

ARKANSAS SUPREME COURT

PROCEEDINGS OF FEBRUARY 24, 2022

JOHN DAN KEMP, CHIEF JUSTICE

[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 Schafer, 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. Reversed and dismissed in part; affirmed in part; reversed and remanded in part.

[CV-21-319](#). Arkansas Department of Health; José R. 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. Affirmed in part; reversed and dismissed in part; reversed and remanded in part. Baker and Womack, JJ., dissent.

ROBIN F. WYNNE, JUSTICE

[CR-19-901](#). Nicholas Matthew Lewondowski v. State of Arkansas, from Garland County Circuit Court. Affirmed. Wood, J., concurs.

BARBARA W. WEBB, JUSTICE

[CR-21-305](#). State of Arkansas v. Gregory L. Mason, from Pulaski County Circuit Court, Third Division. Affirmed.

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PER CURIAM ORDERS

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

CR-21-93. McKinzie Kory Martin v. State of Arkansas, from Drew County Circuit Court.

CV-19-373. Garry B. Sutherland, Individually; and Garry B. Sutherland and Brenda Sutherland, Husband and Wife, as Co-Trustees of the Sutherland Revocable Trust Dated July 25, 2007 v. Larry Edge; Julius Edge; and Kurt Phillips and Virginia Phillips, Husband and Wife, from Cleburne County Circuit Court.

CV-19-528. A&B Pawn Shop d/b/a Webb's Sporting Goods v. Mack's Sport Shop, LLLP, d/b/a Mack's Prairie Wings, from Arkansas County Circuit Court, Southern District.

CV-20-557. Teresa Ann White v. Paige Harper, Trustee of the Mary E. Dorsett Revocable Trust U/D June 30, 2006, and Andrew Alton James, from Pulaski County Circuit Court, Seventeenth Division. Wood, J., not participating.

CV-20-677. (In the Matter of the Adoption of A.P.) Dillon Arnold v. Nicklaus Przytarski and Courtney Przytarski, from Garland County Circuit Court.

CV-21-167. North Hills Surgery Center and Risk Management Resources v. Chelsea Otis, from the Arkansas Workers' Compensation Commission.

CV-21-218. Arkansas Forestry Commission; and Arkansas Insurance Department, Public Employee Claims Division v. Thomas Lindsey, from the Arkansas Workers' Compensation Commission. Womack, J., would grant. Webb, J., not participating.

CV-21-389. Nelda Coleman and Charles Coleman (Deceased) v. Harmon Gareth Tobler, M.D.; Richard Betzold, M.D.; and BXS Insurance, Inc., from Pulaski County Circuit Court, Sixteenth Division.

CR-21-78. Demarcus Donnell Parker v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for extension of time to file electronic supplemental record is granted.

CR-21-364. Marvin Stanton v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to supplement the record is granted. Special Justice John Fogleman agrees. Womack and Webb, JJ., would deny. Kemp, C.J., not participating.

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PER CURIAM ORDERS

CR-22-69. Cordale Stacy v. State of Arkansas, from St. Francis County Circuit Court. Appellant’s petition for writ of certiorari to complete the record is granted.

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 Schafer, 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’ joint notice of increase of security noted.

CV-21-441. State of Arkansas; Jimmy Hickey, Jr., in His Official Capacity as President Pro Tempore of the Arkansas Senate; and Matthew Shepherd, in His Official Capacity as Speaker of the Arkansas House of Representatives v. Veronica McClane, as Parent and Next Friend of Her Minor Children, Walter and Beckett McClane; Ashley Simmons, as Parent and Next Friend of Her Minor Children, August and Henry Simmons; Hon. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas; Barry Hyde, in His Official Capacity as the County Judge for Pulaski County; Eric Higgins, in His Official Capacity as Pulaski County Sheriff; Little Rock School District; and Marion School District, from Pulaski County Circuit Court, Sixth Division. Motion of the State of Arkansas regarding mootness of interlocutory appeal due to entry of final judgment and subsequent appeal is granted. Special Justice Howard Brill agrees. Wood, J., not participating.

CR-22-39. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Appellant’s pro se motion for appointment of counsel is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-19-261. Jessie Hill v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-21-375. Anarian C. Jackson v. Dexter Payne, in His Capacity as Director, Arkansas Division of Correction, from Lincoln County Circuit Court.

CR-21-600. Vann Bragg v. State of Arkansas, from Phillips County Circuit Court. Appellant's motion to stay briefing and reinvest jurisdiction with the trial court to consider petition for writ of error coram nobis based on State's failure to disclose material evidence.

CR-22-39. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Motion of Brooke Jackson Gasaway, Assistant Attorney General, to withdraw as counsel.

CV-21-441. State of Arkansas; Jimmy Hickey, Jr., in His Official Capacity as President Pro Tempore of the Arkansas Senate; and Matthew Shepherd, in His Official Capacity as Speaker of the Arkansas House of Representatives v. Veronica McClane, as Parent and Next Friend of Her Minor Children, Walter and Beckett McClane; Ashley Simmons, as Parent and Next Friend of Her Minor Children, August and Henry Simmons; Hon. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas; Barry Hyde, in His Official Capacity as the County Judge for Pulaski County; Eric Higgins, in His Official Capacity as Pulaski County Sheriff; Little Rock School District; and Marion School District, from Pulaski County Circuit Court, Sixth Division. Motion of Vincent M. Wagner, Deputy Solicitor General, to withdraw as counsel for appellant the State of Arkansas.

