

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA12-814

DON FULLER

APPELLANT

V.

CITY OF KENSETT

APPELLEE

Opinion Delivered March 27, 2013

APPEAL FROM THE WHITE
COUNTY CIRCUIT COURT
[NO. CV-2011-731-1]

HONORABLE CRAIG HANNAH,
JUDGE

REBRIEFING ORDERED

BILL H. WALMSLEY, Judge

Appellant Don Fuller appeals from the White County Circuit Court’s order granting appellee City of Kensett’s motion to dismiss Fuller’s complaint challenging an annexation. Fuller argues that the trial court erred in its application of Ark. Code Ann. § 14-40-604 (Repl. 1999). We are unable to reach the merits of Fuller’s argument due to deficiencies in his addendum and therefore order rebriefing.

Arkansas Supreme Court Rule 4-2(a)(8) (2012) provides that the addendum shall contain documents in the record that are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. The addendum must include, among other things, all motions, responses, replies, and related briefs concerning the order challenged on appeal and all notices of appeal. Ark. Sup. Ct. R. 4-2(a)(8)(A)(i).

Fuller failed to include the following in his addendum, and the omitted documents do not appear in the City’s supplemental addendum:



Cite as 2013 Ark. App. 199

- “Plaintiff’s Opposition to Defendant’s Motion to Dismiss” and brief in support;
- “Reply for Defendant City of Kensett to Plaintiff’s Opposition to Defendant’s Motion to Dismiss”;
- “Motion for Reconsideration, Vacation of Judgment, and Rehearing”;
- “Supplement to Motion for Reconsideration, Vacation of Judgment, and Rehearing”;
- “Response for Defendant City of Kensett to Plaintiff’s Motion for Reconsideration, Vacation of Judgment, and Rehearing”;
- “Notice of Appeal and Designation of Record” filed July 3, 2012;
- “Plaintiff’s Response to Defendant’s Response to Plaintiff’s Motion for Reconsideration, Vacation of Judgment, and Rehearing.”

Although the deficiencies or omissions in Fuller’s addendum must be corrected, complete rebriefing is not necessary. Ark. Sup. Ct. R. 4-2(b)(4). We order Fuller to file a supplemental addendum containing these pleadings and motions, as well as any other essential document from the record, within seven calendar days. We urge Fuller to carefully examine the record and review the rules before submitting the supplemental addendum.

Rebriefing ordered.

WYNNE and BROWN, JJ., agree.

Law Office of Paul D. Love, by: *Paul D. Love*, for appellant.

Lightle, Raney, Streit & Streit, LLP, by: *Donald P. Raney*, for appellee.