

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 11, 2014

JIM HANNAH, CHIEF JUSTICE

[CV-14-400](#). Entergy Arkansas, Inc.; Entergy Operations, Inc.; and DP Engineering, Ltd., Co. v. Pope County Circuit Court and Susan Allen, Individually, and as Administratrix of the Estate of Wade Walters, Deceased, from Pope County Circuit Court. Petitions for writ of prohibition granted. Baker and Hart, JJ., dissent.

PAUL E. DANIELSON, JUSTICE

[CV-14-402](#). Entergy Arkansas, Inc.; Entergy Operations, Inc.; and DP Engineering, Ltd. Co. v. Pope County Circuit Court and Jess Clayton, from Pope County Circuit Court. Petitions for writ of prohibition granted. Baker and Hart, JJ., dissent.

KAREN R. BAKER, JUSTICE

[CR-14-412](#). Richard Morrow v. State of Arkansas, from Independence County Circuit Court. Affirmed.

COURTNEY HUDSON GOODSON, JUSTICE

[CV-13-891](#). P. Timothy English, M.D.; Family Medicine Clinic, P.A.; John H. Brunner, M.D.; and Heritage Physician Group, P.A. v. Brinda Robbins, from Garland County Circuit Court. Affirmed. Corbin and Danielson, JJ., dissent.

[CV-14-173](#). Robert Dickinson and Pamela Dickinson, For Themselves and All Residents of Arkansas that are Similarly Situated v. SunTrust Mortgage, Inc., and Federal National Mortgage Association, from the United States District Court, Western District of Arkansas. Certified question answered. Hart, J., dissents.

JOSEPHINE LINKER HART, JUSTICE

[CR-13-15](#). Tracy M. Standridge v. State of Arkansas, from Baxter County Circuit Court. Reversed and dismissed. Hannah, C.J., and Corbin and Danielson, JJ., dissent.

[CV-14-7](#). United Food and Commercial Workers International Union, Organization United for Respect at Walmart (“Our Walmart”), and Does 1-10 v. Wal-Mart Stores, Inc.; Wal-Mart Stores Arkansas, LLC; Wal-Mart Stores East, LP; Wal-Mart Realty Company; Wal-Mart Real Estate Business Trust; Sam’s West, Inc.; and Beaver Lake Aviation, Inc., from Benton County Circuit Court. Affirmed. Hannah, C.J., and Special Justice John V. Phelps concur. Corbin, J., not participating.

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[CV-14-10](#). Charles Smith, Betty Mains, James Scoggins, Bryan Hall, Each Individually and in Their Official Capacity, as Employees of the Department of Human Services, Department of Behavioral Sciences serving the Arkansas State Hospital v. Gloria Daniel, from Pulaski County Circuit Court, Sixth Division. Affirmed in part; reversed and dismissed in part; and remanded. Hannah, C.J., and Danielson, J., concur in the disposition of the claim under the Arkansas Whistle-Blower Act and dissent from the balance of the opinion. Corbin, J., concurs in part and dissents in part. Baker, Goodson, and Hoofman, JJ., concur in part and dissent in part.

[CV-14-97](#). Rylwell, LLC; and John Thurston, Arkansas Commissioner of State of Lands v. MEN Holdings 2, LLC; House Properties, Inc.; and Pulaski County, from Pulaski County Circuit Court, Ninth Division. Affirmed. Hannah, C.J., and Corbin and Danielson, JJ., concur.

[CV-14-219](#). Joey Hoosier, Cyrena Hoosier, and Mike and Annette Hoosier, as Guardians of Rebecka Hoosier v. Interinsurance Exchange of the Automobile Club, from Garland County Circuit Court. Reversed and remanded; court of appeals' opinion vacated. Hannah, C.J., and Corbin and Danielson, JJ., dissent.

PER CURIAM OPINIONS

[CR-14-24](#). Willis Ward Johnson v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed.

[CV-14-332](#). Marcus Hubbard v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

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PER CURIAM ORDERS

PETITIONS FOR REVIEW: Petitions for review were denied today in the following cases.

CV-14-854. Mary Hartman and Donna Dewey v. Henry N. Edwards, from Crawford County Circuit Court.

CV-14-856. SCI, Inc. v. Director of Department of Workforce Services and Employer Contribution Unit, from the Arkansas Board of Review.

CR-12-759. Brandon Carter v. State of Arkansas, from Columbia County Circuit Court. Motion to submit supplemental brief and amended motion to submit supplemental brief with brief in support is denied.

[CR-14-989](#). Lachandra R. Moore v. State of Arkansas, from Crittenden County Circuit Court. Motion for rule on clerk is granted. See **per curiam** this date.

CV-14-7. United Food & Commercial Workers International Union and Organization United for Respect at Wal-Mart (“Our Walmart”), and Does 1-10 v. Wal-Mart Stores, Inc., LLC; Wal-Mart Realty Company; Wal-Mart Real Estate Business Trust; Sam’s West, Inc.; and Beaver Lake Aviation, Inc., from Benton County Circuit Court. Appellees’ statement of additional authority treated as a motion to take judicial notice and denied.

