

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CA 12-331

RANDY RUSSELL

APPELLANT

V.

ANDREA RUSSELL

APPELLEE

**Opinion Delivered** November 7, 2012

APPEAL FROM THE SEBASTIAN  
COUNTY CIRCUIT COURT, FORT  
SMITH DISTRICT  
[NO. DR2006-877]

HONORABLE JIM D. SPEARS, JUDGE

REBRIEFING ORDERED

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## WAYMOND M. BROWN, Judge

Appellant Randy Russell appeals from a divorce decree entered by the Sebastian County Circuit Court on December 8, 2011, and from the court's denial of his motion for a new trial. On appeal, appellant argues that (1) the divorce decree was unlawful because it ordered him to buy corporate shares in a family business from appellee instead of distributing existing marital property, and (2) appellee offered no competent evidence to prove that the business had a fair market value independent of the personal goodwill of appellant's stepfather. However, we cannot reach the merits of these arguments at this time.

Appellee Andrea Russell's brief refers to testimony by providing the page number of the record where the testimony may be found. This is in contravention of Arkansas Supreme Court Rule 4-2, which requires parties to refer to the appropriate page number of the abstract

when citing testimony or other abstracted material.<sup>1</sup> Rule 4–2(c)(2) provides that when an appellee’s brief is deficient, this court may give appellee fifteen days to cure the noncompliance. Accordingly, we direct appellee Andrea Russell to provide a compliant brief within fifteen days. If appellant’s abstract is not sufficient, Rule 4–2(b)(1) gives appellee the option of filing a supplemental abstract. We strongly encourage appellee, prior to filing a substituted brief, to review our rules and avoid any other deficiencies.

Rebriefing ordered.

VAUGHT, C.J. and WYNNE, J., agree.

*Smith, Cohen & Horan, PLC*, by: *Matthew T. Horan*, for appellant.

*Gean, Gean & Gean*, by: *David Charles Gean*, for appellee.

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<sup>1</sup>Ark. Sup. Ct. R. 4–2 (a)(6), (7) (2012); *see, e.g., Spears v. State*, 82 Ark. App. 376, 109 S.W.3d 139 (2003) (citing *King v. Baxter County Reg’l Hosp.*, 79 Ark. App. 97, 86 S.W.3d 13 (2002)).