

Donald COUSINS v. FARM BUREAU MUTUAL
INSURANCE COMPANY of Arkansas, Inc.

88-138

758 S.W.2d 707

Supreme Court of Arkansas
Opinion delivered October 24, 1988
[Rehearing denied November 21, 1988.]

APPEAL & ERROR — NO APPEALABLE ORDER. — Where the trial court granted appellee's motion for summary judgment and dismissed it from the suit, and other defendants remain in the suit, the order was not appealable.

Appeal from Madison Circuit Court, Second Division; *Kim Smith*, Judge; appeal dismissed.

Odom, Elliott & Martin, by: *Don R. Elliott, Jr.* and *Bill Bracey*, for appellant.

Davis, Cox & Wright, by: *Kelly Carithers*, for appellee.

DARRELL HICKMAN, Justice. [1] The trial court granted Farm Bureau's motion for summary judgment and dismissed it from this suit. Other defendants remain in the suit. According to ARCP Rule 54(b), this is not an appealable order. *See Rone v. Little*, 293 Ark. 242, 737 S.W.2d 152 (1987).

Appeal dismissed.

Carolyn KING, Mother, Natural Guardian and Next Friend
of Katrina King, a Minor v. LITTLE ROCK SCHOOL
DISTRICT

88-134

758 S.W.2d 708

Supreme Court of Arkansas
Opinion delivered October 24, 1988

1. JUDGMENT — ENTRY OF FINAL JUDGMENT. — ARCP Rule 54(b) provides that when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than

all the parties *only* upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment.

2. APPEAL & ERROR — NO FINAL, APPEALABLE JUDGMENT. — Where the order did not dispose of all the parties, nor did the trial court direct the entry of a final judgment, there was no appealable order, and the appeal was dismissed.

Appeal from Pulaski Circuit Court, Sixth Division; *David B. Bogard*, Judge; appeal dismissed.

Nussbaum, Newcomb & Hendrix, for appellant.

Friday, Eldredge & Clark, for appellee.

JOHN I. PURTLE, Justice. The appellant filed a tort action in the Circuit Court of Pulaski County against the Little Rock School District, Trinity Evangelistic Association, Inc., and Irving J. Dennis. The trial court granted a motion to dismiss on behalf of the Little Rock School District. The appellant filed a notice of appeal, and the transcript was lodged in this court. However, the order appealed from is not an appealable order pursuant to ARCP Rule 54(b).

[1] Rule 54(b) provides that when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the parties *only* upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. Here, the order did not dispose of all the parties, nor did the trial court direct the entry of a final judgment. See *Bryan Farms, Inc. v. State of Arkansas*, 295 Ark. 180, 747 S.W.2d 115 (1988); and *3-W Lumber Co. v. Housing Authority*, 287 Ark. 70, 696 S.W.2d 725 (1985).

[2] Inasmuch as the order appealed from did not comport with the requirements of the rule, there is no appealable order. The appeal is therefore dismissed.