

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 7, 2016

HOWARD W. BRILL, CHIEF JUSTICE

[CV-15-422](#). Marilyn Worsham v. Daryl Bassett, Director of Workforce Services, from the Arkansas Board of Review. Affirmed.

PAUL E. DANIELSON, JUSTICE

[CV-15-179](#). Travis Trammell v. Linda Marlene Wright, from Benton County Circuit Court. Reversed and remanded. Special Justice Chris Gardner concurs. Baker and Hart, JJ., dissent. Wood, J., not participating.

COURTNEY HUDSON GOODSON, JUSTICE

[CV-15-114](#). Ken Blevins v. David Hudson, In His Individual and Official Capacity, and Association of Arkansas Counties, as the Liability Insurer for Sebastian County, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Brill, C.J., and Danielson, J., concur.

ROBIN F. WYNNE, JUSTICE

[CR-14-5](#). Stanley Carter v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Baker, Goodson, and Wood, JJ., concur in part and dissent in part.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

CR-16-74. Calvin Eugene Jackson v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-15-231. Owen Kelly v. Mandy Kelly, from Washington County Circuit Court. Special Justice Chad Atwell and Special Justice Daniel Greenberg agree. Danielson and Goodson, JJ., not participating.

CV-15-428. Joe E. Morgan v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-15-629. GGNSC Holdings, LLC, et al. v. Nellie R. Lamb, by and through Richard Williams, as Guardian of the Estate and Person of Nellie R. Lamb, et al., from Ouachita County Circuit Court. Danielson and Wynne, JJ., would grant.

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

CR-16-142. State of Arkansas v. Ramon Perez, from Lonoke County Circuit Court. Wood, J., would grant.

CR-16-152. David Adam Johnson v. State of Arkansas, from Independence County Circuit Court.

CR-16-63. Kenneth Ray Marshall v. State of Arkansas, from Columbia County Circuit Court. Appellant's motion to substitute counsel and for appointment of new counsel is granted. Jimmy C. Morris, Jr., appointed as counsel for appellant.

CR-16-134. Frank P. Campbell v. State of Arkansas, from Carroll County Circuit Court, Eastern District. Appellant's petition for writ of certiorari to complete the record is moot.

CR-16-224. Eric Lenderman v. State of Arkansas, from Greene County Circuit Court. Appellant's motion for rule on clerk is granted.

CR-16-228. Willie Noble v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion for rule on clerk is granted.

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CV-15-362. Richard H. Ashley and J.D. Ashley, Jr., as Personal Representatives of the Estate of J.D. Ashley, Sr.; Candace Baughman; and the Estate of Charolette Ashley, Deceased v. Todd H. Ashley, from Pulaski County Circuit Court, Sixteenth Division. Motion of Andy Taylor and Tasha Taylor to withdraw as counsel is granted. Special Justice Robert Hudgins agrees. Goodson, J., not participating.

CV-15-362. Richard H. Ashley and J.D. Ashley, Jr., as Personal Representatives of the Estate of J.D. Ashley, Sr.; Candace Baughman; and the Estate of Charolette Ashley, Deceased v. Todd H. Ashley, from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion for sanctions is taken with the case. Special Justice Robert Hudgins agrees. Goodson, J., not participating.

CV-15-362. Richard H. Ashley and J.D. Ashley, Jr., as Personal Representatives of the Estate of J.D. Ashley, Sr.; Candace Baughman; and the Estate of Charolette Ashley, Deceased v. Todd H. Ashley, from Pulaski County Circuit Court, Sixteenth Division. Appellee's combined brief and motion to disqualify is noted. Special Justice Robert Hudgins agrees. Goodson, J., not participating.

CV-15-564. Heather Weisker, as Administrator of the Estate of Edward Randolph (Deceased) v. Harvest Management Sub, LLC, from Benton County Circuit Court. Certification to the Supreme Court is denied. Danielson, J., would grant.

