

ARKANSAS SUPREME COURT
PROCEEDINGS OF MAY 28, 2015

JIM HANNAH, CHIEF JUSTICE

[CR-14-934](#). State of Arkansas v. Christopher Brashers, from Independence County Circuit Court. Dismissed. Hart, J., concurs.

[CV-14-648](#). Richard G. Gawenis v. Arkansas Oil & Gas Commission and SEECO, Inc., from Van Buren County Circuit Court. Affirmed. Special Justices Sarah Capp and Dustin Jones join in this opinion. Hart, J., dissents. Danielson and Baker, JJ., not participating.

COURTNEY HUDSON GOODSON, JUSTICE

[CR-14-529](#). Desmond Evans v. State of Arkansas, from Union County Circuit Court. Affirmed.

JOSEPHINE LINKER HART, JUSTICE

[CV-14-250](#). Ken David Swindle v. Southern Farm Bureau Casualty Insurance Company, from Benton County Circuit Court. Affirmed in part; reversed in part; court of appeals opinion vacated. Special Justice Warren E. Dupwe joins in this opinion. Hannah, C.J., and Danielson and Wood, JJ., concur in part and dissent in part. Wynne, J., not participating.

[CV-14-618](#). Diamante, LLC v. Gary Dye and Linda Dye, from Saline County Circuit Court. Reversed and remanded. Special Justice David Sterling joins. Special Justice Paul Byrd dissents. Danielson and Wood, JJ., not participating.

RHONDA K. WOOD, JUSTICE

[CR-14-1060](#). Edmond McClinton v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Danielson, J., concurs.

ROBIN F. WYNNE, JUSTICE

[CR-14-577](#). Rufus Barner v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed.

PER CURIAM OPINIONS

[CR-14-701](#). Billy Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Affirmed.

[CR-14-929](#). Raymond Sanders v. State of Arkansas, from Hot Spring County Circuit Court. Appeal dismissed.

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[CR-14-1083](#). Danny Stalnaker v. State of Arkansas, from Saline County Circuit Court.
Affirmed.

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PER CURIAM ORDERS

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

CV-15-194. City of Siloam Springs, Arkansas v. La-De, LLC et al., from Benton County Circuit Court. Hannah, C.J., and Danielson, J., would deny.

REVIEW DENIED: Petition for review was denied today in the following case.

CV-15-230. Azzore Veterinary Specialist, LLC v. Mario Hodgson, from Pope County Circuit Court.

CR-15-266. William Dewey Gill v. State of Arkansas, from White County Circuit Court. Motion to allow supplemental briefing by appellant is granted. Hannah, C.J., not participating.

CR-15-266. William Dewey Gill v. State of Arkansas, from White County Circuit Court. Motion to proceed in forma pauperis is denied. Hannah, C.J., not participating.

CR-15-266. William Dewey Gill v. State of Arkansas, from White County Circuit Court. Appellant's request for oral argument is granted. Hannah, C.J., not participating.

CR-15-388. Jacqueline Ferguson v. State of Arkansas and Lonoke County Circuit Court, from Lonoke County Circuit Court. Motion for release or setting of reasonable bond pending appeal is denied without prejudice. Baker and Hart, JJ., would grant.

CR-15-388. Jacqueline Ferguson v. State of Arkansas, from Lonoke County Circuit Court. Motion to seal the record is granted.

CR-15-388. Jacqueline Ferguson v. State of Arkansas, from Lonoke County Circuit Court. Motion for expedited consideration of motion to seal the record is granted.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. State Defendants-Appellants' motion for oral argument is denied.

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CV-14-427. Nathaniel Smith, M.D., et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Appellees' motion for the immediate lifting of stay is denied.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Appellees' motion and amended motion to withdraw their February 17, 2015 response to per curiam, 2015 Ark. 38, and to dismiss CV-15-227 as moot. Moot.

CV-14-474. The Pyramid Life Insurance Company v. William P. Parsons and Holline Parsons, from Crawford County Circuit Court. Status report regarding settlement. Noted. Parties to report status within six months.

CV-14-535. Larry W. Walther, in His Official Capacity as Director, Arkansas Department of Finance and Administration v. Weatherford Artificial Lift Systems, from Pulaski County Circuit Court, Sixth Division. Appellee's motion requesting the court to take judicial notice of adjudicative facts and memorandum of authorities is denied.

