

ARKANSAS COURT OF APPEALS

DIVISION I

No. CA08-760

RHONDA RUSSELL, INDIVIDUALLY
AND AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF LARRY WAYNE RUSSELL, SR.,
DECEASED
APPELLANT

V.

NORTHEAST TEXAS LAND & TIMBER
AND PERRY STEITLER
APPELLEES

Opinion Delivered April 1, 2009

APPEAL FROM THE LITTLE RIVER
COUNTY CIRCUIT COURT
[NO. CV-2006-154-2]

HONORABLE CHARLES A.
YEARGAN, JUDGE

REBRIEFING ORDERED

JOHN MAUZY PITTMAN, Judge

This is an appeal from the grant of summary judgment in a wrongful-death action.

We order rebriefing.

On appeal, we determine if summary judgment was proper based on whether the evidence presented by the movant left a material question of fact unanswered. *Parkerson v. Lincoln*, 347 Ark. 29, 61 S.W.3d 146 (2001). We approve the granting of the motion only when the state of the evidence as portrayed by the pleadings, affidavits, discovery responses, and admissions on file demonstrates that there remains no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Id.*

The addendum submitted by appellant in this case does not include the pleadings; there are also admissions that have not been included. Arkansas Supreme Court Rule 4-2(a)(8) requires that the addendum contain all relevant orders, pleadings, documents, and exhibits in the record as are essential to an understanding of the case. It is impossible to determine whether summary judgment was proper without any of the pleadings. The pleadings and the order from which the appeal is taken are the bare essentials of an addendum. *See Stuart v. Well Water Construction Commission*, 343 Ark. 369, 37 S.W.3d 573 (2001). Accordingly, we allow appellant fifteen days from the date of this opinion in which to file a substituted brief, abstract, and addendum to cure any and all deficiencies, at his own expense. *See Ark. Sup. Ct. R. 4-2(b)(3)*. In the event that appellant fails to file a complying brief within the requisite time period, the judgment may be affirmed for noncompliance with the rule. *See id.*

Rebriefing ordered.

GLADWIN and HENRY, JJ., agree.