

Cite as 2018 Ark. App. 214  
**ARKANSAS COURT OF APPEALS**  
DIVISION III  
No. CV-17-658

FIRST GOVERNMENT LEASE  
COMPANY AND PAUL GRAVER  
APPELLANTS

V.

NORTHWEST SCOTT COUNTY  
VOLUNTEER FIRE DEPARTMENT  
APPELLEE

OPINION DELIVERED: MARCH 28, 2018

APPEAL FROM THE SCOTT  
COUNTY CIRCUIT COURT  
[NO. 64CV-12-128]

HONORABLE DAVID H.  
MCCORMICK, JUDGE

REBRIEFING ORDERED

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**ROBERT J. GLADWIN, Judge**

First Government Lease Company (“FG”) and Paul Graver, who is the sole owner and operator of FG, appeal the Scott County Circuit Court’s judgment against Graver in the amount of \$258,195 in general damages and \$1.5 million in punitive damages and the circuit court’s order of May 11, 2017, denying appellants’ posttrial motions for judgment notwithstanding the verdict, new trial, remittitur, and for findings of fact and conclusions of law. However, we do not address appellants’ points on appeal because of deficiencies in appellants’ brief.

Several pleadings and orders were left out of the addendum, and those pleadings are necessary for an understanding of the issues on appeal. Arkansas Supreme Court Rule 4-2(a)(8)(A)(i) (2017) provides as follows:

The appellant’s brief shall contain an addendum after the signature and certificate of service. The addendum shall contain true and legible copies of the non-transcript

documents in the record on appeal that are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. The addendum shall not merely reproduce the entire record of trial court filings, nor shall it contain any document or material that is not in the record.

(A) Contents.

(i) The addendum must include the following documents:

- the pleadings (as defined by Rule of Civil Procedure 7(a)) on which the circuit court decided each issue: complaint, answer, counterclaim, reply to counterclaim, cross-claim, answer to cross-claim, third-party complaint, and answer to third-party complaint. If any pleading was amended, the final version and any earlier version incorporated therein shall be included;
- all motions (including posttrial and postjudgment motions), responses, replies, exhibits, and related briefs, concerning the order, judgment, or ruling challenged on appeal. But if a transcript (stenographically reported material) of a hearing, deposition, or testimony is an exhibit to a motion or related paper, then the material parts of the transcript shall be abstracted, not included in the addendum. The addendum shall also contain a reference to the abstract pages where the transcript exhibit appears as abstracted;
- any document essential to an understanding of the case and the issues on appeal, such as a will, contract, lease, note, insurance policy, trust, or other writing;

....

- the order, judgment, decree, ruling, letter opinion, or administrative agency decision from which the appeal is taken. In workers' compensation appeals, the administrative law judge's opinion shall be included when it is adopted in the order of the full commission. If the order (however named) incorporates a bench ruling, then that ruling must be abstracted and the addendum must contain a reference to the abstract pages where the information appears as abstracted. The transcript (stenographically reported material) containing the ruling may also be copied in the addendum or omitted, at the appellant's choice;
- all versions of the order (however named) being challenged on appeal if the court amended the order;
- any order adjudicating any claim against any party with or without prejudice;

....

- all notices of appeal;
- any postjudgment motion that may have tolled the time for appeal, and is therefore necessary to decide whether a notice of appeal was timely filed;

....

- any order extending the time to file the record on appeal; and
- any other pleading or document in the record that is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. For example, docket sheets, superseded pleadings, discovery related documents, proffers of documentary evidence, jury instructions given or proffered, and exhibits (such as maps, plats, photographs, computer disks, CDs, DVDs).

Many orders and pleadings are not included in appellants' addendum in violation of Rule 4-2. Those include the circuit court's orders dated February 5, 2015, and September 8, 2016, and all the circuit court's scheduling orders. Because of this case's procedural history, it is important to include those pleadings that will give this court an understanding of the case and to decide the issues on appeal. While the deficiencies listed above are the most glaring, appellants should not consider them to be a definitive list; we strongly recommend that appellants review Rule 4-2 before submitting their substituted brief. Appellants are hereby ordered to file a substituted abstract, brief, and addendum that complies with Rule 4-2 within fifteen days of the date of this opinion. Ark. Sup. Ct. R. 4-2(b)(3).

Rebriefing ordered.

MURPHY and BROWN, JJ., agree.

*Pinnacle Law Firm, PLLC, by: Matthew D. Campbell, for appellants.*

*Walters, Gaston, Allison & Parker, by: Troy Gaston, for appellee.*