

ARKANSAS COURT OF APPEALS

DIVISIONS II & III

No. CV-16-161

PROGRESSIVE ELDERCARE SERVICES-
BRYANT, INC. d/b/a SOUTHERN TRACE
REHABILITATION AND CARE CENTER
APPELLANT

V.

WILDA PRICE, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
DOVIE PRICE

APPELLEE

Opinion Delivered November 2, 2016

APPEAL FROM THE SALINE COUNTY
CIRCUIT COURT
[NO. 63-CV-13-479-2]

HONORABLE GARY ARNOLD,
JUDGE

AFFIRMED

LARRY D. VAUGHT, Judge

Appellant Progressive Eldercare Services—Bryant, Inc., d/b/a/ Southern Trace Rehabilitation and Care Center (Progressive) sought summary judgment from the Saline County Circuit Court, claiming charitable immunity as a matter of law. Appellee Wilda Price, as the personal representative of the estate of Dovie Price, resisted the motion, claiming that Progressive not only was not entitled to charitable immunity, but it also was abusing the charitable form to avoid liability. The trial court denied summary judgment. On interlocutory appeal, Progressive argues that it is entitled to judgment as a matter of law on its defense of charitable immunity. For the reasons stated in *Progressive Eldercare Services-Saline, Inc. v. Cauffiel*, 2016 Ark. App. ___, handed down this same day, we affirm.

Affirmed.

GRUBER, HIXSON, and BROWN, JJ., agree.

HARRISON and GLOVER, JJ., concur.

BRANDON J. HARRISON, Judge, concurring. I concur for the same reasons expressed in my concurrence in *Progressive Eldercare Services-Saline, Inc. v. Cauffiel*, 2016 Ark. App. 523, ___ S.W.3d ___, handed down today.

DAVID M. GLOVER, Judge, concurring. I concur for the same reasons expressed in my concurrence in *Progressive Eldercare Services-Saline, Inc. v. Cauffiel*, 2016 Ark. App. 523, ___ S.W.3d ___, handed down today.

Kutak Rock LLP, by: *Mark W. Dossett* and *Jeff Fletcher*, for appellant.

Reddick Moss, PLLC, by: *Brian D. Reddick*, *Robert W. Francis*, and *Matthew D. Swindle*, for appellee.