CV-15-595. Randeep S. Mann, M.D. v. Trent Pierce, M.D., et al., from Crittenden County Circuit Court. Appellees' motion to transfer and for oral argument. Motion to transfer is denied. Baker, Goodson, and Hart, JJ., would grant. Motion for oral argument is moot.

CV-15-934. First United Methodist Church of Ozark v. Harness Roofing, Inc., Mid-Continental Restoration Company, Inc., and K&K Electric, Inc., from Franklin County Circuit Court. Notice of settlement and withdrawal of petitions for review is granted.

CV-15-944. Integrated Direct Marketing, LLC v. Drew May and Merkle, Inc., from United States District Court, Eastern District of Virginia. Petitioner's motion to continue oral argument is granted.

CV-15-966. Gerber Products Company v. David Hewett II, Aaron Johnson, James Lane, Ralph Larossa, Jr., and Jerry Osborne, from Sebastian County Circuit Court, Fort Smith District. Motion of Brittany Falkowski to appear pro hac vice is moot. Wood, J., not participating.

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CV-15-966. Gerber Products Company v. David Hewett II, Aaron Johnson, James Lane, Ralph Larossa, Jr., and Jerry Osborne, from Sebastian County Circuit Court, Fort Smith District. Motion for permission to file an amicus curiae brief by Conagra Foods, Inc., in support of appellant's reply brief is denied. Wood, J., not participating.

CV-15-999. Capitol SeniorCare Ventures, LLC; SLC Operations Master Tenant, LLC; Senior Living Communities of Arkansas, LLC; SLC Professionals, LLC f/k/a SLC Professionals of Arkansas, LLC; Senior Vantage Point, LLC; ADDIT, LLC; John W. Dwyer; Capital Funding Group, Inc.; CSCV Holdings, LLC; Arkansas SNF Operations Acquisition, LLC; Arkansas Nursing Home Acquisition, LLC; Premier Health and Rehabilitation, LLC; North Little Rock Holdings, LLC; Steve Hudgens, In His Capacity as Administrator of Premier Health and Rehabilitation, LLC; and John Does 1 through 5 v. The Circuit Court of Pulaski County, Arkansas, and Cindy Clough, Personal Representative of the Estate of Joyce Lee Vinson, Deceased, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to dismiss review of case no. 60CV-13-230 due to lack of jurisdiction is granted. Wood and Wynne, JJ., would take with the case.

CV-16-122. Mountain Pure, LLC D/B/A Mountain Pure Water Company, and John B. Stacks v. Clearwater Holdings, LLC, as Successor in Interest to Simmons First National Bank, from Pulaski County Circuit Court, Seventeenth Division. Petitioners' motion to extend writ of certiorari to complete the record is moot.

[CV-16-205](#). Patricia Garrett v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Appellant's motion for out of time appeal and for rule on clerk is granted. Wood, J., not participating. See **per curiam** this date.

CV-16-233. Truman Arnold Companies v. Miller County Circuit Court and Teresa Jones, from Miller County Circuit Court. Petitioner's petition for writ of prohibition is taken as a case.

CV-16-234. Truman Arnold Companies v. Miller County Circuit Court and Patricia Adams, from Miller County Circuit Court. Petitioner's petition for writ of prohibition is taken as a case.

D-16-251. In Re William T. Finnegan, Arkansas Bar No. 79063, an Original Action. Petition of William T. Finnegan, Arkansas Bar No. 79063, for voluntary surrender of license (resignation) is granted.

D-16-252. In Re Emily Ann Abernathy, Arkansas Bar No. 80028, an Original Action. Petition of Emily Ann Abernathy, Arkansas Bar No. 80028, for voluntary surrender of license (resignation) is granted.

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D-16-253. In Re Michael Edward Harris, Arkansas Bar No. 76168, an Original Action. Petition of Michael Edward Harris, Arkansas Bar No. 76168, for voluntary surrender of license (resignation) is granted.

