

ARKANSAS COURT OF APPEALS

DIVISION III
No. CA 09-125

NEAL HOLLINGSWORTH
APPELLANT

V.

COURTNEY HOLLINGSWORTH
APPELLEE

Opinion Delivered OCTOBER 28, 2009

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT,
[NO. DR-08-1151-5]

HONORABLE GARY L. CARSON,
JUDGE

REBRIEFING ORDERED

JOHN B. ROBBINS, Judge

Appellant Neal Hollingsworth appeals from the trial court's order denying his petition for grandparental visitation rights. Because Mr. Hollingsworth has submitted a brief without a proper addendum in violation of Arkansas Supreme Court Rule 4-2(a)(8), we order rebriefing.

Rule 4-2(a)(8) provides, in pertinent part:

Following the signature and certificate of service, the appellant's brief shall contain an Addendum which shall include true and legible photocopies of the order, judgment, decree, ruling, letter opinion, or Workers' Compensation Commission opinion from which the appeal is taken, along with any other relevant pleadings, documents, or exhibits essential to an understanding of the case and the Court's jurisdiction on appeal.

The procedure to be followed when an appellant has submitted an insufficient abstract or addendum is set forth in Arkansas Supreme Court Rule 4-2(b)(3):

Whether or not the appellee has called attention to deficiencies in the appellant's abstract or Addendum, the Court may address the question at any time. If the Court finds the abstract or Addendum to be deficient such that the Court cannot reach the merits of the case, or such as to cause an unreasonable or unjust delay in the disposition of the appeal, the Court will notify the appellant that he or she will be afforded an opportunity to cure any deficiencies, and has fifteen days within which to file a substituted abstract, Addendum, and brief, at his or her own expense, to conform to Rule 4-2(a)(5) and (8). Mere modifications of the original brief by the appellant, as by interlineation, will not be accepted by the Clerk. Upon the filing of such a substituted brief by the appellant, the appellee will be afforded an opportunity to revise or supplement the brief, at the expense of the appellant or the appellant's counsel, as the Court may direct. If after the opportunity to cure the deficiencies, the appellant fails to file a complying abstract, Addendum and brief within the prescribed time, the judgment or decree may be affirmed for noncompliance with the Rule.

Here, Mr. Hollingsworth's brief is deficient due to the fact that his addendum lacks relevant pleadings essential to an understanding of the case. In particular, the addendum fails to include Mr. Hollingsworth's petition to establish grandparental visitation rights, as well as appellee Courtney Hollingsworth's response to the motion.

Because Mr. Hollingsworth has failed to comply with our rules, we order him to file a substituted addendum and brief within fifteen days from the date of entry of this order. If he fails to do so within the prescribed time, the order appealed from may be affirmed for noncompliance with Rule 4-2. After service of the substituted addendum and brief, Ms. Hollingsworth shall have an opportunity to revise or supplement her brief in the time prescribed by the clerk.

Rebriefing ordered.

KINARD and HENRY, JJ., agree.