



ARKANSAS JUDICIARY

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## CA 05-328

Case Number CA 05-328 filed at this court on 03/18/2005

Case Category: Law

Case Caption:

KATHLEEN PENNINO

V

BENNIE WALTHALL

MARYESE WALTHALL

DONALD WALTHALL

MARGIE WALTHALL

CLAYTON LAND AND TIMBER ENTERPRISES

WALTHALL BROTHERS INVESTMENT, INC.

Kathleen Pennino (ACTIVE) Appellant's counsel:

Robert David Lewis - LEAD

Bennie Walthall (ACTIVE) Appellee's counsel:

Ronald D. Kelsay - LEAD

Maryese Walthall (ACTIVE) Appellee's counsel:

Donald Walthall (ACTIVE) Appellee's counsel:

Margie Walthall (ACTIVE) Appellee's counsel:

Clayton Land and Timber Enterprises (ACTIVE) Appellee's counsel:

Walthall Brothers Investment, Inc. (ACTIVE) Appellee's counsel:

Trial Court: Ouachita

Ouachita Circuit

Trial Court Number: P-01-176

Trial Judge: Edward P. Jones

----- EVENT LISTING -----

06/21/2006 Letter Orders - Court of Appeals

Submitted to the court on - 06/14/06

Appellee's Attorney - Ronald D. Kelsay

06/08/2006 Motion for Taxation of Costs - Bennie Walthall

Submitted to the court on - 06/14/06  
Action = MOOT on 06/21/06  
Appellee's Attorney - Ronald D. Kelsay  
Appellee's motion for taxation of costs. Moot.

06/01/2006 Mandate to Clerk

05/17/2006 Letter Orders - Court of Appeals  
Submitted to the court on - 05/10/06  
Appellant's Attorney - Robert David Lewis

05/10/2006 Response to Petition for Rehearing - Bennie W  
Appellee's Attorney - Ronald D. Kelsay  
(tendered) (late)

05/01/2006 Petition for Rehearing - Kathleen Pennino  
Submitted to the court on - 05/10/06  
Action = DENIED on 05/17/06  
Appellant's Attorney - Robert David Lewis  
Petition for Rehearing is denied.  
(missing a page and certificate of merit)

05/01/2006 Petition for Review - 06-470 - Kathleen Pennino  
Action = awaiting action  
Appellant's Attorney - Robert David Lewis

04/12/2006 Brief Costs on Appeal = Aple \$500.00 - Bennie  
Appellee's Attorney - Ronald D. Kelsay

04/12/2006 Majority Opinion Rendered  
ACTION = Affirmed  
Opinion Date - 04/12/06 Consist of 0 pages,  
Cite Number - Publish - no  
Wendell Lee Griffen -- WRITING  
Pittman, C.J., and Roaf, J., agree.

04/12/2006 Opinion Panel  
Wendell Lee Griffen -- WRITING

03/22/2006 Case Submitted

03/22/2006 Court of Appeals Votesheet Issued

11/08/2005 Reply Brief Filed Kathleen Pennino  
Appellant's Attorney - Robert David Lewis

11/08/2005 Checklist for Reply Briefs - Kathleen Pennino  
Appellant's Attorney - Robert David Lewis  
REPLY BRIEFS  
1. TABLE OF CONTENTS  
2. TABLE OF AUTHORITIES (IF ANY)

### 3. ARGUMENT - 15 PAGES

11/03/2005 Record Checkout by Atty. of Record - Kathleen P n  
Appellant's Attorney - Robert David Lewis  
Number of Volumes 4  
Number of Sets 0  
Exhibits were filed with the record  
4 volumes and 3 accordian folders checked out.

10/28/2005 Letter from Circuit Court on Remanded Exhibit

10/24/2005 Brief Filed Timely - Bennie Walthall  
Appellee's Attorney - Ronald D. Kelsay

10/24/2005 Checklist for Appellee Briefs - Bennie Waltha  
Appellee's Attorney - Ronald D. Kelsay  
APPELLEE BRIEFS  
TABLE OF CONTENTS  
POINTS ON APPEAL  
TABLE OF AUTHORITIES  
SUPPLEMENTAL ABSTRACT (IF ANY)  
STATEMENT OF THE CASE - FIVE PAGES (IF ANY)  
ARGUMENT - 25 PAGES  
SUPPLEMENTAL ADDENDUM INDEX (IF ANY)  
SUPPLEMENTAL ADDENDUM (IF ANY)

08/24/2005 Formal Orders - Court of Appeals  
Submitted to the court on - 08/17/05  
Appellee's Attorney - Ronald D. Kelsay

07/22/2005 Motion to Supplement the Record - Bennie Walt  
Submitted to the court on - 08/17/05  
Action = REMANDED on 08/24/05  
Appellee's Attorney - Ronald D. Kelsay  
Appellees' motions to supplement the record and stay  
briefing schedule. Remanded to the trial court to settle  
the record within thirty days (September 23, 2005). Brief  
due within thirty days thereafter.  
7-26-05. Amended motion to supplement.  
10/24/05 - Clerk to send an affidavit that the evidence was  
never admitted at trial.