D-16-254. In Re Bradley Watkins Butler, Arkansas Bar No. 92061, an Original Action. Petition of Bradley Watkins Butler, Arkansas Bar No. 92061, for voluntary surrender of license (resignation) is granted.

D-16-282. In Re Terrance J. Cirocco, Arkansas Bar No. 98229, an Original Action. Petition of Terrance J. Cirocco, Arkansas Bar No. 98229, for voluntary surrender of license (resignation) is granted.

D-16-283. In Re Ivy Glen Lincoln, Arkansas Bar No. 78094, an Original Action. Petition of Ivy Glen Lincoln, Arkansas Bar No. 78094, for voluntary surrender of license (resignation) is granted.

In Re Ninth East Judicial Circuit – Approval for Digital Electronic Record. See [per curiam](#) this date.

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PETITION FOR REHEARING:

CR-15-519. Earl Delmar Pigg v. State of Arkansas, from Crawford County Circuit Court.

PETITIONS FOR REVIEW:

CV-15-431. Stacey McKinney v. Director et al., from the Arkansas Board of Review.

CV-15-836. Eloise Dianne Julian v. Director et al., from the Arkansas Board of Review.

CV-15-877. Platinum Peaks, Inc. v. Shirley Bradford, from Van Buren County Circuit Court.

CV-15-935. Stephens Production Company v. Kathy Bennett, Franklin County Assessor; Sylvia Knoles, Franklin County Collector; and Franklin County, Arkansas, from Franklin County Circuit Court, Northern District.

CV-15-936. Christine Stamps v. Teneshia Brown-Epps, from Lee County Circuit Court.

CV-15-956. Michelle Treat, Executrix of the Estate of Freddie E. Hyde, Deceased v. Jerry Hyde, from White County Circuit Court.

CV-15-964. Richard J. Orintas and M. Melanie Orintas v. Point Lookout Property Owners Association Board of Directors, from Garland County Circuit Court.

CV-16-62. Billy J. Osier v. Director et al., from the Arkansas Board of Review.

CV-16-202. Kristin Bell v. Arkansas Department of Human Services and A.M., Minor Child, from Yell County Circuit Court, Southern District.

CR-16-7. Timothy Lamont Howard v. State of Arkansas, from Little River County Circuit Court. Appellant's motion for waiver of page limit.

CV-15-603. Markita Bell v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District. Appellant's petition for writ of certiorari to complete the record and to set briefing schedule.

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CV-15-999. Capitol SeniorCare Ventures, LLC; SLC Operations Master Tenant, LLC; Senior Living Communities of Arkansas, LLC; SLC Professionals, LLC f/k/a SLC Professionals of Arkansas, LLC; Senior Vantage Point, LLC; ADDIT, LLC; John W. Dwyer; Capital Funding Group, Inc.; CSCV Holdings, LLC; Arkansas SNF Operations Acquisition, LLC; Arkansas Nursing Home Acquisition, LLC; Premier Health and Rehabilitation, LLC; North Little Rock Holdings, LLC; Steve Hudgens, In His Capacity as Administrator of Premier Health and Rehabilitation, LLC; and John Does 1 through 5 v. The Circuit Court of Pulaski County, Arkansas, and Cindy Clough, Personal Representative of the Estate of Joyce Lee Vinson, Deceased, from Pulaski County Circuit Court, Sixth Division. Petitioners' motion to supplement the record.

CV-16-211. M&M Environmental Oil Services, LLC, Samuel McFadin, McFadin Global, Inc., and McFadin Auto Sales, Inc. v. Omega Capital Fund I, L.P., from Faulkner County Circuit Court. Appellants' motion for substitution of counsel.

CV-16-261. Charles Ray Lenhart v. In the Matter of the Estate of Paul E. Lenhart, Deceased, Virginia McNeese, and Bill Lenhart, as Personal Representatives, from Pope County Circuit Court. Appellant's motion for writ of certiorari to June Stuart, court reporter, Fifth Judicial District, Division II to complete the record.

