

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CV-16-810

LARRY PINGATORE

APPELLANT

V.

UNION PACIFIC RAILROAD
COMPANY AND DENNIS HATLEY

APPELLEES

Opinion Delivered: April 5, 2017

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CV-11-466]

HONORABLE PAMELA HONEYCUTT,
JUDGE

SUPPLEMENTAL ABSTRACT AND
ADDENDUM ORDERED

BRANDON J. HARRISON, Judge

Larry Pingatore appeals a Crittenden County Circuit Court order entered in May 2016 that granted summary judgment to Union Pacific Railroad Company and Dennis Hatley and dismissed all of his claims with prejudice. We cannot yet decide the merits of the appeal because Pingatore has not complied with our abstracting and addendum rules.

Our abstracting rules require Pingatore to create an abstract of the material parts of all the transcripts in the record. Ark. Sup. Ct. R. 4-2(a)(5). Information in a transcript is material if it is essential to understand the case and decide the issues on appeal. Ark. Sup. Ct. R. 4-2(a)(5). In this case, the circuit court dismissed Pingatore's defamation claims following a summary-judgment hearing on 1 November 2013. Pingatore argues, in part, that the court erred in granting summary judgment on the defamation claims, but he did not abstract the November 2013 summary-judgment hearing.

Pingatore's addendum is also deficient. An addendum should include all motions, responses, replies, exhibits, and related briefs concerning the order, judgment, or ruling challenged on appeal—and any other pleading or document in the record that is essential to understand the case and to decide the issues on appeal. Ark. Sup. Ct. R. 4-2(a)(8)(A).

Pingatore's addendum does not, but should, include:

- Defendant Union Pacific's First Motion for Summary Judgment and four attached exhibits;
- Brief in Support of First Motion for Summary Judgment;
- Defendant Dennis Hatley's Motion for Summary Judgment and attached affidavit;
- Plaintiff's Response to Union Pacific's First Motion for Summary Judgment and attached affidavit;
- Plaintiff's Brief in Support of his Response to Union Pacific Railroad Company's Motion for Summary Judgment and attached affidavit;
- Plaintiff's Response to Dennis Hatley's Motion for Summary Judgment and attached affidavit;
- Reply to Plaintiff's Response to Motion for Summary Judgment; Defendant Dennis Hatley's Response to Plaintiff's Response to His Motion for Summary Judgment;
- Defendant Dennis Hatley's Additional Submission in Support of His Motion for Summary Judgment.

Because the parties' summary-judgment papers and arguments in the circuit court are critical to understanding and deciding this appeal, we order Pingatore to file, within seven calendar days from this opinion's date, a supplemental abstract and addendum that includes all materials relating to the November 2013 summary judgment. Ark. Sup. Ct. R.

4-2(b)(4). We are not requiring Pingatore to file new briefs; he need only file a supplemental abstract and addendum.

Supplemental abstract and addendum ordered.

GLADWIN and MURPHY, JJ., agree.

Easley & Houseal, PLLC, by: *B. Michael Easley*, for appellant.

Friday, Eldredge & Clark, LLP, by: *H. Wayne Young Jr.*, for appellee Union Pacific Railroad Company.

Williams & Anderson PLC, by: *Heather G. Zachary* and *David M. Powell*, for appellee Dennis Hatley.