

**ARKANSAS COURT OF APPEALS**

DIVISIONS II &amp; III

No. CV-15-773

PROGRESSIVE ELDERCARE SERVICES-SALINE, INC., d/b/a HEARTLAND REHABILITATION AND CARE CENTER, PROGRESSIVE ELDERCARE SERVICES, INC.; PROCARE THERAPY SERVICES, LLC; JEJ INVESTMENTS, LLC; PONTNIE HOLDINGS, LLC; SOUTHERN ADMINISTRATIVE SERVICES, LLC; CAREPLUS STAFFING SERVICES, LLC; JOHN PONTNIE; ROSS PONTNIE; MARK THOMPSON; AND EARNEST JOHNSON IN HIS CAPACITY AS ADMINISTRATOR OF HEARTLAND REHABILITATION AND CARE CENTER

APPELLANTS

V.

KEVIN GARRETT AS ATTORNEY-IN-FACT FOR LOTTIE WHITE

APPELLEE

Opinion Delivered NOVEMBER 2, 2016

APPEAL FROM THE SALINE COUNTY CIRCUIT COURT  
[NO. 63-CV-13-354-3]

HONORABLE GRISHAM PHILLIPS,  
JUDGE

AFFIRMED

**DAVID M. GLOVER, Judge**

Progressive Eldercare Services—Saline, Inc., d/b/a Heartland Rehabilitation and Care Center (“Heartland”) appeals the Saline County Circuit Court’s denial of summary judgment that it is charitably immune to suit as a matter of law. In this interlocutory appeal, Heartland contends it is entitled to summary judgment as a matter of law based on the doctrine of charitable immunity and that appellee Kevin Garrett, as attorney-in-fact his mother, Lottie

White, failed to rebut its entitlement to charitable immunity. For the reasons stated in *Progressive Eldercare Services-Saline, Inc. v. Cauffiel*, 2016 Ark. App. 523, \_\_\_ S.W.3d \_\_\_, handed down today, we affirm.

Affirmed.

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

HARRISON, J., concurs.

**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.

*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.