

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CA11-726

ROSELYN G. GIRA LIVING  
REVOCABLE TRUST

APPELLANT

V.

FRANK BRYANT, ALICE BRYANT,  
AND BONNIE KELLEY

APPELLEES

Opinion Delivered March 14, 2012

APPEAL FROM THE NEWTON  
COUNTY CIRCUIT COURT  
[NO. CV-2008-54-4]

HONORABLE GORDON WEBB,  
JUDGE

REBRIEFING ORDERED

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## JOHN MAUZY PITTMAN, Judge

This is an appeal from an order setting aside a default judgment. Appellant argues that the trial court erred in setting aside the default judgment on the grounds of excusable neglect; in denying appellant's motion to strike appellee's answer as untimely; and in finding that appellant failed to establish an easement by acquiescence. We order rebriefing.

Appellant's final argument requires us to familiarize ourselves with the evidence relating to the claimed easement by acquiescence. We cannot begin to do so here, where several hundred pages of testimony have been reduced to approximately two pages of abstract and where numerous pertinent exhibits have been omitted from the addendum. With respect to appellant's brief proper, the argument section has not been double-spaced as required by Arkansas Supreme Court Rule 4-1(a).

Appellant is hereby ordered to file a substituted abstract, brief, and addendum that complies with Arkansas Supreme Court Rules 4-1 and 4-2 within fifteen days of the date of



Cite as 2012 Ark. App. 204

this opinion. Failure to file a complying brief within that time may result in the judgment being affirmed for noncompliance with the rules. Ark. Sup. Ct. R. 4-2(b)(3). While the above-mentioned deficiencies in appellant's brief are the most glaring, appellant should not consider them to be a definitive list of the deficiencies in its abstract, brief, and addendum. We strongly recommend that appellant review the contents of Rule 4-2 prior to submitting its substituted brief.

Rebriefing ordered.

WYNNE and HOOFFMAN, JJ., agree.

*George J. Stone*, for appellant.

*Charles W. Pierce*, for appellees.