

SUPREME COURT OF ARKANSAS

No. 10-125

BUNN BUILDERS, INC. AND
EMPLOYERS MUTUAL CASUALTY
COMPANY,

APPELLANTS,

VS.

RICHARD WOMACK AND ROY
TURNER d/b/a R & R ENTERPRISES,
APPELLEES,

Opinion Delivered 3-31-11

APPEAL FROM THE CIRCUIT
COURT OF CLARK COUNTY, CIVIL
DIVISION, NO. CV2007-46, HON.
ROBERT E. MCCALLUM, JUDGE,

REBRIEFING ORDERED.

PER CURIAM

Appellants, Bunn Builders, Inc. and its insurer Employers Mutual Casualty Company, hired appellees, Richard Womack and Roy Turner d/b/a R & R Enterprises, to paint the ground floor office of the Bunn Builders, Inc. building located in Arkadelphia, Arkansas. On August 19, 2004, a fire broke out in the Bunn Builders, Inc. office building. Bunn Builders, Inc. and their insurance carrier brought suit against appellees for negligence alleging that appellees failed to exercise reasonable care in the performance of the work they contracted to complete at the Bunn Builders, Inc. office building. A jury trial was held on October 19-21, 2009, and the jury returned a verdict in favor of the appellees. Appellants appeal from that jury verdict.

We are unable to consider appellants' appeal at this time because their brief is not in compliance with Ark. Sup. Ct. R. 4-2(a)(8) (2010). Our newly amended rule states that in any case where there was a jury trial, the appellant must include the jury's verdict forms. Ark. Sup. Ct. R. 4-2(a)(8)(A)(i) (2010); *see also In re Arkansas Supreme Court and Court of Appeals Rules 4-1, 4-2, 4-3, 4-4, 4-7, and 6-9*, 2009 Ark. 544 (per curiam). Our rules also require that "if an exhibit or other item in the record cannot be reproduced in the addendum, then the party making the addendum must file a motion seeking a waiver of the addendum obligation." Ark. Sup. Ct. R. 4-2(a)(8)(A)(ii) (2010).

In this case, appellants failed to include the jury verdict form in the addendum as required by our rules. Further, appellants failed to file a motion for waiver of addendum obligation. Accordingly, we order appellants to file a substituted brief, curing the deficiencies in the addendum, within fifteen days from the date of entry of this order. Ark. Sup. Ct. R. 4-2(b)(3) (2010). After service of the substituted brief, the appellees shall have an opportunity to file a responsive brief in the time prescribed by the supreme court clerk, or to rely on the brief previously filed in this appeal.

Rebriefing ordered.