

ARKANSAS COURT OF APPEALS

DIVISION I
No. CV-14-81

HOWARD GRAHAM ET AL.
APPELLANTS

V.

STEVEN ARZO FRENCH ET AL.
APPELLEES

Opinion Delivered October 29, 2014

APPEAL FROM THE DESHA
COUNTY CIRCUIT COURT
[NO. CV-2012-80-3]

HONORABLE DOUG SCHRANTZ,
JUDGE

REBRIEFING ORDERED

JOHN MAUZY PITTMAN, Judge

This is an appeal from an order dismissing appellants' amended complaint involving the sale of fractional interests in land in Desha County. Appellants argue that the trial court erred in dismissing their action because they have standing to attack the sales and because they alleged facts in the amended complaint sufficient to warrant relief. We order rebriefing because appellants' addendum does not conform to Ark. Sup. Ct. R. 4-2(a)(8).

Rule 4-2(a)(8) requires specific pleadings and documents to be included in the addendum, as well as any other relevant pleadings, documents, or exhibits essential to an understanding of the case. Rule 4-2(b)(3) provides that, if the court finds the abstract or addendum to be deficient, such that the court cannot reach the merits of the case, an appellant must be afforded one opportunity to cure the deficiencies.

Appellants have failed to comply with Rule 4-2 by omitting from their addendum the amended complaint, the answer to the amended complaint, the motion to dismiss, and the

brief in support of the motion to dismiss. Because appellants have failed to comply with our rules, we order them to file a substituted addendum and brief within fifteen days from the date of entry of this order. Although we have noted specific deficiencies above, we encourage counsel to review our rules and the records to ensure that no additional deficiencies are present. If appellants fail to file a conforming addendum and brief within the prescribed time, the judgment appealed from may be affirmed for noncompliance with Rule 4-2. After service of the substituted brief, the appellees shall have an opportunity to revise or supplement their brief in the time prescribed by the clerk.

Rebriefing ordered.

GLADWIN, C.J., and WYNNE, J., agree.

McKissic & Associates, PLLC, by: *Jackie B. Harris*, for appellants.

Stephen L. Tisdale; Melinda French; and William L. Owen, P.A., by: *William L. Owen*, for appellees.