

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 5, 2016**

**KAREN R. BAKER, JUSTICE**

[CV-15-745](#). Timothy Whaley v. Pam and Don Beckham, from Lonoke County Circuit Court. Affirmed; court of appeals' opinion vacated. Hart, J., dissents.

**COURTNEY HUDSON GOODSON, JUSTICE**

[CV-15-816](#). Jessie Hill v. Richard H. Gallagher, Custodian of Records, from Jefferson County Circuit Court. Reversed and remanded. Baker and Hart, JJ., concur.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 5, 2016**

**PER CURIAM ORDERS**

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

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. Goodson, Wood, and Wynne, JJ., would grant.

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

CR-16-250. Nathan Inskeep v. State of Arkansas, from Greene County Circuit Court. Baker and Wynne, JJ., would grant.

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

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

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CV-15-958. Kenny Halfacre v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Cindy Glover, Circuit Clerk of Lincoln County, is ordered to appear and show cause before the Supreme Court at 9:00a.m. today.

CR-15-890. State of Arkansas v. Walter Cecil Gray, from Washington County Circuit Court. Appellee's pro se motion to file belated brief is denied.

CR-15-890. State of Arkansas v. Walter Cecil Gray, from Washington County Circuit Court. Motion of Chad L. Atwell to file belated brief on behalf of the appellee is granted.

CR-15-890. State of Arkansas v. Walter Cecil Gray, from Washington County Circuit Court. Motion of Chad L. Atwell to withdraw as counsel is denied.

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 is denied. Danielson, J., would grant.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 5, 2016**

**PER CURIAM ORDERS**

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., is denied.

CV-16-21. Susannah Baxter v. John Wing, Lanie Martin, and Stephen Wing, from Benton County Circuit Court. Resubmission of motion for rule on clerk is granted.

CV-16-113. Theresa Marshall v. Deutsche Bank National Trust Company, as Trustee for Vendee Mortgage Trust 1993-1, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion for extension of time, motion for reconsideration for cost of transcript and record/circuit. Motion to proceed in forma pauperis was improvidently granted.

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 is granted.

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 is taken with the case.

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

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) is granted.

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) is granted.

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) is granted.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 5, 2016**

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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) is granted.

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) is granted.

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) is granted.

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) is granted.

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) is granted.

[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 is granted. See **per curiam** this date.

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) is granted.

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) is granted.

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) is granted.

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) is granted.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 5, 2016**

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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) is granted.

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) is granted.

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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. Petition denied; motion moot. See **per curiam** this date.

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. Pro se motion for extension of time denied; appeal dismissed; motion for transcript moot.

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 is denied.

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. Motion for extension of time to file appellant's brief granted; brief due forty days from the date of this per curiam order.

[CR-16-275](#). Claude Smith v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for belated appeal of order. Motion dismissed. See **per curiam** this date.

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

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**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 5, 2016**

**MOTIONS SUBMITTED**

PETITIONS FOR REVIEW:

CV-15-861. SEECO, Inc.; Joyce Walls; and Jack G. Walls and Joyce J. Walls as Co-Trustees of the Jack G. Walls and Joyce J. Walls Revocable Trust v. Carver L. Holden; Chesapeake Operating, Inc.; Chesapeake Exploration, Limited Partnership; Chesapeake Exploration, LLC; Chesapeake Investments; BP America Production Company; BHP Billiton Petroleum (Fayetteville), LLC; and Riverbend Exploration and Production, LLC, from White County Circuit Court.

CV-15-1045. Antonio Martini v. Christopher Price, from Faulkner County Circuit Court.

CV-16-221. Susan Hill v. Tabitha Marshall Powell, from Lonoke County Circuit Court.

CV-16-302. Sarha Jane Sisemore and Jarid Sisemore v. Arkansas Department of Human Services and H.S., Minor Child, from Madison County Circuit Court.

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CR-15-1067. Jeremy Edward Whalen v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Bell Island for admission pro hac vice.

CR-16-329. James Bynum v. State of Arkansas, from Scott County Circuit Court. Appellant's motion for rule on clerk.

CR-16-344. Terrance Washington v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk.

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 Joey J. Hipolito to appear pro hac vice.

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. Appellant's unopposed motion to reschedule oral argument.

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**PROCEEDINGS OF MAY 5, 2016**

**MOTIONS SUBMITTED**

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 for reconsideration.

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' notice of bankruptcy filing.

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. Motion of Frederick S. Wetzel III, Trustee, for leave to intervene.

CV-16-361. Carl Jason Jackson v. Arkansas Department of Human Services and C.J., Minor Child, from Conway County Circuit Court. Appellant's motion for rule on clerk.

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CR-94-1016. Clarence James Ashby v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se petition to reinvest jurisdiction in circuit court to consider a petition for error coram nobis and motion to grant petition.

CR-03-1181. Abraham Grant v. State of Arkansas, from Phillips County Circuit Court. Petitioner's sixth pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-15-885. Jon Mills v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to dismiss.

CR-15-968. Willie James Smith v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion to dismiss.

CR-15-1029. Xavier Thomas v. State of Arkansas, from Jefferson County Circuit Court. Appellee's motion to dismiss.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 5, 2016**

**MOTIONS SUBMITTED**

CR-16-266. Rashune Leon Raglon v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se motion for belated appeal.

CR-16-280. Brian Joseph Woodall v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's pro se motion for belated appeal.



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**PROCEEDINGS OF MAY 5, 2016**

**CASES SUBMITTED**

CV-16-85. Michael Landers et al. v. Gail H. Stone, Executive Director, Arkansas Judicial Retirement System, from Pulaski County Circuit Court, Second Division. Orally argued.

CR-07-1155. Steven Victor Wertz v. State of Arkansas, from Sharp County Circuit Court.

CR-15-819. Edward Joseph Reynolds v. State of Arkansas, from Grant County Circuit Court.

CV-15-912. Convent Corporation v. City of North Little Rock et al., from Pulaski County Circuit Court, Twelfth Division.

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CV-16-121. Roy Lee Russell v. Wendy Kelley, Director, Arkansas Department of Correction, from Chicot County Circuit Court.