

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JANUARY 14, 2021**

**PER CURIAM ORDERS**

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

CV-20-26. Wendell Rogers v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Wood and Womack, JJ., would grant.

CV-20-278. Lee Charles Millsap v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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CR-19-732. Gregory J. Martin v. State of Arkansas, from Miller County Circuit Court. Appellant's petition for writ of certiorari to complete the record is granted.

CR-19-732. Gregory J. Martin v. State of Arkansas, from Miller County Circuit Court. Motion of Craig Lambert to substitute counsel for appellant is granted.

CR-20-505. Clarence Eugene Turnbo v. State of Arkansas, from Pulaski County Circuit Court, First Division. Certification to the Supreme Court is granted.

CR-20-583. State of Arkansas v. Matthew Joseph Kirchner, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to dismiss appeal taken with the case.

CR-20-632. State of Arkansas v. Napoleon Haire, Brandi Purtle, and Gabrielle Hill, from Pulaski County Circuit Court, Fifth Division. Petitioner's emergency petition for writ of mandamus, writ of prohibition, writ of certiorari, or supervisory writ, and request for expedited consideration. Expedited consideration denied; petition granted. Kemp, C.J., and Wynne, J., would deny.

CR-20-681. Terrence T. Hughes, Jr. v. State of Arkansas, from Hot Spring County Circuit Court. Petitioner's petition for writ of certiorari or, alternatively, for writ of habeas corpus is moot.

CV-20-146. Romario Waller v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion for reconsideration is denied.

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CV-20-164. Michael McCarty; Perry Galloway; Matt Smith; Greg Hart; Ross Bell; and Becton Bell v. Arkansas State Plant Board and Terry Walker, in His Official Capacity as Director of the State Plant Board, from Pulaski County Circuit Court, Sixth Division. Appellees’ motion to continue oral argument setting is granted. (Proceedings of January 5, 2021)

CV-20-173. Monsanto Company v. Arkansas State Plant Board; and Arkansas State Plant Board Members in Their Official Capacities: Walter “Bruce” Alford, Kyle Baltz, Russell Black, Russell Bragg, Robert Campbell, Dr. Rick Cartwright, Marty Eaton, Danny Finch, Barry Walls, Terry Fuller, Greg Hay, Otis Howe, Jerry Hyde, Larry Jayroe, Thomas Post, Dr. Craig Rothrock, Dennie Stokes, and Matthew Marsh, from Pulaski County Circuit Court, Second Division. Appellees’ motion to continue oral argument setting is granted. (Proceedings of January 5, 2021)

CV-20-421. Sherry Tomey, Guardian of the Estate of Novalene Kent, a Minor v. Southern Farm Bureau Casualty Insurance Company; Regina Mobley; and John Does 1–5, an Original Action. Motion of Arkansas Trial Lawyers Association to file brief amicus curiae is granted.

CV-20-470. Arkansas Wins in 2020, Inc. v. John Thurston, in His Official Capacity as Secretary of State and in His Official Capacity as Chairman of the Arkansas State Board of Election Commissioners; Sharon Brooks, James Harmon Smith III, Bilenda Harris-Ritter, Charles Roberts, William Luther, and James Sharp, in Their Official Capacities as Commissioners of the Arkansas State Board of Election Commissioners; Protect Arkansas Communities, a Ballot Question Committee; and Allison White, Individually and on Behalf of Protect Arkansas Communities, an Original Action. Petitioner’s motion to release bond funds is granted.

CV-20-470. Arkansas Wins in 2020, Inc. v. John Thurston, in His Official Capacity as Secretary of State and in His Official Capacity as Chairman of the Arkansas State Board of Election Commissioners; Sharon Brooks, James Harmon Smith III, Bilenda Harris-Ritter, Charles Roberts, William Luther, and James Sharp, in Their Official Capacities as Commissioners of the Arkansas State Board of Election Commissioners; Protect Arkansas Communities, a Ballot Question Committee; and Allison White, Individually and on Behalf of Protect Arkansas Communities, an Original Action. Intervenor’s motion for release of bond is granted.

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CV-20-488. Dell Griffin, Jr. v. William T. Oliver and Sharilyn Ann Oliver, from Miller County Circuit Court. Appellant’s pro se motion for clarification is denied. Wood, J., would dismiss.

