

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF JUNE 8, 2023

### **JOHN DAN KEMP, CHIEF JUSTICE**

[CV-22-635](#). Monsanto Company v. Cornelius Kilgore and Labommie Kilgore, from Drew County Circuit Court. Petition for writ of certiorari or, in the alternative, a writ of prohibition, writ of mandamus, or other supervisory writ. Petition denied. Wood, Womack, and Webb, JJ., dissent.

### **KAREN R. BAKER, JUSTICE**

[CV-21-417](#). Rebecca Nichols v. James Swindoll and Chuck Gibson, from Pulaski County Circuit Court, Fifth Division. Affirmed; court of appeals' opinion vacated. Wood, Womack, and Webb, JJ., dissent.

### **COURTNEY RAE HUDSON, JUSTICE**

[CV-22-662](#). LaQuince T. Hogan v. Dexter Payne, Director, Arkansas Division of Correction, from Hot Spring County Circuit Court. Affirmed.

### **RHONDA K. WOOD, JUSTICE**

[CV-22-636](#). Victor Bernard Williams, M.D. v. Baptist Health d/b/a Baptist Health Medical Center; Doug Weeks; Tim Burson, M.D.; Scott Marotti, M.D.; Frederick A. Meadors, M.D.; Robert Casali, M.D.; T. Robert Moffett, M.D.; Susan Keathley, M.D.; William Everett Tucker, Jr., M.D.; and Chris Cate, M.D., from Pulaski County Circuit Court, Sixth Division. Affirmed.

### **SHAWN A. WOMACK, JUSTICE**

[CR-22-21](#). Stacy Anthony Mitchell v. State of Arkansas, from Benton County Circuit Court. Affirmed; court of appeals' opinion vacated. Kemp, C.J., concurs without opinion. Baker, Hudson, and Wynne, JJ., dissent.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 8, 2023**

**PER CURIAM ORDERS**

CV-23-358. Arkansas Department of Education; Jacob Olivia, in His Official Capacity as Arkansas Secretary of Education; Randy Henderson, in His Official Capacity as a Member of the Arkansas State Board of Education; Jeff Wood, in His Official Capacity as a Member of the Arkansas State Board of Education; Adrienne Woods, in Her Official Capacity as a Member of the Arkansas State Board of Education; Steve Sutton, in His Official Capacity as a Member of the Arkansas State Board of Education; O. Fitzgerald Hill, in His Official Capacity as a Member of the Arkansas State Board of Education; Oudia Newton, in Her Official Capacity as a Member of the Arkansas State Board of Education; Sarah Moore, in Her Official Capacity as a Member of the Arkansas State Board of Education; Kathy McFetridge, in Her Official Capacity as a Member of the Arkansas State Board of Education; Lisa Hunter, in Her Official Capacity as a Member of the Arkansas State Board of Education; Friendship Education Foundation; and Marvell-Elaine School District v. Doris Ivy Jackson; Laverne Sims; Jesselia Maples; Diamacious Sims; Darryl Harris; Sylvia Moore; Danielle Wright; DeraShaun McGhee; Vivian Davis; James Carruth; Iola Hoskins; Steven Grappe; Veronica McClane; and Citizens for Arkansas Public Education and Students (CAPES), a Ballot Question Committee, from Pulaski County Circuit Court, Fourth Division. Appellants' emergency motion for stay and expedited consideration. Expedited consideration granted; motion for stay denied. Wood, Womack, and Webb, JJ., would grant motion for stay. Marvell-Elaine School District's request for expedited briefing granted. Wood, Womack, and Webb, JJ., would deny. Motion of amici curiae yes. every kid. foundation and Americans for Prosperity Foundation – Arkansas to file brief in support of appellants' motion for stay and expedited consideration granted. Tendered brief of amici curiae yes. every kid. foundation and Americans for Prosperity – Arkansas in support of appellants' motion for stay filed this date. Appellants' and appellees' simultaneous briefs due Tuesday, June 6, 2023, at 9:00am; simultaneous reply briefs due Wednesday, June 7, 2023, at 9:00am. Wood, Womack, and Webb, JJ., would ask the parties to brief whether the case presents a nonjusticiable political question that violates separation of powers. Womack and Webb, JJ., would ask the parties to brief whether sovereign immunity bars the lawsuit. (Proceedings of June 2, 2023)

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 8, 2023**

**PER CURIAM ORDERS**

CV-23-358. Arkansas Department of Education; Jacob Olivia, in His Official Capacity as Arkansas Secretary of Education; Randy Henderson, in His Official Capacity as a Member of the Arkansas State Board of Education; Jeff Wood, in His Official Capacity as a Member of the Arkansas State Board of Education; Adrienne Woods, in Her Official Capacity as a Member of the Arkansas State Board of Education; Steve Sutton, in His Official Capacity as a Member of the Arkansas State Board of Education; O. Fitzgerald Hill, in His Official Capacity as a Member of the Arkansas State Board of Education; Oudia Newton, in Her Official Capacity as a Member of the Arkansas State Board of Education; Sarah Moore, in Her Official Capacity as a Member of the Arkansas State Board of Education; Kathy McFetridge, in Her Official Capacity as a Member of the Arkansas State Board of Education; Lisa Hunter, in Her Official Capacity as a Member of the Arkansas State Board of Education; Friendship Education Foundation; and Marvell-Elaine School District v. Doris Ivy Jackson; Laverne Sims; Jesselia Maples; Diamacious Sims; Darryl Harris; Sylvia Moore; Danielle Wright; DeraShaun McGhee; Vivian Davis; James Carruth; Iola Hoskins; Steven Grappe; Veronica McClane; and Citizens for Arkansas Public Education and Students (CAPES), a Ballot Question Committee, from Pulaski County Circuit Court, Fourth Division. Motion of amici curiae yes. every kid. foundation and Americans for Prosperity Foundation – Arkansas to file brief in support of appellants and for expedited consideration. Expedited consideration granted; motion to file amicus curiae brief granted. (Proceedings of June 7, 2023)

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 8, 2023**

**CASES SUBMITTED**

CV-23-358. Arkansas Department of Education; Jacob Olivia, in His Official Capacity as Arkansas Secretary of Education; Randy Henderson, in His Official Capacity as a Member of the Arkansas State Board of Education; Jeff Wood, in His Official Capacity as a Member of the Arkansas State Board of Education; Adrienne Woods, in Her Official Capacity as a Member of the Arkansas State Board of Education; Steve Sutton, in His Official Capacity as a Member of the Arkansas State Board of Education; O. Fitzgerald Hill, in His Official Capacity as a Member of the Arkansas State Board of Education; Oudia Newton, in Her Official Capacity as a Member of the Arkansas State Board of Education; Sarah Moore, in Her Official Capacity as a Member of the Arkansas State Board of Education; Kathy McFetridge, in Her Official Capacity as a Member of the Arkansas State Board of Education; Lisa Hunter, in Her Official Capacity as a Member of the Arkansas State Board of Education; Friendship Education Foundation; and Marvell-Elaine School District v. Doris Ivy Jackson; Laverne Sims; Jesselia Maples; Diamacious Sims; Darryl Harris; Sylvia Moore; Danielle Wright; DeraShaun McGhee; Vivian Davis; James Carruth; Iola Hoskins; Steven Grappe; Veronica McClane; and Citizens for Arkansas Public Education and Students (CAPES), a Ballot Question Committee, from Pulaski County Circuit Court, Fourth Division.