[CV-14-12](#). Becky Furnas, Individually, and as a Representative of all Similarly Situated Taxpayers Who Pay Ad Valorem School Taxes for the Support of the Fountain Lake School District; Fountain Lake School District; Al Larson, Individually, and as a Representative of all Similarly Situated Taxpayers Who Pay Ad Valorem School Taxes for the Support of the Eureka Springs School District; and Eureka Springs School District v. Thomas W. Kimbrell, Commissioner of the Arkansas Department of Education, in His Official Capacity only; Arkansas Department of Education; Charles Robinson, Treasurer of the State of Arkansas, in His Official Capacity only, from Pulaski County Circuit Court, Sixth Division. Supplemental rebriefing ordered. See **per curiam** this date.

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CV-14-102. Oksana G. Hackney v. Josh Hackney, from Pulaski County Circuit Court, Fourteenth Division. Motion for rule on clerk, or in the alternative for leave to file belated petition for review is denied.

CV-14-750. Megan Leigh Tollett v. Mike Beebe, Governor of the State of Arkansas, from Pulaski County Circuit Court, Ninth Division. Motion of appellant Megan Tollett to dismiss her appeal of the Pulaski County Circuit Court's final order and judgment of August 25, 2014, is granted.

CV-14-912. United Systems of Arkansas, Inc. v. Beason and Nalley, Inc., Chad Braley, and David Miller, from Pulaski County Circuit Court, Thirteenth Division. Motion for leave to file supplement to petition for review in consideration of substituted opinion on denial of rehearing is granted.

CV-14-1013. Abigail Adams Ransom and Owen Damar Harvey v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Pro se motion of Abigail Adams Ransom for belated appeal is denied without prejudice. Remanded to the trial court for determination of attorney fault to be completed within fifteen days.

CV-14-1013. Abigail Adams Ransom and Owen Damar Harvey v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Petition of Abigail Adams Ransom to proceed in forma pauperis is moot.

CV-14-1013. Abigail Adams Ransom and Owen Damar Harvey v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Pro se motion of Owen Damar Harvey for belated appeal is denied without prejudice. Remanded to the trial court for determination of attorney fault to be completed within fifteen days.

CV-14-1013. Abigail Adams Ransom and Owen Damar Harvey v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Petition of Owen Damar Harvey to proceed in forma pauperis is moot.

CV-14-1034. First Government Lease Co. v. The Circuit Court of Scott County, Arkansas; and Northwest Scott County Volunteer Fire Department, from Scott County Circuit Court. Motion to expedite consideration of petition for writ of prohibition or, alternatively, for writ of certiorari is granted. (Proceedings of December 8, 2014)

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CV-14-1034. First Government Lease Co. v. The Circuit Court of Scott County, Arkansas; and Northwest Scott County Volunteer Fire Department, from Scott County Circuit Court. Petition for writ of prohibition or, alternatively, for writ of certiorari is denied. (Proceedings of December 8, 2014)

D-14-998. In Re Linda Faulkner Boone, Arkansas Bar Number 1980-014, an Original Action. Petition for voluntary surrender of license. 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.

CR-81-82. Robert Heffernan v. State of Arkansas, from Saline County Circuit Court. Pro se motion to recall the mandate and reopen the case is denied.

CR-07-1130. Scotty Shipman v. State of Arkansas, from Saline County Circuit Court. Pro se motion for discovery seeking photocopy of records at public expense. Motion treated as motion for photocopying at public expense and denied.

CR-09-550. Scotty Shipman v. State of Arkansas, from Saline County Circuit Court. Pro se motion for discovery seeking photocopy of records at public expense. Motion treated as motion for photocopying at public expense and denied.

[CR-14-897](#). Roy Lee Russell v. State of Arkansas, from Desha County Circuit Court. Pro se motion for duplication of appellant's brief at public expense. Reversed and remanded; motion moot. See **per curiam** this date.

CR-14-916. Gary Stotts, Jr. v. State of Arkansas, from Lonoke County Circuit Court. Pro se motion for belated appeal or, in the alternative, petition to reinvest jurisdiction in the trial court to consider an amended Rule 37.1 petition is denied.

In Re Arkansas Supreme Court Committee on Security and Emergency Preparedness. See per curiam of December 4, 2014.

Faulkner County Sheriff Andy Shock of Conway is appointed to the Arkansas Supreme Court Committee on Security and Emergency Preparedness to fill the unexpired term of Sheriff Jody Dotson. This term expires on September 30, 2016. We thank Sheriff Shock for his willingness to serve on this important committee.

We express our gratitude to Sheriff Jody Dotson of Walnut Ridge, who resigned from the committee, for his years of valuable service.

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In Re Appointment of Members of the Committee on Professional Conduct. See [per curiam](#) this date.

The following member appointees to the Supreme Court Committee on Professional Conduct are serving terms that expire December 31, 2014. Each is eligible for a new six-year term.