CV-16-269. Arkansas Department of Human Services/Division of Youth Services v. State of Arkansas, Stephanie Daniels, and J.D., Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's petition for writ of certiorari to complete the record and to set briefing schedule.

CV-16-270. Arkansas Department of Human Services/Division of Youth Services v. State of Arkansas and J.J., Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's petition for writ of certiorari to complete the record and to set briefing schedule.

CV-16-271. Arkansas Department of Human Services/Division of Youth Services v. State of Arkansas, Linda Goodman, and E.W., Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's petition for writ of certiorari to complete the record and to set briefing schedule.

D-16-291. In Re Pamela Dunn Connolly, Arkansas Bar No. 96212, an Original Action. Petition of Pamela Dunn Connolly, Arkansas Bar No. 96212, for voluntary surrender of license (resignation).

D-16-292. In Re Bruce H. Trammell, Arkansas Bar No. 89054, an Original Action. Petition of Bruce H. Trammell, Arkansas Bar No. 89054, for voluntary surrender of license (resignation).

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D-16-293. In Re Paul L. Giuffre, Arkansas Bar No. 62009, an Original Action. Petition of Paul L. Giuffre, Arkansas Bar No. 62009, for voluntary surrender of license (resignation).

D-16-294. In Re Edward Jay Bisno, Arkansas Bar No. 82017, an Original Action. Petition of Edward Jay Bisno, Arkansas Bar No. 82017, for voluntary surrender of license (resignation).

D-16-295. In Re Gary J. Heinen, Arkansas Bar No. 2007117, an Original Action. Petition of Gary J. Heinen, Arkansas Bar No. 2007117, for voluntary surrender of license (resignation).

D-16-296. In Re Terry Jean Seligmann, Arkansas Bar No. 98045, an Original Action. Petition of Terry Jean Seligmann, Arkansas Bar No. 98045, for voluntary surrender of license (resignation).

D-16-297. In Re Heather Bilderback, Arkansas Bar No. 2003054, an Original Action. Petition of Heather Bilderback, Arkansas Bar No. 2003054, for voluntary surrender of license (resignation).

D-16-301. Stark Ligon, Executive Director, Arkansas Supreme Court Committee on Professional Conduct v. Teresa Lynette Bloodman, Arkansas Bar No. 2005055, an Original Action. Petition for disbarment for appointment of special judge.

CR-15-274. Jonathan Berks v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se motion for extension of brief time.

CR-15-928. Kenneth Tucker v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion to dismiss appeal.

CR-15-976. Eric C. Burgie v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se motion for belated appeal.

CV-15-958. Kenny Halfacre v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Pro se appeal from denial of petition to proceed in forma pauperis.

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CASES SUBMITTED

CR-15-613. Michael Burgess v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CV-15-362. Richard H. Ashley and J.D. Ashley, Jr., as Personal Representatives of the Estate of J.D. Ashley, Sr.; Candace Baughman; and the Estate of Charolette Ashley, Deceased v. Todd H. Ashley, from Pulaski County Circuit Court, Sixteenth Division.

CV-15-804. Columbia Insurance Group, Inc., and Columbia Mutual Insurance Company, Inc. v. Cenark Project Management Services, Inc., et al., from United States District Court, Eastern District of Arkansas, Western Division.

CV-15-828. Arkansas State Police and Bill Sadler, Public Information Officer v. Daniel E. Wren, from Pulaski County Circuit Court, Sixteenth Division.

CR-15-996. Lester Lee Hendrix v. State of Arkansas, from Faulkner County Circuit Court.

CV-15-345. Romario V. Waller v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CV-15-1063. Derrick L. Booth v. Wendy Kelley, Director, Arkansas Department of Correction, from Chicot County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>