

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF APRIL 28, 2016**

**HOWARD W. BRILL, CHIEF JUSTICE**

[CV-15-557](#). George M. Stokes, Sr. v. Mason F. Stokes, from Chicot County Circuit Court. Affirmed in part; reversed in part. Danielson and Wood, JJ., concur in part; dissent in part. Hart, J., dissents.

**COURTNEY HUDSON GOODSON, JUSTICE**

[CV-15-804](#). Columbia Insurance Group, Inc., and Columbia Mutual Insurance Company, Inc. v. Cenark Project Management Services, Inc.; Arkansas Infrastructure, Inc.; David Barron; Michael Collings; Janice Collings; Kim Collings; Debra Collings; Kenneth Winberg; Marianne Winberg; Guy Collings; Catherine Collings; William Miles; Kay Miles; and K. George Collings, from the United States District Court for the Eastern District of Arkansas, Western Division. Certified questions moot. Danielson and Hart, JJ., dissent.

**ROBIN F. WYNNE, JUSTICE**

[CV-15-828](#). Arkansas State Police and Bill Sadler, In His Official Capacity as Custodian of Records for the Arkansas State Police v. Daniel E. Wren, from Pulaski County Circuit Court, Sixteenth Division. Affirmed. Baker and Goodson, JJ., dissent.

**PER CURIAM OPINION**

[CR-15-975](#). Roy Lee Russell v. State of Arkansas, from Desha County Circuit Court. Affirmed.

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**PER CURIAM ORDERS**

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

CV-15-850. Christopher Foster v. Leah Foster, from Garland County Circuit Court.

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

CV-15-839. Joni R. Collins v. Mitchell L. Collins, from Faulkner County Circuit Court.

CV-15-840. Joni R. Collins v. Mitchell L. Collins, from Faulkner County Circuit Court.

CV-15-843. William L. Bateman v. Lillian C. Heird, from Jefferson County Circuit Court.  
Wynne, J., not participating.

CV-15-863. Ashely Newby v. David Newby, from Benton County Circuit Court.  
Goodson, J., not participating.

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CV-15-107. Bank of the Ozarks, Inc., and Bank of the Ozarks v. Robert Walker, Ann B. Hines, and Judith Belk, from Lonoke County Circuit Court. Appellants' motion to stay mandate pending petition for writ of certiorari to the United States Supreme Court is denied. Special Justice Walter Cox agrees. Goodson and Wynne, JJ., would grant. Wood, J., not participating.

CV-15-198. SEECO, Inc. n/k/a SWN Production (Arkansas), Inc.; DeSoto Gathering Company, LLC; and Southwestern Midstream Services Company v. Sara Stewmon et al., from St. Francis County Circuit Court. Appellants' motion to supplement the record is granted. Special Justices Bob Estes, Scott Willhite, and Scott Richardson agree. Danielson, Baker, and Goodson, JJ., not participating.

CV-15-198. SEECO, Inc. n/k/a SWN Production (Arkansas), Inc.; DeSoto Gathering Company, LLC; and Southwestern Midstream Services Company v. Sara Stewmon et al., from St. Francis County Circuit Court. Plaintiff/Appellees' status report is noted. Special Justices Bob Estes, Scott Willhite, and Scott Richardson agree. Danielson, Baker, and Goodson, JJ., not participating.

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CV-15-900. United Food and Commercial Workers International Union, Organization United for Respect at Walmart (Our Walmart), and John 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. Motion of George Wiszynski to appear pro hac vice is granted.

CV-15-900. United Food and Commercial Workers International Union, Organization United for Respect at Walmart (Our Walmart), and John 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. Motion of Douglas D. Janicik to appear pro hac vice is granted.

CV-15-900. United Food and Commercial Workers International Union, Organization United for Respect at Walmart (Our Walmart), and John 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. Motion of Steven D. Wheelless to appear pro hac vice is granted.

CV-16-11. Jo Ellen Serio and Stan Serio v. Copeland Holdings, LLC; Phyllis Fitzgerald; Phil Hoggard; Emerald Realty Holding, Inc. d/b/a Re/Max Advantage Realtors of Searcy, from Cleburne County Circuit Court. Appellants' motion to transfer to the Arkansas Supreme Court is denied.

CV-16-249. Hiawatha J. Covington v. United States of America, Rural Housing Service, from Hempstead County Circuit Court. Petitioner's motion to be declared indigent is denied.

