

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 22, 2021**

**PER CURIAM ORDERS**

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

CR-21-15. Antonio Smith v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CV-19-663. Willie Gaster Davis, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction; James DePriest, Legal Counsel, Arkansas Department of Correction; Leslie Rutledge, Arkansas Attorney General; Joyce Gooley, Mailroom Supervisor of Maximum Security; and Brandace Binns, Corporal Security of Maximum Security, from Jefferson County Circuit Court.

CV-20-416. James Ray Thompson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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CR-93-284. Saba K. Makkali v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se petition for rehearing treated as a motion for reconsideration and denied.

CR-14-1060. Edmond McClinton v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se motion for reconsideration is denied.

CR-19-421. Robert Woodward v. State of Arkansas, from Chicot County Circuit Court. Appellee's motion to supplement the belated nonelectronic record is granted.

CR-20-581. Zachery S. Keese v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to file enlarged brief is granted.

CR-21-27. Tacori Mackrell v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to supplement the record and for brief time is granted.

CR-21-202. Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to file enlarged brief is granted. Wood, J., not participating.

CV-20-377. Stark Ligon, as Executive Director, Office of Professional Conduct v. Reginald Shelton McCullough, a Former Attorney, an Original Action. Petitioner's motion to dismiss without prejudice is granted.

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CV-21-134. Kenneth Crain, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petitioner's pro se motion for reconsideration is denied.

CV-21-136. Flywheel Energy Production, LLC v. Arkansas Oil and Gas Commission, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to certify to the Supreme Court is denied. Kemp, C.J., and Wynne, J., would grant. Webb, J., not participating.

CV-21-140. Marsha G. Frazier v. Sameera Omar, R&T Insurance Agency, Imperial Fire and Casualty Insurance Company, and National General Insurance Company, from Jefferson County Circuit Court. Petitioner's pro se motion with respect to this Court's decision treated as pro se motion for clarification and denied. Kemp, C.J., not participating.

CV-21-140. Marsha G. Frazier v. Sameera Omar, R&T Insurance Agency, Imperial Fire and Casualty Insurance Company, and National General Insurance Company, from Jefferson County Circuit Court. Petitioner's pro se motion for correction from 41(a)1 to 41(b)(1) in motion requesting answer for appeal denials is moot. Kemp, C.J., not participating.

CV-21-163. Dan Larry Pennington; Norma J. Bryant; Aaron Parish Black, as Trustee of the Ralph J. and Reba J. Family Trust; and Aaron Parish Black, as Trustee of the Reba J. Parish Trust, Individually and on Behalf of a Class of Similarly Situated Individuals v. BHP Billiton Petroleum (Fayetteville), LLC; and MMGJ Arkansas Upstream, LLC, from the United States District Court, Eastern District of Arkansas. Motion of George A. Barton for admission pro hac vice is granted.

CV-21-183. Arkansas State Police; Bill Bryant, in His Official Capacity as Director, and as an Individual; and Kelli LaPorte, in Her Official Capacity as Attorney for the Arkansas Department of Public Safety/Arkansas State Police, and as an Individual v. Russell R. Racop, from Pulaski County Circuit Court, Twelfth Division. Appellants' motion to supplement the record is granted.

CV-21-185. Nikita Lee Mahoney, Kimberly Ann Snodgrass, Christopher Snodgrass, Detrick Brandon, Tina Marie Phares, and Dazarious Braggs, Individually and on Behalf of All Others Similarly Situated v. Mark Derrick, in His Official Capacity as District Judge for the 23rd Judicial District of the State of Arkansas, from White County Circuit Court. Motion of Arthur E. Ago to appear and practice pro hac vice is granted.

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CV-21-185. Nikita Lee Mahoney, Kimberly Ann Snodgrass, Christopher Snodgrass, Detrick Brandon, Tina Marie Phares, and Dazarious Braggs, Individually and on Behalf of All Others Similarly Situated v. Mark Derrick, in His Official Capacity as District Judge for the 23rd Judicial District of the State of Arkansas, from White County Circuit Court. Motion of Edward P. Boyle to appear and practice pro hac vice is granted.

CV-21-185. Nikita Lee Mahoney, Kimberly Ann Snodgrass, Christopher Snodgrass, Detrick Brandon, Tina Marie Phares, and Dazarious Braggs, Individually and on Behalf of All Others Similarly Situated v. Mark Derrick, in His Official Capacity as District Judge for the 23rd Judicial District of the State of Arkansas, from White County Circuit Court. Motion of Michael M. Agosta to appear and practice pro hac vice is granted.

