and Robert Driggers. Motion for expedited consideration of joint petition is granted. Joint petition for emergency stay is denied. Hoofman, J., not participating.

CV-14-796. George Pritchett, Cliff Jackson, and Robert Driggers v. Lance Spicer, in His Official Capacity as City Clerk of the City of Hot Springs and Garland County Election Commission, from Garland County Circuit Court. Appellants' motion for leave to file joint reply to appellees' response is denied. Hoofman, J., not participating.

[CR-95-1039](#). Kenneth Slocum 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 the writ of error coram nobis. Petition denied. See **per curiam** this date.

CR-14-416. Aaron Anthony Flemmons v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se motion for extension of time to file brief; motion for permission to add issue in brief based on *Martinez v. Ryan* and *Trevino v. Thaler*; and motion for access to the record. Pro se motion for extension of time granted; motion for access to the record granted; motion for permission to add an issue in brief based on *Martinez v. Ryan* and *Trevino v. Thaler* dismissed; brief due thirty days from the date of this per curiam order.

[CR-14-546](#). Michael Shane Winters v. State of Arkansas, from Benton County Circuit Court. Pro se motion for extension of brief time. Appeal dismissed; motion moot. See **per curiam** this date.

[CV-14-335](#). Franklin L. Chance v. Ray Hobbs, Director, Arkansas Department of Correction, from Lee County Circuit Court. Pro se appellant's motion to file a belated reply brief. Appeal dismissed; motion moot. See **per curiam** this date.

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

David H. Williams, Esq., of Little Rock, is appointed to the Civil Practice Committee to fill the unexpired term of Brad Hendricks, Esq., of Little Rock, who has resigned from the committee. This term expires on July 31, 2017. We thank Mr. Hendricks for his service and Mr. Williams for agreeing to serve on this important committee.

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CR-13-872. Don Airsman, Jr. v. State of Arkansas, from Hempstead County Circuit Court. Motion to file substituted appellee's brief.

CR-14-5. Stanley Carter v. State of Arkansas, from Crittenden County Circuit Court. Unopposed motion to supplement the record.

CR-14-548. Heather Swain v. State of Arkansas, from Washington County Circuit Court. Motion for non-conforming brief.

CR-14-783. Kamran Jackson v. State of Arkansas, from Conway County Circuit Court. Motion to be relieved as attorney for appellant.

CR-14-783. Kamran Jackson v. State of Arkansas, from Conway County Circuit Court. Motion for rule on clerk.

CV-14-427. M. Kendall Wright et al. v. Nathaniel Smith, MD, MPH, et al., from Pulaski County Circuit Court, Second Division. Motion of Anthony B. Taylor, Bishop of the Roman Catholic Diocese of Little Rock, for leave to file an amicus brief in support of appellants.

CV-14-456. Linda J. Earls and Tony L. Earls v. Harvest Credit Management VI-B, LLC, from Greene County Circuit Court. Motion of Unifund CCR Partners for leave to file amicus curiae brief.

CV-14-456. Linda J. Earls and Tony L. Earls v. Harvest Credit Management VI-B, LLC, from Greene County Circuit Court. Motion of Citibank, N.A., successor in interest to Citibank (South Dakota) N.A., for leave to file amicus curiae brief in support of appellee Harvest Credit Management VI-B, LLC.

CV-14-456. Linda J. Earls and Tony L. Earls v. Harvest Credit Management VI-B, LLC, from Van Buren County Circuit Court. Appellee's motion for leave to file supplemental brief.

CV-14-456. Linda J. Earls and Tony L. Earls v. Harvest Credit Management VI-B, LLC, from Van Buren County Circuit Court. Appellants' motion for leave to file supplemental brief.

CV-14-564. Johnny Paul Dodson v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Motion to dismiss.

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CV-14-777. Arkansas Electric Cooperative Corporation and David Wayne Jackson v. Herman Brown, from Fulton County Circuit Court. Petition for writ of certiorari.

CV-14-786. Ola Rose Gafford and Randy Gafford v. Allstate Insurance Company, an Original Action from the United States District Court, Eastern District of Arkansas, Western Division. Motion to certify a question of law.

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CASES SUBMITTED

CV-13-499. Billy Ray Hale v. Ray Hobbs, Director, Arkansas Department of Correction, and State of Arkansas, from Lee County Circuit Court. Orally argued.

CR-13-1067. Jeremy Clay Thompson v. State of Arkansas, from Saline County Circuit Court.

CR-14-4. Zeckeya Kenya Perry v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-14-347. Kevin McMiller v. State of Arkansas, from Jefferson County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>