Panel A - Benton Smith (Jonesboro) attorney, First Congressional District
Panel B – Steven Crane (Magnolia) attorney, Fourth Congressional District

Carolyn Morris (Danville) non-attorney, statewide at large

Panel C – Joe Hickey (El Dorado) attorney, Fourth Congressional District
Panel D – Laura Partlow (West Memphis) attorney, First Congressional District

Kent Hirsch (Springdale) attorney, statewide at large
Ronnie Williams (Menifee) non-attorney, statewide at large

Each member is reappointed for a six-year term ending December 31, 2020. The Court expresses its appreciation for the service rendered by each member, and the willingness of each member to serve another term.

In The Matter of the Appointment of a Special Judge. See [per curiam](#) this date.

Honorable Annabelle Imber Tuck shall be appointed as a special judge, and shall be given authority for the express purpose of swearing in the newly elected Arkansas Supreme Court Associate Justice Rhonda Wood on January 6, 2015.

It is so ordered.

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In Re The Retirement of Justice Donald L. Corbin. See [per curiam](#) this date.

Upon his retirement from the Supreme Court of Arkansas after twenty-four years of dedicated service as associate justice, the court recognizes and expresses its appreciation to Justice Donald L. Corbin. Prior to joining the court, Justice Corbin practiced law in DeQueen, Lewisville, and Stamps, Arkansas. He served five terms in the Arkansas House of Representatives from 1971 to 1980. Elected to the Arkansas Court of Appeals in 1980, he served as Chief Judge from 1987 until his election to the Arkansas Supreme Court in 1990. As a member of the supreme court, he served as a liaison to the Supreme Court Model Jury Instructions Committee–Civil, the Unauthorized Practice of Law Committee, and the Board of Certified Court Reporter Examiners.

Justice Corbin is a combat veteran who served in the United States Marines, which speaks volumes about his tenacity. The marine motto “Semper Fi” meaning “always faithful” has clearly been a guiding principle in his life, as evidenced by his many years of faithful service to this court. Justice Corbin always strived to maintain the integrity of this court and to protect the independence of the judiciary, by treating all parties equally and fairly. His legacy as a jurist is unlikely to be duplicated.

We wish him many years spent enjoying time with his family, relaxing at his lake house, and duck hunting with friends at his cabin. Godspeed, Justice Corbin, you will be missed.

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In Re Justice Cliff Hoofman. See [per curiam](#) this date.

The Arkansas Supreme Court wishes to recognize Justice Cliff Hoofman for his service to the State of Arkansas and his work as associate justice on this court. Although his tenure on the court has been brief, he ably served the court and the people of Arkansas in this position, as he has done throughout his career of public service.

Prior to joining this court, Justice Hoofman served as North Little Rock City Attorney. He was a member of the state's House of Representatives for eight years and the Senate for twenty years. While in the Senate, he served as floor leader for Governor Bill Clinton from 1983 to 1986. He was Chairman of the Budget Committee and Senate Chairman of the Legislative Council from 1977 through 2000. After his tenure in the legislature, Justice Hoofman worked in the Arkansas Attorney General's office as an assistant attorney general and director of legislative affairs. In addition to his appointment to this court, he was appointed by Governor Mike Beebe to serve on the Arkansas Highway Commission and as an associate judge on the Arkansas Court of Appeals.

Among numerous other distinctions, Justice Hoofman received the Distinguished Service Award from the Arkansas Municipal League. He was inducted into the City of Maumelle's "Honorary Navy" for his contributions to that city. He was a member of the National Surface Transportation Research Council and the Commission for Arkansas' Future. More recently, Justice Hoofman received the 2014 University of Central Arkansas Distinguished Alumni Award for his extraordinary commitment, dedication, and service to the university and the State of Arkansas.

From these experiences, Justice Hoofman brought invaluable guidance and insight to the court and to the many difficult legal issues being addressed over the past two years. This experience was combined with pragmatism and common sense.

The court expresses its appreciation to Justice Hoofman. We wish him the best in the years ahead.

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MOTIONS SUBMITTED

CR-14-334. Terry Allen Dowdy v. State of Arkansas, from Greene County Circuit Court. Notification to the Court from Sandy Dowdy, wife of the late Terry Dowdy.

CV-14-907. Charles Basham v. Arkansas Department of Human Services, from Miller County Circuit Court. Motion for belated appeal, to determine indigence for appeal, to appoint the Arkansas Public Defender Commission as appellate counsel, and to stay time to lodge the record and brief until motion is ruled on.

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CASES SUBMITTED

CV-14-138. GGNSC Holdings, LLC, et al. v. Kathryn S. Chappel et al., from Ouachita County Circuit Court. Orally argued.

CR-14-518. Kiywuan Perry v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-14-115. Tina Olson v. Don Olson, from Pope County Circuit Court.

CV-14-250. Ken David Swindle v. Southern Farm Bureau Casualty Insurance Company, from Benton County Circuit Court.

CV-14-40. Outdoor Cap Co., Inc. v. Benton County Treasurer, Benton County Assessor and Benton County Tax Collector, from Benton County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>