

SUPREME COURT OF ARKANSAS

Brock v. Townsell

314 S.W.3d 271 (Ark. 2009) · No. No. 08-807 · Decided February 19, 2009

SUMMARY

The Supreme Court of Arkansas ordered rebriefing in an appeal from an order granting summary judgment to the mayor of Conway and denying the appellant's motion for summary judgment. The court held that the appellant's addendum was deficient under Arkansas Supreme Court Rule 4-2(a)(8) because it omitted essential pleadings and related summary-judgment materials, and allowed fifteen days to cure the deficiency.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	February 19, 2009
DOCKET	No. 08-807
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a circuit court order granting the appellee's motion for summary judgment and denying the appellant's cross-motion for summary judgment.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	Herman Brock v. Tab Townsell, Mayor of the City of Conway, Arkansas

TOPICS

- appellate procedure
- summary judgment
- civil procedure
- municipal law

PRACTICE AREAS

- appellate procedure
- civil procedure
- municipal law

QUESTIONS PRESENTED

1. Whether the appellant's failure to include pleadings and documents essential to understanding the case and the court's appellate jurisdiction required rebriefing under Arkansas Supreme Court Rule 4-2.

HOLDINGS

1. When an appellant's addendum is deficient because it omits relevant pleadings and documents essential to understanding the case and the court's jurisdiction on appeal, the Supreme Court may require the appellant to file a substituted addendum and brief within the period prescribed by Rule 4-2(b)(3).

KEY QUOTATIONS

"Because Appellant has submitted a brief without a proper addendum in violation of Arkansas Supreme Court Rule 4-2(a)(8) (2008), we order rebriefing." (271)

"Because Appellant has failed to comply with our rules, we order him to file a substituted addendum and brief within fifteen days from the date of entry of this order." (272)

FACTUAL BACKGROUND

The underlying case was decided in the circuit court on cross-motions for summary judgment. The appellant's addendum omitted both summary-judgment motions, the related responses and replies, supporting briefs, and the appellee's answer to the amended and substituted complaint. Because those omissions prevented adequate review of the case and the court's jurisdiction, the Supreme Court ordered the appellant to file a substituted addendum and brief.

PROCEDURAL HISTORY

The circuit court decided the case on cross-motions for summary judgment. On appeal, the Arkansas Supreme Court determined that the appellant's brief and addendum omitted pleadings and other documents required for an understanding of the case and the court's jurisdiction, and ordered rebriefing rather than reaching the merits.

DISPOSITION

other

REMAND INSTRUCTIONS

The appellant was ordered to file a substituted addendum and brief within fifteen days from entry of the order. After service, the appellee was permitted to revise or supplement the appellee's brief within the time prescribed by the clerk. Failure to comply could result in affirmance of the order appealed from for noncompliance with Rule 4-2.

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