CV-20-488. Dell Griffin, Jr. v. William T. Oliver and Sharilyn Ann Oliver, from Miller County Circuit Court. Appellant’s pro se motion for extension of time and additional pages to motion for clarification is denied.

CV-20-603. Board of Trustees of the University of Arkansas System; University of Arkansas for Medical Sciences; Ed Fryar, Ph.D.; Steve Cox; Tommy Boyer; Sheffield Nelson; C.C. “Cliff” Gibson; Stephen Broughton, M.D.; Kelly Eichler; Morrill Harriman; Ted Dickey; and John Goodson v. Mahendran Mahadevan, D.V.M., Ph. D., M.B.A., from Pulaski County Circuit Court, Sixth Division. Appellee’s motion to extend injunction is denied. Baker and Wynne, JJ., would grant. Webb, J., would moot.

CV-20-663. 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 LP); Travelweb LLC; and Site59.com LLC v. Pine Bluff Advertising and Promotion Commission; Jefferson County, Arkansas, and All Others Similarly Situated; and City of North Little Rock, Arkansas, and All Others Similarly Situated, from Jefferson County Circuit Court. Appellants’ unopposed motion to supplement the record is granted.

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CV-20-721. Representative/Senator-Elect Dan Sullivan, in His Official Capacity; Senator Bob Ballinger; Senator Alan Clark; Senator Terry Rice; Senator Gary Stubblefield; Senator Kim Hammer; Representative Mary Bentley; Representative Steven Meeks; Representative Josh Miller; Representative John Payton; Representative Marcus Richmond; Representative Laurie Rushing; Representative Brandt Smith; Representative Richard Womack; Representative Harlan Breaux; Representative Bruce Cozart; Representative Justin Gonzalez; and Representative Nelda Speaks, in Their Official Capacities and Each in Their Individual Capacities as Voters, Citizens, and Residents of the State of Arkansas; Iris Stevens, Jonesboro, Arkansas; James David Haigler, Jonesboro, Arkansas; Scott Gray and Angela Gray, Alexander, Arkansas; Mike Duke and Stephanie Duke, Benton, Arkansas; and Dave Elswick, Little Rock, Arkansas, as Voters, Citizens, and Residents of the State of Arkansas v. Jose Romero, M.D., Secretary of the Arkansas Department of Health, in His Official Capacity; and Asa Hutchinson, Governor of the State of Arkansas, in His Official Capacity, from Pulaski County Circuit Court, Fifth Division. Appellants' motion for leave of the court to exceed the word-count limitation for appellants' brief is denied. Kemp, C.J., and Womack, J., would grant. (Proceedings of December 18, 2020)

CV-20-727. William Beck v. Corrine Beck, from Pulaski County Circuit Court, Seventeenth Division. Petitioner's petition for writ of prohibition and motion for expedited consideration of petition for writ of prohibition. Motion for expedited consideration granted; temporary writ granted. Kemp, C.J., would grant petition for writ of prohibition but not mandate hearing by video conference on December 17, 2020. Hudson and Hart, JJ., not participating. (Proceedings of December 17, 2020)

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CV-20-728. K.B.X., Inc.; Steven Michael Keith, Sr., Individually; Steven Michael Keith, Jr., Individually; and Jeffrey Shay Sebree, Individually v. Zero Grade Farms, a Partnership, also d/b/a Isbell Farms; Mark Isbell, Individually; Chris Isbell, Individually; Shane Isbell, Individually; Judy Isbell, Individually; Jeremy Jones, Individually; K & K Farm Service, Inc., also d/b/a K & K Farm Services; Edward Schafer & Sons, a Partnership; Ronald Schafer and Roger Schafer, as Trustees of the Edward Burnard Schafer Q-TIP Trust; Ronald Schafer, Individually; Dee Anne Schafer, Individually; Clifford Schafer, Individually; Rachel Schaffer, Individually; Roger Schafer, Individually; Pamela Schafer, Individually; Donald Schafer, Individually; Donna Schafer, Individually; Gary Hardke Farms, a Partnership; Gary Hardke, Individually; Melodie Hardke, Individually; Bigfoot AG, Inc.; Agri-Petroleum Sales, LLC; Agribusiness Properties, LLC; Brinkley Truck Brokerage, LLC; Christopher Taylor, Individually; Dale Bartlett, Individually; Ivory Rice, LLC; Anna Hurst, Special Administrator of the Estate of Jason Coleman; LJTC, LLC; Turner Commodities, Inc.; Turner North, LLC; and Turner Grain, Inc., d/b/a Turner Grain, from Lonoke County Circuit Court. Appellants' petition for writ of certiorari to complete the record is granted.