CV-16-303. Amber Kimble Shields v. Mitchell Kimble, from Randolph County Circuit Court. Appellant's motion for rule on clerk pursuant to Rule 2.2 is denied. Hart, J., would grant.

CV-16-307. Essie May Nichols v. Woodruff County Election Commissioners, Bobby Bowen, In His Capacity as an Election Commissioner; Ralph Myers, In His Capacity as an Election Commissioner; Kelly Peebles, In Her Capacity as Woodruff County Clerk; Wesley Carter; William Burl Simmons; and Motten Watson; from Woodruff County Circuit Court. Appellant's motion for rule on the clerk is denied. Brill, C.J., and Hart, J., would grant.

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[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. Motion for appointment of special judge. Special judge appointed. Wood, J., not participating. See **per curiam** this date.

D-16-323. In Re Edwin B. Cantrell III, Arkansas Bar No. 79030, an Original Action. Petition of Edwin B. Cantrell III, Arkansas Bar No. 79030, for voluntary surrender of license (resignation) is granted.

D-16-324. In Re Kasey Lowe McCall-Smith, Arkansas Bar No. 2001207, an Original Action. Petition of Kasey Lowe McCall-Smith, Arkansas Bar No. 2001207, for voluntary surrender of license (resignation) is granted.

D-16-325. In Re Robert M. Nutt, Arkansas Bar No. 62035, an Original Action. Petition of Robert M. Nutt, Arkansas Bar No. 62035, for voluntary surrender of license (resignation) is granted.

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[CR-10-980](#). Robert Joseph Moten v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis; pro se motion for permission to file a response to the State's response. Petition dismissed; motion moot. See **per curiam** this date.

CR-15-817. Troy Laurence McCulley v. State of Arkansas, from Poinsett County Circuit Court. Appellant's pro se motion for extension of time to file brief in pro se appeal of order denying Rule 37.1 petition. Motion granted; brief and return copy of the record due thirty days from the date of this order.

[CR-16-203](#). Curtis Lamont Horton v. State of Arkansas, from Saline County Circuit Court. Petitioner's pro se motion for belated appeal is granted. See **per curiam** this date.

[CR-16-231](#). Willie James Smith v. State of Arkansas, from Ashley County Circuit Court. Petitioner's pro se motion for rule on clerk is denied. See **per curiam** this date.

In re Suspension of attorneys who failed to pay 2016 annual attorney-license fee. See [per curiam](#) this date.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-16-59. Eric C. Burgie v. State of Arkansas, from Garland County Circuit Court.

CV-15-114. Ken Blevins v. David Hudson et al., from Sebastian County Circuit Court, Fort Smith District.

CV-15-894. Hammerhead Contracting & Development, LLC, and Brandon Holmes v. Dale Ladd, from Independence County Circuit Court.

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PETITIONS FOR REVIEW:

CR-16-250. Nathan Inskeep v. State of Arkansas, from Greene County Circuit Court.

CR-16-278. Mack Hinson v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CV-15-860. Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court.

CV-15-876. Elizabeth James v. Butch Lee Walchli, from Sebastian County Circuit Court, Greenwood District.

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CR-16-300. Gregory Aaron Kinsey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for rule on clerk.

CV-15-966. Gerber Products Company d/b/a Nestle' Infant Nutrition, d/b/a Nestle' Nutrition USA, d/b/a Nestle' Nutrition USA – Infant Nutrition, d/b/a Nestle' Nutrition USA – Performance Nutrition, and Patrick Murray v. David Hewett II, Aaron Johnson, James Lane, Ralph Larossa, Jr., and Jerry Osborne, from Sebastian County Circuit Court, Fort Smith District. Appellees' motion for Rule 11 sanctions against Conagra Foods, Inc.

CV-16-21. Susannah Baxter v. John Wing, Lanie Martin, and Stephen Wing, from Benton County Circuit Court. Motion for rule on clerk resubmitted on order post remand.

CV-16-114. Priscilla Ponder v. Arkansas Department of Human Services and A.P., E.P., and J.P., Minor Children, from Union County Circuit Court. Appellees' joint motion for supplemental briefing.

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**MOTIONS SUBMITTED**

CV-16-114. Priscilla Ponder v. Arkansas Department of Human Services and A.P., E.P., and J.P., Minor Children, from Union County Circuit Court. Appellant's motion to disregard joint appellees' documents that were tendered, but not filed, by the Supreme Court Clerk's office.

CV-16-321. Patrick Sherman v. Arkansas Department of Human Services and Z.S., Minor Child, from Grant County Circuit Court. Motion to dismiss appeal.