CV-21-517. Leslie Rutledge, Individually and as Attorney General of the State of Arkansas v. Gale Stewart, Glen Hooks, Robert B Leflar, Elaine Dumas, Michael B. Dougan, Harvey Joe Sanner, Jackie Simpson, and Pratt Cates Rummel, Jr., from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion to relieve counsel.

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CV-22-76. The Bridgeway, LLC; Universal Health Services, Inc.; UHS of Delaware, Inc.; and John Doe Defendants A–Z v. Wendy and Nathaneal Forbes, Personally and as Parents and Next Friend of T.F., a Minor, from Pulaski County Circuit Court, Seventeenth Division. Appellants’ petition for appeal of an order compelling the production of privileged documents and information.

CV-22-76. The Bridgeway, LLC; Universal Health Services, Inc.; UHS of Delaware, Inc.; and John Doe Defendants A–Z v. Wendy and Nathaneal Forbes, Personally and as Parents and Next Friend of T.F., a Minor, from Pulaski County Circuit Court, Seventeenth Division. Appellants’ motion to withdraw petition for appeal of an order compelling production of privileged documents and information.

CV-22-79. Lauren Taylor v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Petitioner’s pro se petition for leave to proceed in forma pauperis.

D-22-110. In Re Steven James Paris, Arkansas Bar No. 90147, an Original Action. Petition of Steven James Paris, Arkansas Bar No. 90147, for voluntary surrender of license (resignation).

D-22-117. Arkansas Supreme Court Board of Certified Court Reporter Examiners v. George Michael Ashcraft, CCR No. 272, an Original Action. Petitioner’s petition for approval of discipline by consent agreement and order.

CR-07-1080. Deandra Stephenson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-07-1080. Deandra Stephenson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s pro se motion to amend petition to reinvest jurisdiction.

CR-07-1080. Deandra Stephenson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s pro se motion for appointment of counsel.

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CR-17-85. Ronald Anthony Antoniello v. State of Arkansas, from Miller 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; petition for writ of habeas corpus; and petition to correct an illegal sentence.

CR-18-806. Jerrod Craven v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se motion to withdraw petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-20-590. Gary Brown v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-21-477. Roddie Lynn Golden v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-21-526. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CV-21-388. Reginald Dunahue v. Aundrea Culclager, Warden, Arkansas Department of Correction; Kennie Bolden, Security Warden; Captain Kenneth Starks; Sgt. Daryl James; and Marshall Reed, Deputy Director, from Lincoln County Circuit Court. Appellant's pro se motion for the Court to refer to and consider certain orders and requests made.

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CASES SUBMITTED

CV-21-365. Asa Hutchinson, in His Official Capacity as Governor of Arkansas; and Charisse Childers, in Her Official Capacity as Director, Arkansas Division of Workforce Services v. Logan Armstrong; Emily Ball; Ronald Bates; Cynthia Eyiuche; and Kurt Johnsen, from Pulaski County Circuit Court, Fourth Division.

CV-21-434. Tracy Johnson, Gina Rambo, James R. “Rick” Bright, Greg Moon, and Karen Pryor v. Carol Wright, Individually and in Her Official Capacity as Past Chairman and Current and Past Member of the Eureka Springs City Advertising and Promotion Commission; Jeff Carter, Individually and in His Official Capacity as a Member and Current Chairman of the Eureka Springs City Advertising and Promotion Commission; James DeVito, Individually and in His Official Capacity as a Member of the Eureka Springs City Advertising and Promotion Commission; Melissa Green, Individually and in Her Official Capacity as a Member of the Eureka Springs City Advertising and Promotion Commission; Harry Meyer, Individually and in His Official Capacity as a Member of the Eureka Springs City Advertising and Promotion Commission; Patrick Burnett, Individually and Ostensibly in His Official Capacity as an Apparent Member of the Eureka Springs City Advertising and Promotion Commission; the Eureka Springs City Advertising and Promotion Commission; the City of Eureka Springs, Arkansas; Robert D. “Butch” Berry, Individually and as Mayor of the City of Eureka Springs, Arkansas; Kim Stryker, Individually and in Her Official Capacity as Chief Administrative Assistant to Mayor Butch Berry; State Auto Mutual Insurance Company; and Philadelphia Indemnity Insurance Company, from Carroll County Circuit Court, Western District.

CV-21-368. John Irving Rawls v. Michelle Gray, Warden, from Jefferson County Circuit Court.

CV-21-382. Husia Harkuf v. Leah Marony, Records Supervisor, Arkansas Department of Correction; and Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CV-21-388. Reginald Dunahue v. Aundrea Culclager, Warden, Arkansas Department of Correction; Kennie Bolden, Security Warden; Captain Kenneth Starks; Sgt. Daryl James; and Marshall Reed, Deputy Director, from Lincoln County Circuit Court.