

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CV-14-1001

RILEY VERNON MCFALLS AND  
LINDA SUE MCFALLS  
APPELLANTS

V.

RALPH CRENSHAW AND  
DONNA CRENSHAW  
APPELLEES

**Opinion Delivered:** April 15, 2015

APPEAL FROM THE WHITE  
COUNTY CIRCUIT COURT  
[NO. CV-14-170-1]

HONORABLE THOMAS MORGAN  
HUGHES, JUDGE

DISMISSED

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## WAYMOND M. BROWN, Judge

The McFallses appeal from the circuit court's separate orders, entered on the same date, denying their petition to set aside judgment entered against them and the McFallses' first amended petition to set aside judgment. The McFallses also appeal from the deemed denial of their motion for reconsideration. We do not reach the merits of the McFallses' arguments as we have previously disposed of this matter in *Ralph Crenshaw and Donna Crenshaw v. Riley Vernon McFalls and Linda Sue McFalls, each in his and her representative capacity as a trustee of the Riley Vernon McFalls Revocable Trust and the Linda Sue McFalls Revocable Trust*.<sup>1</sup> Accordingly, we dismiss the appeal.

The circuit court entered an order on February 19, 2014, in which it awarded a judgment for the Crenshaws against the McFallses, individually, and authorized attorney's

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<sup>1</sup>2015 Ark. App. 186.

fees to the Crenshaws. After filing their petition for attorney's fees, despite petitioning the court for \$18,375, the Crenshaws were awarded \$1,500 in an order dated March 11, 2014. The Crenshaws filed a motion for reconsideration, which was deemed denied. Accordingly, the Crenshaws appealed from the circuit court's attorney's fee order granting them an amount less than that requested in their petition. Their amended notice of appeal was filed on April 21, 2014.

The McFallses cross-appealed, arguing that the circuit court erred in rendering a judgment against them individually when the Crenshaws sued them in their representative capacities as trustees of the Riley Vernon McFalls Revocable Trust and the Linda Sue McFalls Revocable Trust. Their notice of cross-appeal was filed on March 21, 2014.<sup>2</sup> This is the same argument the McFallses make in the matter presently before this court.

Despite having cross-appealed in the Crenshaws' appeal, the McFallses filed a petition to set aside judgment on May 8, 2014. The McFallses filed a first amended petition to set aside judgment on June 12, 2014.<sup>3</sup> The McFallses then filed a motion for judgment on the pleadings on July 9, 2014. In two separate orders filed on August 11, 2014, the circuit court denied both the McFallses' petition to set aside judgment and their first amended petition to set aside judgment. The McFallses filed a motion for reconsideration on August 25, 2014.

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<sup>2</sup>Their amended notice of cross-appeal was filed on May 24, 2014.

<sup>3</sup>The McFallses' petition to set aside judgment was filed under a different case number. All documents and pleadings prior to the McFallses' petition to set aside the judgment were filed under case no. CV-13-419-1; however, beginning with the McFallses' petition, all documents and pleadings were filed under case no. CV-14-170-1.

On August 27, 2014, the McFallses filed a notice of appeal from both of the circuit court's August 11, 2014 orders. They then filed a first amended notice of appeal on September 26, 2014, adding the deemed denial of their motion for reconsideration.

This court reviewed both parties' arguments and issued an opinion on March 11, 2015, in *Crenshaw v. McFalls*.<sup>4</sup> In *Bryant v. Bryant*, this court stated:

As a general rule, the appellate courts of this state will not review issues that are moot. To do so would be to render advisory opinions, which this court will not do. We have generally held that a case becomes moot when any judgment rendered would have no practical legal effect upon a then-existing legal controversy. In other words, a moot case presents no justiciable issue for determination by the court.<sup>5</sup>

Accordingly, because this matter has already been before and decided by this court, this matter is moot.

Dismissed.

VAUGHT and HOOFFMAN, JJ., agree.

*Simpson, Simpson & Mercer, P.A.*, by: *Justin G. Mercer*; and  
*Brett D. Watson, Attorney at Law, PLLC*, by: *Brett D. Watson*, for appellant.

No response.

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<sup>4</sup> *Crenshaw v. McFalls, supra*.

<sup>5</sup> 2009 Ark. App. 231, at 3, 303 S.W.3d 91, 93 (citing *Terry v. White*, 374 Ark. 387, 391–93, 288 S.W.3d 199, 202–03 (2008)) (internal citations omitted).