

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 20, 2019

KAREN R. BAKER, JUSTICE

[CV-18-684](#). Steven L. McArthur v. State of Arkansas, from Lee County Circuit Court. Appellant's pro se motion for default judgment. Affirmed; motion denied. Hart, J., dissents.

COURTNEY HUDSON GOODSON, JUSTICE

[CV-18-351](#). City of Fort Smith, a Municipal Corporation; Keith Lau, in His Official Capacity as a City Director of the City of Fort Smith; Mike Lorenz, in His Official Capacity as a City Director of the City of Fort Smith; and Andre Good, in His Official Capacity as a City Director of the City of Fort Smith v. Bruce Wade, from Sebastian County Circuit Court, Fort Smith District. Reversed and remanded. Hart, Wood, Wynne, and Womack, JJ., concur in part and dissent in part.

ROBIN F. WYNNE, JUSTICE

[CV-18-136](#). Arkansas Game and Fish Commission and Jeff Crow, as Director of the Arkansas Game and Fish Commission v. Greg Heslep and Keith Heslep, from Pulaski County Circuit Court, Second Division. Affirmed in part; reversed in part and remanded. Special Justice Doug Schrantz joins in this opinion. Baker, J., dissents. Goodson, J., not participating.

[CV-18-623](#). Kevin Hackie v. Colonel William J. Bryant, in His Official Capacity as the Director of the Arkansas State Police, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded on direct appeal; cross-appeal dismissed as moot. Baker, J., dissents.

[CV-19-40](#). Eric Johnson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file supplemental addendum and substituted brief; motion for copy of record at public expense; motion for rule on clerk; motion to file substituted brief and supplemental addendum and request to withdraw pending motions. Appeal dismissed; motions moot. Hart, J., dissents.

SHAWN A. WOMACK, JUSTICE

[CV-18-813](#). Meranda Martin, Successor Special Administratrix of the Estate of Virgil Brown, Jr., Deceased v. Dr. Leslie Smith, from Pulaski County Circuit Court, Seventeenth Division. Affirmed; court of appeals opinion vacated. Hart and Wynne, JJ., dissent.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CR-18-366. Quenton Edward King v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Hart, J., would grant.

REVIEWS GRANTED: Petitions for review were granted today in the following cases.

CR-18-750. Roy Treat v. State of Arkansas, from White County Circuit Court. Wood and Womack, JJ., would deny.

CV-17-862. J. David John v. Martin T. Faitak, PhD, from Washington County Circuit Court. Kemp, C.J., and Wood and Womack, JJ., would deny.

CV-18-594. Lakshiminarayana Chekuri v. Madhuri Nekkalapudi, from Pulaski County Circuit Court, Fifteenth Division. Kemp, C.J., and Wood and Womack, JJ., would deny.

CV-18-1024. Minor Children v. Arkansas Department of Human Services and Jacklyn Gabbard, from Perry County Circuit Court. Wood and Womack, JJ., would deny.

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

CR-18-648. James Pafford v. State of Arkansas, from Hempstead County Circuit Court. Kemp, C.J., not participating.

CR-18-738. Jay Richard Keyes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

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REVIEWS DENIED: (continued)

CV-17-827. Jim R. Nash v. Norma Nash, Individually and as Trustee of the Norma F. Nash Living Trust; John Nash, Jr., Individually and for Norma Nash, Deceased, as Co-trustee of the Norma F. Nash Living Trust, and as Co-administrator of the Norma Nash Estate; Pam Nash Glover, Individually and for Norma Nash, Deceased, as Co-trustee of the Norma F. Nash Living Trust, and as Co-administrator of the Norma Nash Estate; Susan Nash Lyle, Individually and for Norma Nash, Deceased; Perry Nash, Individually and for Norma Nash, Deceased; and Gaylen McClanahan, from Pulaski County Circuit Court, Second Division. Appellant's petition and amended petition for review. Hart, J., would dismiss as moot the petition for review.

CV-18-32. (In the Matter of the Estate of Elza Clifton Bond, Jr., Deceased) Charlotte Marcum; Luellen Holmes; Robert W. Snow, Jr.; and Vicki Gottsponer v. Barbara Gibson, from Drew County Circuit Court.

CV-18-490. Charles Fisher, Individually and as Administrator of the Estate of Wanda Faye Boling-Fisher v. Eric Boling, and Eric Boling and Wilma Leola East as Co-successor Trustees of the H.E. Boling Testamentary Trust, from Mississippi County Circuit Court, Chickasawba District.

CV-18-688. Jill Grimsley v. Pine Drewyor, from Benton County Circuit Court. Goodson, J., not participating.

CV-18-735. Julian Gifford v. Darrell McGee, from Mississippi County Circuit Court, Chickasawba District. Wood, J., would grant.

CV-18-744. Kevin Garrett, as Executor of the Estate of Lottie White, Deceased v. Progressive Eldercare Services – Saline, Inc., d/b/a Heartland Rehabilitation and Care Center; Progressive Eldercare Services, Inc.; Procure Therapy Services, LLC; JEJ Investments, LLC; Ponthie Holdings, LLC; Southern Administrative Services, LLC; Careplus Staffing Services, LLC; John Ponthie; Ross Ponthie; Mark Thompson; and Ernest Johnson, in His Capacity as Administrator of Heartland Rehabilitation and Care Center, from Saline County Circuit Court. Hart, J., would grant.