CV-21-185. Nikita Lee Mahoney, Kimberly Ann Snodgrass, Christopher Snodgrass, Detrick Brandon, Tina Marie Phares, and Dazarious Braggs, Individually and on Behalf of All Others Similarly Situated v. Mark Derrick, in His Official Capacity as District Judge for the 23rd Judicial District of the State of Arkansas, from White County Circuit Court. Motion of Emily A. Seiderman West to appear and practice pro hac vice is granted.

CV-21-185. Nikita Lee Mahoney, Kimberly Ann Snodgrass, Christopher Snodgrass, Detrick Brandon, Tina Marie Phares, and Dazarious Braggs, Individually and on Behalf of All Others Similarly Situated v. Mark Derrick, in His Official Capacity as District Judge for the 23rd Judicial District of the State of Arkansas, from White County Circuit Court. Motion of Gary R. Dunn to appear and practice pro hac vice is granted.

CV-21-238. Jessie Johnson v. Theodore R. Johnson, Peggy Ann Johnson, Donald Gene Johnson, Marilyn A. Johnson, Deloise Johnson Carter, Barbara Ann Johnson, Johnnie Baker, and Theodore R. Johnson, Jr., from Monroe County Circuit Court. Petitioner's pro se petition for writ of certiorari is denied.

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CV-21-242. Arkansas State Plant Board, a Division of the Arkansas Department of Agriculture; Arkansas State Plant Board Members in Their Official Capacities: Walter “Bruce” Alford; Kyle Baltz; Tommy Anderson; Reynold Meyer; Darrell Hess; Marty Eaton; Barry Walls; Terry Fuller; Mark Hopper; Brad Koen; Sam Stuckey; Terry Stephenson; Dr. Ken North; Dr. Nathan Slaton; Matthew Marsh; Jason Parks; Scott Milburn; Dennie Stokes; and Mark Morgan v. Glenn Hooks; Michael Dougan; Pratt Remmell; Reed Storey; Tim Fisher; Victor Gray; Bland Currie; Gladys Whitney; Frances Wilson Shackelford; Adam Fisher; Guy Fisher; Paden Ball; Gale Stewart; Coy’s Honey Farm, Inc.; OMP Farms, LLC; Ozark Mountain Poultry, Inc.; Freedom to Farm Foundation, Inc.; Jason McGee; Tim Gannon; Leslie Brown; Hollis Mankin; FarmVoice, Inc.; Timothy Pirani; Adam Henard; and Jarred Hopper, from Pulaski County Circuit Court, Sixteenth Division. Appellees’ motion for clarification of the formal order dated June 7, 2021, is denied.

CV-21-250. Bayer CropScience LP v. Glenn Hooks; Michael Dougan; Pratt Remmell; Reed Storey; Tim Fisher; Victor Gray; Bland Currie; Gladys Whitney; Frances Wilson Shackelford; Adam Fisher; Guy Fisher; Paden Ball; Gale Stewart; Coy’s Honey Farm, Inc.; Arkansas State Plant Board, a Division of the Arkansas Department of Agriculture; Arkansas State Plant Board Members in Their Official Capacities: Walter “Bruce” Alford; Kyle Baltz; Tommy Anderson; Reynold Meyer; Darrell Hess; Marty Eaton; Barry Walls; Terry Fuller; Mark Hopper; Brad Koen; Sam Stuckey; Terry Stephenson; Dr. Ken North; Dr. Nathan Slaton; Matthew Marsh; Jason Parks; Scott Milburn; Dennie Stokes; Mark Morgan; OMP Farms, LLC; Ozark Mountain Poultry, Inc.; Freedom to Farm Foundation, Inc.; Jason McGee; Tim Gannon; Leslie Brown; Hollis Mankin; FarmVoice, Inc.; Timothy Pirani; Adam Henard; and Jarred Hopper, from Pulaski County Circuit Court, Sixteenth Division. Motion of A. Elizabeth Blackwell to appear pro hac vice is granted.

CV-21-250. Bayer CropScience LP v. Glen Hooks; Michael Dougan; Pratt Remmell; Reed Storey; Tim Fisher; Victor Gray; Bland Currie; Gladys Whitney; Frances Wilson Shackelford; Adam Fisher; Guy Fisher; Paden Ball; Gale Stewart; Coy’s Honey Farm, Inc.; Arkansas State Plant Board, a Division of the Arkansas Department of Agriculture; Arkansas State Plant Board Members in Their Official Capacities: Walter “Bruce” Alford; Kyle Baltz; Tommy Anderson; Reynold Meyer; Darrell Hess; Marty Eaton; Barry Walls; Terry Fuller; Mark Hopper; Brad Koen; Sam Stuckey; Terry Stephenson; Dr. Ken North; Dr. Nathan Slaton; Matthew Marsh; Jason Parks; Scott Milburn; Dennie Stokes; Mark Morgan; OMP Farms, LLC; Ozark Mountain Poultry, Inc.; Freedom to Farm Foundation, Inc.; Jason McGee; Tim Gannon; Leslie Brown; Hollis Mankin; FarmVoice, Inc.; Timothy

Pirani; Adam Henard; and Jarred Hopper, from Pulaski County Circuit Court, Sixteenth Division. Motion of Stefani L. Wittenauer to appear pro hac vice is granted.