D-16-334. In Re Eva S. Blackshear, Arkansas Bar No. 81177, an Original Action. Petition of Eva S. Blackshear, Arkansas Bar No. 81177, for voluntary surrender of license (resignation).

D-16-339. In Re Ronald D. Young, Arkansas Bar No. 74195, an Original Action. Petition of Ronald D. Young, Arkansas Bar No. 74195, for voluntary surrender of license (resignation).

D-16-341. In Re Edwin Prud'homme, Arkansas Bar No. 79184, an Original Action. Petition of Edwin Prud'homme, Arkansas Bar No. 79184, for voluntary surrender of license (resignation).

D-16-342. In Re Susan Hammons Oswald, Arkansas Bar No. 92153, an Original Action. Petition of Susan Hammons Oswald, Arkansas Bar No. 92153 , for voluntary surrender of license (resignation).

D-16-343. In Re Robert Hayes Johnson, Jr., Arkansas Bar No. 98230, an Original Action. Petition of Robert Hayes Johnson, Jr., Arkansas Bar No. 98230, for voluntary surrender of license (resignation).

D-16-345. In Re Stephen Mark Morris, Arkansas Bar No. 2007116, an Original Action. Petition of Stephen Mark Morris, Arkansas Bar No. 2007116, for voluntary surrender of license (resignation).

D-16-346. In Re Sarah M. Leflar, Arkansas Bar No. 93149, an Original Action. Petition of Sarah M. Leflar, Arkansas Bar No. 93149, for voluntary surrender of license (resignation).

D-16-347. In Re James Martin Bass, Arkansas Bar No. 74160, an Original Action. Petition of James Martin Bass, Arkansas Bar No. 74160, for voluntary surrender of license (resignation).

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**MOTIONS SUBMITTED**

D-16-354. In Re Michael K. Redd, Arkansas Bar No. 87141, an Original Action. Petition of Michael K. Redd, Arkansas Bar No. 87141, for voluntary surrender of license.

D-16-355. In Re Carol S. Arnold, Arkansas Bar No. 81005, an Original Action. Petition of Carol S. Arnold, Arkansas Bar No. 81005, for voluntary surrender of license (resignation).

D-16-356. In Re Cassady V. Brewer, Arkansas Bar No. 86027, an Original Action. Petition of Cassady V. Brewer, Arkansas Bar No. 86027, for voluntary surrender of license (resignation).

D-16-357. In Re Kacey L. Wall, Arkansas Bar No. 2001226, an Original Action. Petition of Kacey L. Wall, Arkansas Bar No. 2001226, for voluntary surrender of license (resignation).

D-16-358. In Re Paul Kennison Lancaster, Arkansas Bar No. 79117, an Original Action. Petition of Paul Kennison Lancaster, Arkansas Bar No. 79117, for voluntary surrender of license (resignation).

D-16-359. In Re Melissa Igdaloff Attar, Arkansas Bar No. 98249, an Original Action. Petition of Melissa Igdaloff Attar, Arkansas Bar No. 98249, for voluntary surrender of license (resignation).

D-16-360. In Re Candy R. Johnson, Arkansas Bar No. 98144, an Original Action. Petition of Candy R. Johnson, Arkansas Bar No. 98144, for voluntary surrender of license (resignation).

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CR-02-228. James E. Smith v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis; pro se motion for appointment of counsel.

CR-15-237. Terry Lee Ward v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motions for extension of time and for transcript and affidavit in support.

CR-15-492. Deontae Fulton v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion for transcript at public expense.

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**MOTIONS SUBMITTED**

CR-16-169. Donnie Ray Slater v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Appellant's pro se motion for extension of time in pro se appeal of order denying Rule 37.1 petition.

CR-16-275. Claude Smith v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for belated appeal of order.

CV-15-969. Gary Fuller v. State of Arkansas, from Lincoln County Circuit Court. Appellee's motion to dismiss appeal.



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**CASES SUBMITTED**

CR-15-825. Robert Friar v. State of Arkansas, from Jackson County Circuit Court. Orally argued.

CV-15-799. Larry W. Walther, Director, Arkansas Department of Finance and Administration, et al. v. Carrothers Construction Company of Arkansas, LLC, from Pulaski County Circuit Court, Fifth Division.

CV-15-965. Chris Taffner and Anita Taffner v. Arkansas Department of Human Services and B.T., A.T., K.T., N.T., and J.T., Minor Children, from Washington County Circuit Court.