CV-18-811. Patrick R. Briney and Colleen M. Briney v. Michael Bauer, from Washington County Circuit Court.

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REVIEWS DENIED: (continued)

CV-18-987. Philip Hopfner and Robin Hopfner v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Hart, J., would grant.

CV-19-27. Wilburn “Will” Heath v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court.

CR-18-366. Quenton Edward King v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant’s motion for stay of mandate in order to petition for writ of certiorari is denied. Goodson, Hart, and Wynne, JJ., would grant.

CR-18-900. Corey D. Perkins v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant’s pro se motion for leave to supplement record on appeal is denied. Hart, J., would transfer to the Court of Appeals.

CR-18-900. Corey D. Perkins v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant’s pro se motion for leave to file supplemental brief on appeal is denied. Hart, J., would transfer to the Court of Appeals.

CR-19-377. James Derrick Grubbs v. State of Arkansas, from White County Circuit Court. Motion of Ellen Reif to withdraw as attorney on direct appeal and motion for extension of time is granted.

CR-19-400. Michael Smith v. Circuit Court of Searcy County, from Searcy County Circuit Court. Petitioner’s petition for writ of certiorari is denied. Hart and Wynne, JJ., would take as a case.

CR-19-493. George Burns v. State of Arkansas, from Little River County Circuit Court. Petitioner’s petition for writ of certiorari to review denial of appeal bond and motion for accelerated consideration of petition for writ of certiorari. Motion for accelerated consideration is granted; petition for writ of certiorari to review denial of appeal bond is denied. Hart, J., would grant the petition for writ of certiorari and remand to the circuit court to set a reasonable appeal bond. (Proceedings of June 19, 2019)

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CV-18-668. Hotels.com, L.P.; Hotwire, Inc.; Trip Network, Inc., d/b/a Cheaptickets.com; Expedia, Inc.; Internetwork Publishing Corp. d/b/a Lodging.com; Orbitz, LLC; Priceline.com, Incorporated n/k/a Booking Holdings, Inc.; Priceline.com, LLC; Travelocity.com, L.P., n/k/a TVL, L.P.; Travelweb, LLC; and Site59.com, LLC v. Pine Bluff Advertising and Promotion Commission; Jefferson City, Arkansas; City of North Little Rock, Arkansas; and All Others Similarly Situated, from Jefferson County Circuit Court. Appellants' motion to take judicial notice of recent legislative enactment is noted. Kemp, C.J., and Hart, J., would grant.

CV-19-151. BHC Pinnacle Pointe Hospital, LLC v. Debra Nelson and Henry Anderson, Jr., Individually and on Behalf of all Others Similarly Situated, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to certify appeal to the Arkansas Supreme Court is granted. Wood, J., not participating.

CV-19-255. City of Fort Smith, Arkansas v. Jennifer Merriott, Individually and on Behalf of Those Similarly Situated, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion for reconsideration of ruling on motion to dismiss is denied. Wood, J., would grant.

CV-19-417. Theresa Marshall v. Deutsche Bank National Trust Company, as Trustee for Vendee Mortgage 1993-1, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se certiorari to complete the record and motion for rule on clerk is denied.

CV-19-423. (In the Matter of the Guardianship of D.R.P. and D.R.P. III, Minors) Katie Lockheart Phillips and Lien Phan v. Michelle Davis, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss appeal is granted.

CV-19-425. (In the Matter of the Estate of Jo Ann Yancey, Deceased) Dena Yancey v. Hon. David Goodson, Administrator of the Estate of Jo Ann Yancey, Deceased, from Pulaski County Circuit Court, Ninth Division. Appellant's motion for rule on clerk is denied.

D-19-447. In Re Robert R. Keegan, Arkansas Bar No. 73064, an Original Action. Petition of Robert R. Keegan, Arkansas Bar No. 73064, for voluntary surrender of license (resignation) is granted.

D-19-448. In Re Leon Marks, Arkansas Bar No. 76175, an Original Action. Petition of Leon Marks, Arkansas Bar No. 76175, for voluntary surrender of license (resignation) is granted. Wood and Wynne, JJ., would deny.

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In Re Updated List of Attorneys Suspended for Failure to Pay 2019 Annual Attorney-License Fee. See [per curiam](#) this date.

In Re Arkansas Supreme Court Committee on Civil Practice. See [per curiam](#) this date.

H. David Blair, Esq., of Batesville is reappointed to the Committee on Civil Practice for a term to expire on July 31, 2022. The court thanks Mr. Blair for his continued service as the Chair of the Committee.

In Re Client Security Fund Committee. See [per curiam](#) this date.

Jenny Massanelli, Esq., of Little Rock is reappointed to the Client Security Fund Committee in the at-large position for a term expiring on July 31, 2023.

Bill Bristow, Esq., of Jonesboro, First Congressional District, is reappointed to the Client Security Fund Committee for a term expiring on July 31, 2024.

The Court thanks Ms. Massanelli and Mr. Bristow for their continued service on this important committee.