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CV-21-289. Cherokee Nation Businesses, LLC; and the Arkansas Racing Commission v. Gulfside Casino Partnership, from Pulaski County Circuit Court, Sixth Division. Appellants' joint motion to expedite appeal. Expedited consideration granted; motion to expedite appeal is granted; request for oral argument is denied. Womack, J., would grant request for oral argument. Kemp, C.J., not participating. (Proceedings of July 2, 2021)

CV-21-319. Arkansas Department of Health; José Romero, M.D., in His Official Capacity as Secretary of Health/Arkansas Department of Health; Arkansas Board of Hearing Instrument Dispensers; and Stephanie Pratt, in Her Official Capacity as Executive Director/Arkansas Board of Hearing Instrument Dispensers v. Samuel Solomon, from Pulaski County Circuit Court, Seventeenth Division. Appellants' emergency motion for stay of order pending appeal; request for expedited consideration. Expedited consideration granted; emergency motion for stay of order pending appeal is denied. (Proceedings of July 19, 2021)

CV-21-322. Alfred Richards and Glenda Richards v. Randy Milam and Claudia Milam, Trustees of the Randy Milam and Claudia Milam Revocable Trust Dated May 19, 2016, from Saline County Circuit Court. Petitioners' petition for writ of mandamus and to stay circuit court proceedings. Expedited consideration granted; petition for writ of mandamus and to stay circuit court proceedings is denied. Webb, J., not participating. (Proceedings of July 20, 2021)

D-21-264. In Re Thomas Bonds Wilson, Arkansas Bar No. 97165, an Original Action. Petition of Thomas Bonds Wilson, Arkansas Bar No. 97165, for surrender of license is granted.

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CR-07-681. Wesley Jefferson v. State of Arkansas, from St. Francis County Circuit Court. Petitioner's pro se request under the Freedom of Information Act treated as a motion for copies at public expense and denied.

CR-21-249. Deshaun Malik Rushing v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se petition for writ of mandamus is denied.

CV-21-157. Howard Togo Wood, Jr. v. Arkansas Parole Board; John Felts, Chairman; and Andy Shock, Commissioner, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for access to the record lodged on appeal is moot.

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CV-21-157. Howard Togo Wood, Jr. v. Arkansas Parole Board; John Felts, Chairman; and Andy Shock, Commissioner, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to correct clerical error is moot.

CV-21-157. Howard Togo Wood, Jr. v. Arkansas Parole Board; John Felts, Chairman; and Andy Shock, Commissioner, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to file belated brief is granted.

CV-21-157. Howard Togo Wood, Jr. v. Arkansas Parole Board; John Felts, Chairman; and Andy Shock, Commissioner, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to amend brief is moot.

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

Michael Boyd, Esq., of Magnolia; Lori Howard, Esq., of Benton; Michelle Kaemmerling, Esq., of Little Rock; and Lorie Mason, Esq., of Conway are appointed to the Arkansas Supreme Court Civil Practice Committee for three-year terms to expire on July 31, 2024. The court extends its appreciation to these new members for their willingness to serve on this important committee.

Professor Emeritus Ken Gould of Bowen Law School, who has served as the reporter for the committee since 1986, has retired from the committee. Professor Gould also served in the role of advisor to the committee. Professor Gould provided valuable service to the committee. He will be greatly missed, and the court wishes him continued success in his endeavors.

Brian Brooks, Esq., of Greenbrier will serve as the reporter for the committee, and the court thanks him for undertaking this important role. Professor Anastasia Boles of Bowen Law School will serve as advisor to the committee, and the court thanks her for undertaking this important role.

Austin Easley, Esq., of Forrest City is appointed to fulfill the unexpired term of Brian Brooks. His term will expire on July 31, 2023.

The court expresses its gratitude to the outgoing members, Bob Edwards, Esq., of Little Rock; David Glover, Esq., of Little Rock; Ann Grimes, Esq., of Little Rock; and Robert Veach, Esq., of Russellville for their years of valuable service to this committee.

Opinions are available on the internet at

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