CV-20-732. Lakey Sanford Goff v. Dero Sanford, from Pulaski County Circuit Court, Sixteenth Division. Petitioner's pro se application for temporary relief is denied. (Proceedings of December 22, 2020)

CV-20-732. Lakey Sanford Goff v. Dero Sanford, from Pulaski County Circuit Court, Sixteenth Division. Petitioner's pro se petition to proceed in forma pauperis is denied. Baker and Wynne, JJ., would grant. Hudson, J., would moot.

CV-20-732. Lakey Sanford Goff v. Dero Sanford, from Pulaski County Circuit Court, Sixteenth Division. Petitioner's pro se motion to include evidence is denied.

CV-20-732. Lakey Sanford Goff v. Dero Sanford, from Pulaski County Circuit Court, Sixteenth Division. Petitioner's pro se petition for writ of certiorari is denied.

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CR-88-5. Milton Jasper Jones v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se motion for extension of time to file petition for rehearing treated as motion for extension of time to file motion for reconsideration and denied.

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CR-20-630. Freddie Clark v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se motion for reconsideration treated as motion for belated appeal and granted.

CV-20-530. Michael Anderson v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for ruling on response treated as motion for rule on clerk and denied.

CV-20-554. Brandon Carter v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot.

In Re Response to the COVID-19 Pandemic. See [per curiam](#) issued January 5, 2021.

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

Sharon Blount-Baker, Circuit Clerk for the Twenty-First Judicial Circuit, is reappointed to the Arkansas Supreme Court Committee on Automation for a three-year term to expire October 31, 2023. The Court thanks Ms. Blount-Baker for her willingness to continue to serve on this important committee.

The Honorable Shannon Blatt of Fort Smith is appointed as Chair of the Arkansas Supreme Court Committee on Automation for a three-year term to expire on October 31, 2023. The Honorable Jessica Gunter of Nashville, the Honorable Mark Leverett of Little Rock, the Honorable Ann Hudson of Forrest City, and Prosecuting Attorney David Etheridge of Mountain Home are also appointed to the Arkansas Supreme Court Committee on Automation for three-year terms to expire on October 31, 2023. The Court extends its appreciation to these new members for their willingness to serve.

The Court expresses its gratitude to the Honorable Tom Cooper of Ashdown as Chair, the Honorable Phillip Green of Star City, the Honorable Randy Hill of Arkadelphia, Shawn Key, Esq., of Maumelle, and Bob McMahan, Esq., of North Little Rock, whose terms have expired, for their years of valuable committee service.

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In Re Administrative Order No. 4, Addition to Court Notes.

Court Notes, 2021:

Section (a) currently mandates the verbatim record, with waiver exception in limited circumstances, on circuit courts. It does not mandate a verbatim record for state district courts. Section (e) sets out the requirements when state district courts elect to create a record when presiding over circuit court matters, but it remains discretionary until a later amendment of Order 4.

A proceeding for purposes of Order 4 is considered a hearing, or portions thereof, conducted by the court.

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**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CR-20-86. Brad Hunter Smith v. State of Arkansas, from Cleveland County Circuit Court.

CV-20-267. Lance Mitchell Owens v. Dexter Payne, Director, Arkansas Department of Correction, from Lee County Circuit Court.

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CV-20-82. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. Teresa Lynette Bloodman, Attorney at Law, Arkansas Bar No. 2005055, an Original Action. Respondent’s response in opposition to petitioner’s motion for extension of time to file brief and incorporated authorities.

CV-20-227. Shawn Trevell Rainer v. Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Petitioner’s pro se motion for reconsideration.

CV-20-568. Jane Doe and Mark Myers v. Amy Fecher, in Her Official Capacity as Secretary of Transformation and Shared Services and Arkansas Democrat-Gazette, Inc., from Pulaski County Circuit Court, Second Division. Appellant Mark Myers’s motion to stay briefing schedule and to supplement the record.

