

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 10, 2022

COURTNEY RAE HUDSON, JUSTICE

[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. Affirmed. Wood, J., concurs.

ROBIN F. WYNNE, JUSTICE

[CV-21-365](#). Asa Hutchinson, in His Official Capacity as Governor of Arkansas; and Dr. 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. Reversed and remanded with instructions. Wood, J., concurs. Womack, J., dissents.

SHAWN A. WOMACK, JUSTICE

[CV-21-368](#). John Irving Rawls v. Michelle Gray, Warden, from Jefferson County Circuit Court. Affirmed.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 10, 2022

PER CURIAM ORDERS

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

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 is granted. Kemp, C.J., and Womack and Webb, JJ., would deny.

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 is granted.

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 is granted. Special Justice Howard Brill agrees. Wood, J., not participating.

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 Rimmel, Jr., from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion to relieve counsel is granted. Special Justice John R. Scott agrees. Webb, J., not participating.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 10, 2022

PER CURIAM ORDERS

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 is moot.

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 is granted.

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 is granted.

CV-22-135. John Thurston, in His Official Capacity as Secretary of State of the State of Arkansas; Sharon Brooks; Bilenda Harris-Ritter; William Luther; Charles Roberts; James Sharp; and J. Harmon Smith, in Their Official Capacities as Members of the Arkansas State Board of Election Commissioners v. The League of Women Voters of Arkansas; Arkansas United; Dortha Dunlap; Leon Kaplan; Nell Matthews Mock; Jeffery Rust; and Patsy Watkins, from Pulaski County Circuit Court, Fifth Division. Appellants’ appeal is dismissed. The circuit court’s February 18, 2022, order denying appellants’ motion for summary judgment is vacated because the mandate in CV-21-581 had not yet issued, and the circuit court was without jurisdiction to enter the order. Appellants’ emergency motion for an immediate stay or, alternatively, for a temporary stay is moot. Appellees’ motion to supplement the record is moot. (Proceedings of March 9, 2022)

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) is denied. Hudson, Womack, and Webb, JJ., would grant.

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 is granted.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 10, 2022

PER CURIAM ORDERS

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 is granted.

CR-21-526. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot. Webb, J., would dismiss as moot.

ARKANSAS SUPREME COURT
PROCEEDINGS OF MARCH 10, 2022

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-00-922. Carlos McFerrin v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-21-202. Randy William Gay v. State of Arkansas, from Garland County Circuit Court.

CR-21-246. Drakease Hall v. State of Arkansas, from Pulaski County Circuit Court, Third Division.

CV-21-157. Howard Togo Wood v. Arkansas Parole Board, John Felts, and Andy Shock, from Pulaski County Circuit Court, Sixth Division.

CV-21-223. Henry A. Harmon v. Kayla Noel-Emsweller, Records Supervisor, Arkansas Department of Correction; Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CV-21-357. Saba K. Makkali v. State of Arkansas, from Jefferson County Circuit Court.

CR-20-403. Tracy Duane Wright v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for extension of time to file corrected transcript.

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 separate appellees Barry Hyde, in His Official Capacity as County Judge for Pulaski County; and Eric Higgins, in His Official Capacity as Pulaski County Sheriff, to supplement the record.

D-22-122. In Re Jon S. Greig II, Arkansas Bar No. 2020073, an Original Action. Petition of Jon S. Greig II, Arkansas Bar No. 2020073, for voluntary surrender of license (resignation).

ARKANSAS SUPREME COURT
PROCEEDINGS OF MARCH 10, 2022

MOTIONS SUBMITTED

D-22-123. In Re Jennifer Twyman King, Arkansas Bar No. 2020281, an Original Action. Petition of Jennifer Twyman King, Arkansas Bar No. 2020281, for voluntary surrender of license (resignation).

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 10, 2022

CASES SUBMITTED

CV-21-498. Bentonville School District; Dr. Debbie Jones, Superintendent, in Her Official Capacity; Eric White, School Board President, in His Official Capacity; Matt Burgess, Board Member, in His Official Capacity; Kelly Carlson, Board Member, in His Official Capacity; Brent Leas, Board Member, in His Official Capacity; Willie Cowgur, Board Member, in His Official Capacity; Joe Quinn, Board Member, in His Official Capacity; and Jennifer Faddis, Board Member, in Her Official Capacity v. Matt Sitton; Matthew Bennett; and Elizabeth Bennett, from Benton County Circuit Court. Orally argued.

CV-20-699. Terry Wynne v. Liberty Trailer and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

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.