

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CA12-77

DAWN L. ASHCRAFT  
APPELLANT

V.

WHITE RIVER MEDICAL CENTER  
AND RISK MANAGEMENT  
RESOURCES  
APPELLEES

**OPINION DELIVERED** OCTOBER 3, 2012

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. F901440]

REBRIEFING ORDERED

---

**ROBERT J. GLADWIN, Judge**

Appellant Dawn L. Ashcraft sustained a compensable injury to her left leg while working for appellee White River Medical Center. This injury was accepted by appellees, which paid for medical and indemnity benefits until it denied additional benefits beginning around April 3, 2009.

On or about March 20, 2009, some forty-seven days, five doctors' visits, and eight physical-therapy sessions after the February 1, 2009 accident, appellant complained of back pain and claimed it occurred as a result of the February 1, 2009 injury. Her claims went to a full hearing before the ALJ on February 22, 2011. By an opinion filed May 20, 2011, the ALJ found that in addition to suffering an admittedly compensable left-leg injury on February 1, 2009, appellant also suffered a compensable injury to her back on that date as well. Appellees appealed this finding to the Commission, which partially reversed the ALJ and



found that appellant had not sustained a compensable back injury. Appellant timely filed her appeal to this court.

Appellant argues three points on appeal, two of them going to the constitutionality of various aspects of the Arkansas Workers' Compensation Act. Counsel for appellant has once again flagrantly violated our briefing rules, with pages 301–587 of his 667-page addendum actually consisting of four pages of pleadings or deposition transcripts condensed to one page. Pages 605–667 are an exact transcript of appellant's deposition testimony, despite our rules explicitly instructing that "if a transcript (stenographically reported material) of a hearing, deposition, or testimony is an exhibit to a motion or related paper, then the material parts of the transcript shall be abstracted, not included in the addendum." Ark. Sup. Ct. R. 4-2(a)(8)(A)(i).

We addressed similar violations with counsel in *Hruska v. Baxter Regional Medical Center*, 2011 Ark. App. 422, in which we ordered rebriefing because counsel's flagrant violation of our rules interfered with our ability to efficiently address the issues in this appeal. Once again, we order counsel to file a substituted brief that complies with our rules within fifteen days from the date of entry of this opinion.<sup>1</sup> Before filing the substituted brief, we encourage him to review the rules and to ensure that no other deficiencies are present. After service of the substituted brief, appellees shall have an opportunity to revise or supplement their brief in the time prescribed by the court. If counsel fails to file a compliant brief within

---

<sup>1</sup>Ark. Sup. Ct. R. 4-2(b)(3), (c)(2) (allowing parties who file a deficient brief an opportunity to file a conforming brief).



Cite as 2012 Ark. App. 544

the prescribed time, we may affirm the Commission's decision for noncompliance with our rules.<sup>2</sup>

Rebriefing ordered.

PITTMAN and ROBBINS, JJ., agree.

*Frederick S. "Rick" Spencer*, for appellant.

*Walmsley Law Firm*, by: *Bill H. Walmsley; Murphy, Thompson, Arnold, Skinner & Castleberry*, by: *Casey Castleberry*, for appellees.

---

<sup>2</sup>See Ark. Sup. Ct. R. 4-2(b)(3).