07/01/2005 Record Checkout by Atty. of Record - Bennie Wal a  
Appellee's Attorney - Ronald D. Kelsay  
Number of Volumes 3  
Number of Sets 0  
3 vols. & 3 binders.

06/28/2005 BOX OF EXHIBIT #1 w/record  
Staff advised to keep box until case is ready for  
submission -- if it's needed to be filed - we'll require a

motion to supplement at that time

06/27/2005 Briefing Commenced - Walthall Brothers Investment, Inc.  
This event was tickled for 07/27/05

06/27/2005 Briefing Commenced - Clayton Land and Timber Enterprises  
This event was tickled for 07/27/05

06/27/2005 Briefing Commenced - Margie Walthall  
This event was tickled for 07/27/05

06/27/2005 Briefing Commenced - Donald Walthall  
This event was tickled for 07/27/05

06/27/2005 Briefing Commenced - Maryese Walthall  
This event was tickled for 07/27/05

06/27/2005 Briefing Commenced - Bennie Walthall  
This event was tickled for 07/27/05

06/27/2005 Brief Filed Timely - Kathleen Pennino  
Appellant's Attorney - Robert David Lewis

06/27/2005 Checklist for Appellant's Briefs - Kathleen P  
Appellant's Attorney - Robert David Lewis

REQUIREMENTS:

17 COPIES OF THE BRIEF

12 PICTH OR LARGER FONT SIZE

TEXT IS DOUBLE-SPACED

1 INCH MARGINS ON THE TOP, BOTTOM, & RIGHT MARGI

EACH MAJOR SECTION BEGINS WITH PAGE 1

CONTENTS:

TABLE OF CONTENTS

A. PAGE NUMBER REFERENCES TO EACH MAJOR SECTIO

B. PG REF TO THE ABS WHERE EACH WIT BEGIN TSMY

INFORMATION/JURIDITIONAL STATEMENT

POINTS ON APPEAL

TABLE OF AUTHORITIES

ABSTRACT

A. FIRST PERSON NARRATIVE

B. PAGE REFERENCES TO RECORD

STATEMENT OF THE CASE

A. FIVE PAGES OR LESS

B. PAGE REFERENCES TO THE ABSTRACT & ADDENDUM

ARGUMENT

A. TWENTY-FIVE PAGES OR LESS

B. PAGE REFERENCES TO THE ABSTRACT & ADDENDUM

C. SIGNATURE AND CERTIFICATE OF SERVICE

ADDENDUM

A. INDEX WITH PAGE REFERENCES TO THE RECORD

B. JUDGMENT/ORD/DECREE APPEALED FROM INCLUDED

C. NOTICE OF APPEAL INCLUDED  
CIVIL CASE

05/27/2005 Record on Remand Filed  
Number of Volumes 1  
Number of Sets 0

05/27/2005 Briefing Commenced - Kathleen Pennino  
This event was tickled for 06/26/05  
Appellant's Attorney - Robert David Lewis

05/25/2005 Record on Remand Tendered  
Clerk's certificate not sealed.

05/17/2005 SUE CLAYTON NEEDS RECORD WHEN RETURNED  
Check the Judge - Edward P. Jones or Michael R. Landers  
Place original order on remand in front of record

05/16/2005 Order on Remand to Supplement the Record - Ou

04/27/2005 Formal Orders - Court of Appeals  
Submitted to the court on - 04/20/05  
Appellant's Attorney - Robert David Lewis

04/18/2005 Motion to Stay Brief Time - Kathleen Pennino  
Action = awaiting action  
Appellant's Attorney - Robert David Lewis

04/11/2005 Response to Motion to Supplement the Record -  
Appellee's Attorney - Ronald D. Kelsay

04/01/2005 Motion to Supplement the Record - Kathleen Pe  
Submitted to the court on - 04/20/05  
Action = REMANDED on 04/27/05  
Appellant's Attorney - Robert David Lewis  
Appellants' motion to supplement the record and motion to  
stay briefing schedule. Remanded to the trial court to  
settle the record within thirty days (May 27, 2005). Brief  
due thirty days thereafter.  
5-25-05. Supplemental Record. Tendered. Clerk's  
certificate not sealed.  
5-27-05. Record on Remand. Filed. Appellant's brief due  
6-26-05. Attorney's notified.

04/01/2005 Record Checkout by Atty. of Record - Kathleen P n  
Appellant's Attorney - Robert David Lewis  
Number of Volumes 3  
Number of Sets 0  
3 large envelopes.

03/18/2005 Record Lodged

Number of Volumes 3  
Number of Sets 0  
Exhibits were filed with the record  
3 lg. accordian envelopes

**Date Filed:**

Friday, March 18, 2005

**Caption:**

KATHLEEN PENNINO

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