CV-20-603. Board of Trustees of the University of Arkansas System; University of Arkansas for Medical Sciences; Ed Fryar, Ph.D.; Steve Cox; Tommy Boyer; Sheffield Nelson; C.C. “Cliff” Gibson; Stephen Broughton, M.D.; Kelly Eichler; Morrill Harriman; Ted Dickey; and John Goodson v. Mahendran Mahadevan, D.V.M., Ph.D., M.B.A., from Pulaski County Circuit Court, Sixth Division. Appellants’ motion to dismiss appeal.

CV-20-682. State of Arkansas *ex rel.* Leslie Rutledge, Attorney General v. Purdue Pharma L.P.; Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; Johnson & Johnson; Janssen Pharmaceutica, Inc., n/k/a Janssen Pharmaceuticals, Inc.; Ortho-McNeill-Janssen Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions, Inc.; Endo Pharmaceuticals, Inc.; and Does 1 through 100, Inclusive, from Pulaski County Circuit Court, Sixteenth Division. Motion of Jennifer Fountain Connolly for admission pro hac vice.



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**MOTIONS SUBMITTED**

CV-20-682. State of Arkansas *ex rel.* Leslie Rutledge, Attorney General v. Purdue Pharma L.P.; Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; Johnson & Johnson; Janssen Pharmaceutica, Inc., n/k/a Janssen Pharmaceuticals, Inc.; Ortho-McNeill-Janssen Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions Inc., Endo Pharmaceuticals, Inc.; and Does 1 through 100, Inclusive, from Pulaski County Circuit Court, Sixteenth Division. Motion of Michael Von Klemperer for admission pro hac vice.

CV-20-747. Richard and Margot Cowin v. Larry Phifer; Janet Ouellette, Personal Representative of Estate of Ruth Cowin; Anadarko E&P Company L.P., a Delaware Partnership; Anadarko Land Corp., a Nebraska Corporation; Chesapeake Exploration, LLC, an Oklahoma Limited Liability Company; Southwestern Energy Company, a Delaware Corporation; and BHP Billiton Petroleum (Fayetteville), LLC, a Delaware Limited Liability Company, from White County Circuit Court. Petitioners' petition for writ of certiorari.

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CR-20-513. David Edward McLaughlin v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CV-20-525. Gary Fuller/Akbar v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file non-conforming brief.

CV-20-698. Anthony L. Johnson v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petitioner's pro se motion for rule on clerk.

**ARKANSAS SUPREME COURT**  
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**CASES SUBMITTED**

CR-19-762. Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Orally argued.

CR-19-684. Bobby Kellensworth v. State of Arkansas, from Grant County Circuit Court.

CV-20-50. Rent-A-Center East, Inc. v. Larry Walther, Director, Arkansas Department of Finance and Administration, from Pulaski County Circuit Court, Sixteenth Division.

CV-20-211. Cherokee Nation Businesses, LLC v. Gulfside Casino Partnership; Arkansas Department of Finance and Administration; and Arkansas Racing Commission, from Pulaski County Circuit Court, Sixth Division.

CV-20-216. Convent Corporation, Individually and on Behalf of All Others Similarly Situated v. City of North Little Rock, Arkansas, a Municipal Corporation; Joe Smith, Mayor, Individually and in His Official Capacity; City Council Members Debi Ross, Beth White, Linda Robinson, Maurice Taylor, Steve Baxter, Bruce Foutch, Murry Witcher, and Charlie Hight, Each Individually and in His or Her Official Capacity; Tom Wadley, Director, Code Enforcement Division, Individually and in His Official Capacity; and Felecia McHenry, Code Enforcement Officer, Individually and in Her Official Capacity, from Pulaski County Circuit Court, Twelfth Division.

CV-20-425. Leslie Rutledge, Arkansas Attorney General v. JMS Enterprises, Inc., on Behalf of Itself and All Other Taxpayers Similarly Situated; Ozark Mountain Solid Waste District; and Searcy County Tax Collector, Joey Pruitt, from Searcy County Circuit Court.

Opinions are available on the internet at

<http://arcourts.gov>