CV-15-228. Theodore A. Anderson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellee's motion to dismiss, or, in the alternative, motion for an extension of time in which to file brief. Motion to dismiss is denied. Appellee's motion for an extension of time is granted. Brief due in thirty days.

CV-15-264. James McCafferty v. The Oxford American Literary Project, Inc., from Pulaski County Circuit Court, Sixteenth Division. Petition for relief pending disposition of writ of certiorari to compel production of certified record on appeal. Petition denied with instructions. W.W. McFarland is authorized to prepare the record in this appeal; once appellant has made financial arrangements with McFarland, McFarland is directed to consolidate the parts of the record that have been tendered with sequential pagination with the record to include the omitted Attorney General's opinion.

CV-15-408. Bud Anderson Heating & Cooling, Inc. v. James Clark et al., from Benton County Circuit Court. Motion for rule on clerk is denied.

CR-15-162. Joe E. Butler v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Pro se motion for reconsideration. Denied.

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CR-15-192. Matthew Williams v. State of Arkansas, from Pike County Circuit Court. Pro se motion for copy of record on appeal and motion to file a belated brief. Motion for copy of the record moot; motion to file belated brief granted; tendered brief filed as of the date of this per curiam order.

CV-15-181. Kelvin Ray Love v. Ray Hobbs, Director, from Jefferson County Circuit Court. Pro se motion for stay or extension to file brief. Appeal dismissed; motion moot.

[CV-15-223](#). Charles Edward Jones v. Ray Hobbs, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Pro se motion to duplicate copies at state expense. Appeal dismissed; motion moot. See **per curiam** this date.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-14-798. Robert G. Leeka v. State of Arkansas, from Washington County Circuit Court.

CV-14-456. Linda J. Earls and Tony L. Earls v. Harvest Credit Management VI-B, LLC, from Greene County Circuit Court.

PETITIONS FOR REVIEW:

CV-15-184. William Ernest Gates, Jr. v. Director et al., from the Arkansas Board of Review.

CV-15-244. Anthony Lewis v. Calfrac Well Services Corp., from the Arkansas Workers' Compensation Commission.

CR-08-1259. Gregory Decay v. State of Arkansas, from Washington County Circuit Court. Motion to recall the mandate.

CR-08-1259. Gregory Decay v. State of Arkansas, from Washington County Circuit Court. Motion to take as a case.

CV-15-420. Vicki Renee Silver v. Beverly Joslin, from Pulaski County Circuit Court, Twelfth Division. Petition for writ of certiorari.

CV-15-422. Marilyn J. Worsham v. Director et al., from the Arkansas Board of Review. Request to waive filing fee.

CV-15-426. David Lee Padgett, an Incapacitated Person, by Floyce Taylor, the Guardian of His Person v. Bettye R. Padgett, from Hot Spring County Circuit Court. Motion for rule on clerk.

CV-15-433. Barbara Wilson v. Hannah Mills and Doug Martin, Washington County Circuit Court, First Division, from Washington County Circuit Court. Petition for permission to appeal circuit court's order mandating waiver of the petitioner/defendant's patient-physician privilege, alternative a writ of certiorari.

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MOTIONS SUBMITTED

CV-15-437. Freddie Brown v. Niyosha Williams and St. Francis County Circuit Court, from St. Francis County Circuit Court. Petition for writ of certiorari and petition for writ of prohibition.

D-15-450. In Re Brian Wolfman, Arkansas Bar No. 85176. Petition for voluntary surrender of license (resignation).

D-15-451. In Re Grady R. Colvin, Arkansas Bar No. 82035. Petition for voluntary surrender of license (resignation).

D-15-452. In Re Ernest Steve Watson, Arkansas Bar No. 77190. Petition for voluntary surrender of license (resignation).

D-15-454. In Re Shereen Arent, Arkansas Bar No. 85003. Petition for voluntary surrender of license (resignation).

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CASES SUBMITTED

CV-14-1011. Arkansas Department of Veterans Affairs d/b/a Arkansas Veterans Home and Fayetteville Veterans Home v. Darlene Okeke et al., from Pulaski County Circuit Court, Third Division. Orally argued.

CR-13-438. Edward Thompson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-14-5. Stanley Carter v. State of Arkansas, from Crittenden County Circuit Court.

CR-14-760. Susan Houghton v. State of Arkansas, from Johnson County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>