

SUPREME COURT OF ARKANSAS

Jeremy Cook and Ronnie Hedge v. The Most Worshipful Grand Lodge, Free and Accepted Masons of the State of Arkansas, and Its Masonic Jurisdiction (Grand Lodge); Carl E. Nelson; Robert L. Jackson; Boyd Freeman; Samuel D. Lattin; George K. Coffman (Deceased); Arnold G. Hodge; Charles H. Ferguson; Martin E. Warren; Billy Joe Holder; Bradley R. Phillips; George R. Franks, Jr.; Chris Young, all in their individual and official capacities as office holders and members of the Grand Lodge; and John Does 1–25

2023 Ark. 159 (2023) · No. CV-22-600 · Decided November 9, 2023

SUMMARY

The Arkansas Supreme Court vacated the court of appeals' order, denied the appellants' motion for a writ of certiorari to complete the appellate record, and granted the appellees' motion to dismiss the appeal. The court held that the appellants should have sought an extension under Arkansas Rule of Appellate Procedure–Civil 5(b) because the hearing transcript was necessary to complete the record, and that their failure to do so warranted dismissal.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per curiam; Tiffany Brown, Special Justice
JURISDICTION	Arkansas
DECIDED	November 9, 2023
DOCKET	CV-22-600
DISPOSITION	dismissed
PROCEDURAL POSTURE	The Arkansas Supreme Court granted Cook's petition for review of the court of appeals' order dismissing the appeal for failure to file a complete record and denying a motion for writ of certiorari to complete the record.
STANDARD OF REVIEW	The court construed the Arkansas Rules of Appellate Procedure–Civil using the same means and canons used to interpret statutes, giving

	plain and unambiguous language its ordinary meaning.
PRECEDENTIAL VALUE	published
PARTIES	Jeremy Cook, Ronnie Hedge v. The Most Worshipful Grand Lodge, Free and Accepted Masons of the State of Arkansas, and Its Masonic Jurisdiction, Carl E. Nelson, Robert L. Jackson, Boyd Freeman, Samuel D. Lattin, George K. Coffman, Arnold G. Hodge, Charles H. Ferguson, Martin E. Warren, Billy Joe Holder, Bradley R. Phillips, George R. Franks, Jr., Chris Young, John Does 1–25

TOPICS

appellate procedure writ of certiorari civil procedure statutory interpretation plain meaning rule

PRACTICE AREAS

appellate procedure civil procedure statutory interpretation

QUESTIONS PRESENTED

1. Whether Cook's ethical obligations prevented him from filing a motion for an extension under Arkansas Rule of Appellate Procedure–Civil 5(b)(1)(E), and therefore excused his failure to obtain an extension before seeking certiorari.
2. Whether the appeal should be dismissed when the designated transcript was missing from the appellate record, even though the transcript was reportedly from a short hearing.
3. Whether Cook demonstrated the inability to obtain a circuit-court extension required for a writ of certiorari under Rule 5(b)(3).

HOLDINGS

1. Cook's ethical obligations did not prevent him from requesting an extension. Because the transcript was unavailable, additional time was necessary for the court reporter to include it in the appellate record, satisfying the substance of Rule 5(b)(1)(E).
2. Cook was not entitled to certiorari because he neither obtained a circuit-court extension nor demonstrated that he was unable to obtain one.
3. The appeal was properly subject to dismissal because Cook designated the transcript as part of the record, and the circuit court's dismissal order expressly relied on reasons stated during the hearing.

KEY QUOTATIONS

“It is axiomatic that if a transcript is not available, more time is necessary for the court reporter to “include the transcript in the record on appeal[.]”” (at 5)

“The fact that the hearing may have been short does not mean that it was not a necessary part of the designated record or that it would be unjust to require its inclusion.” (at 6)

FACTUAL BACKGROUND

Cook's complaint arose from his activities as a member of the Grand Lodge. The circuit court dismissed the complaint after a hearing and stated that the Grand Lodge's motion was granted for reasons stated on the record during that hearing. Cook designated the hearing transcript as part of the appellate record, but the court reporter had not completed it by the record-filing deadline. Cook filed the pleadings without the transcript and sought certiorari instead of requesting a circuit-court extension.

PROCEDURAL HISTORY

Cook filed a complaint in Pulaski County Circuit Court on January 31, 2019. The circuit court granted the Grand Lodge's motion to dismiss for failure to state a claim on May 26, 2022, and Cook filed an amended notice of appeal. Cook timely filed the pleadings but did not file the transcript of the dismissal hearing or obtain a circuit-court extension under Arkansas Rule of Appellate Procedure—Civil 5(b). The court of appeals dismissed the appeal and denied certiorari; the Supreme Court vacated that order, denied certiorari, and granted the motion to dismiss the appeal.

DISPOSITION

dismissed

CASES CITED

- Parsons v. Preferred Family Healthcare, Inc., 2023 Ark. 56, 662 S.W.3d 654
- Medicanna, LLC v. Ark. Dep't of Fin. & Admin., 2021 Ark. 227
- Tollett v. Wilson, 2020 Ark. 326, 608 S.W.3d 602
- State ex rel. Rutledge v. Purdue Parma L.P., 2021 Ark. 133, 624 S.W.3d 106
- Rose Care, Inc. v. Jones, 355 Ark. 682, 144 S.W.3d 738 (2004)
- Hickson v. Ark. Dep't of Hum. Servs., 357 Ark. 577, 182 S.W.3d 483 (2004)
- Coggins v. Coggins, 353 Ark. 431, 108 S.W.3d 588 (2003)