

ARKANSAS SUPREME COURT
PROCEEDINGS OF DECEMBER 15, 2022

PER CURIAM ORDERS

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

CR-21-594. Daryoce Rodgers v. State of Arkansas, from Miller County Circuit Court.

CV-19-766. John Brunner and Carolyn Brunner v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court.

CV-19-767. Phillip Woodward and Katherine Woodward v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court.

CV-20-394. Baucum Fulk v. Marion Fulk, Martin Fulk, and Austin Fulk, from Pulaski County Circuit Court, Thirteenth Division.

CV-20-528. Paul Reesnes v. Bridget Reesnes, from White County Circuit Court.

CV-21-51. Darrell James Brown, M.D. v. Crossett Health Foundation d/b/a Ashley County Medical Center, from Ashley County Circuit Court.

CV-21-275. James Allen, Jr. v. Chi St. Vincent Infirmary; and Morgan McDonald, Bradley Pate, and Stephanie Woolbright, Individually and in Their Official Capacities as Chi St. Vincent Infirmary Employees, from Pulaski County Circuit Court, Seventeenth Division.

CV-21-303. Arkansas County Bank, DeWitt, as Trustee Under the Last Will and Testament of Godfrey Thomas; Arkansas County Bank, DeWitt, as Trustee of the Godfrey Thomas Testamentary Trust; Godfrey Thomas Foundation, Inc.; Tate Pfaffenberger; Les Pfaffenberger; Turner Farms IV; Turner Farms Partnership; and Roger Turner v. Pin Oak Hunting Club, Inc., from Arkansas County Circuit Court, Southern District.

CV-21-396. Norma Hudson and Hudson Revocable Trust v. Farm Bureau Mutual Insurance Company of Arkansas, Inc., from Benton County Circuit Court.

CV-21-469. Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer Services v. Prescott Automotive, LLC, from Nevada County Circuit Court.

CV-21-475. John Williamson v. Van Alan Hill and Nancy Hill, from Johnson County Circuit Court.

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REVIEWS DENIED: (continued)

CV-22-129. Anita Faran v. Arkansas Department of Human Services and Minor Child, from Van Buren County Circuit Court.

CV-22-388. Kristian D. Nelson v. Richard F. Toll, Individually and as Trustee of the Richard F. Toll Irrevocable Trust, from Pulaski County Circuit Court, Fifth Division.

E-21-586. Scott Webb v. Director et al., from the Arkansas Board of Review.

CR-21-364. Marvin Stanton v. State of Arkansas, from Miller County Circuit Court. Appellee's motion to dismiss appeal taken with the case. Womack and Webb, JJ., would grant. Special Justice John Fogleman would deny. Kemp, C.J., not participating.

CR-22-615. Marlon Smith v. State of Arkansas, from Washington County Circuit Court. Petitioner's petition for writ of certiorari to complete the record is granted.

CR-22-706. James McCauley v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's motion for rule on clerk is granted.

CR-22-715. Deric Smith v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion for rule on clerk is granted.

CV-21-51. Darrell James Brown, M.D. v. Crossett Health Foundation d/b/a Ashley County Medical Center, from Ashley County Circuit Court. Appellant's motion to advance case for decision on petition for review with incorporated memorandum of authorities is denied.

CV-22-32. Altice USA, Inc., d/b/a Suddenlink Communications v. City of Gurdon, Arkansas ex rel. Honorable Sherry Kelley, Mayor, Individually and on Behalf of a Class of Similarly Situated Cities, from Clark County Circuit Court. Motion of Ginger Gooch to withdraw as counsel for appellant is granted.

CV-22-380. Arkansas Department of Finance and Administration, Alcoholic Beverage Control Division, and Arkansas Medical Marijuana Commission v.

Absolute Essence, LLC, from Pulaski County Circuit Court, Twelfth Division. Appellee's motion to supplement the record is moot. Baker, J., would grant. Womack and Webb, JJ., would deny.

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CV-22-380. Arkansas Department of Finance and Administration, Alcoholic Beverage Control Division, and Arkansas Medical Marijuana Commission v. Absolute Essence, LLC, from Pulaski County Circuit Court, Twelfth Division. Appellee's motion to dismiss appeal for lack of subject matter jurisdiction is granted. Baker, Womack, and Webb, JJ., would deny.

CV-22-623. Lauren Taylor v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Petitioner's pro se motion requesting oral argument on motion to dismiss complaint is moot. Kemp, C.J., and Baker and Hudson, JJ., would deny.

CV-22-623. Lauren Taylor v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Petitioner's pro se motion requesting to enter discovery is moot. Kemp, C.J., and Baker and Hudson, JJ., would deny.

CV-22-635. Monsanto Company v. Cornelius Kilgore, Labommie Kilgore, Walmart, Inc., and Wal-Mart Stores Arkansas, LLC, from Drew County Circuit Court. Respondent's emergency motion for expedited consideration. Motion for expedited consideration of writ is denied. (Proceedings of December 8, 2022)

CV-22-685. Kristina Gulley v. State of Arkansas ex rel. Larry Jegley, Sixth Judicial District Prosecuting Attorney; and Pulaski County, Arkansas ex rel. Barry Hyde, Pulaski County Judge, from Pulaski County Circuit Court, Sixteenth Division. Motion of separate appellee Pulaski County ex rel. Barry Hyde, Pulaski County Judge, to supplement the record and for extension of time is granted.

CV-22-704. (In the Matter of the Guardianship of Zelda Walls, Incapacitated Adult) Donna Bryant, Successor Trustee of the Zelda S. Walls Living Trust v. Richard Gawenis, Individually and as Guardian of the Person and Estate of Zelda Walls, from Van Buren County Circuit Court. Petitioner's petition for writ of prohibition and writ of mandamus is denied.

CV-22-704. (In the Matter of the Guardianship of Zelda Walls, Incapacitated Adult) Donna Bryant, Successor Trustee of the Zelda S. Walls Living Trust v. Richard Gawenis, Individually and as Guardian of the Person and Estate of Zelda Walls,

from Van Buren County Circuit Court. Petitioner's motion to consolidate is denied. Wood and Womack, JJ., would moot.

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CV-22-704. (In the Matter of the Guardianship of Zelda Walls, Incapacitated Adult) Donna Bryant, Successor Trustee of the Zelda S. Walls Living Trust v. Richard Gawenis, Individually and as Guardian of the Person and Estate of Zelda Walls, from Van Buren County Circuit Court. Petitioner's motion for accelerated proceedings is denied.

CR-22-658. Jimmie L. Barker v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's pro se motion for belated appeal is granted.

CR-22-688. Duane Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se petition for writ of mandamus. Response requested. Hudson, J., would grant.

CR-22-688. Duane Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion for supplemental record or, in the alternative, expansion of the record is denied.

CR-22-693. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Petitioner's pro se motion for rule on clerk is granted.

CR-22-694. Rodney L. Baker v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se petition for writ of mandamus. Response requested. Hudson, J., would grant.

CV-22-536. Gerald H. Lowery, Sr. v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file belated brief is granted.

CV-22-722. Charles Edward Jones, Sr. v. Dexter Payne, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied.

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Pursuant to Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following cases are dismissed for failure to file an appellant's brief.

CV-22-208. Jaylon Rhodes v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-22-508. Howard T. Wood, Jr. v. John Felts, Chairman, Arkansas Parole Board, from Pulaski County Circuit Court, Sixth Division.

CV-22-526. Deverick Scott v. Arkansas Department of Correction, from Lincoln County.

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

The court appoints Sydney Rasch, Esq., of North Little Rock, Second Congressional District, to the Client Security Fund Committee for a term expiring on July 31, 2027. The court appreciates Ms. Rasch's willingness to serve on this important committee.

Kandice A. Bell, Esq., of White Hall, Third Congressional District, is reappointed to the Client Security Fund Committee for a five-year term expiring on July 31, 2027. The court thanks Ms. Bell for her continued service.

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In Re Appointments of Members to the Arkansas Supreme Court Committee on Professional Conduct. See [per curiam](#) this date.

Effective January 1, 2023, the following members are appointed to the Arkansas Supreme Court Committee on Professional Conduct for six-year terms ending on December 31, 2028, unless otherwise specified below:

Larry Jegley of Little Rock (Panel A attorney member—Second Congressional District, appointment expires on December 31, 2026);

Marshall Ney of Rogers (Panel A attorney member—Third Congressional District, reappointment to second term after previously serving on Panel C);

Carlton Saffa of Little Rock (Panel B non-attorney member—statewide at large, reappointment to second term after previously serving on Panel C);

JaNan Arnold Thomas of Little Rock (Panel C attorney member—Second Congressional District, appointment to first full term);

Susan Kendall of Rogers (Panel C attorney member—statewide at large, appointment to an initial term);

Judith Humphries of Little Rock (Panel C non-attorney member—statewide at large, appointment to an initial term);

Joe Jett of Success (Panel D non-attorney member—statewide at large, appointment expires on December 31, 2023).

The Court expresses its appreciation to each of these Committee members for his or her willingness to accept this important assignment.

The Court also expresses its appreciation to the following Committee members whose valuable and faithful service to the Court, the Committee, the legal profession, and the public will be completed on December 31, 2022:

Heather Zachary of Little Rock (Panel A attorney member—Second Congressional District);

Mark Martin of Fayetteville (Panel A attorney member—Third Congressional District);

Miles Kimble of Forrest City (Panel B non-attorney member—statewide at large);

Mitchell Lowe of Little Rock (Panel D non-attorney member—statewide at large).