

IN THE MATTER OF Lonnie POSTON, as Administrator  
of the Estate of Zachary Poston, Deceased v. Shirlie  
FEARS, et al.

92-44

828 S.W.2d 845

Supreme Court of Arkansas  
Opinion delivered May 26, 1992

APPEAL & ERROR — LACK OF APPEALABLE ORDER — APPEAL DIS-  
MISSED. — The appeal was dismissed for lack of a final, appealable  
order where suit was filed against three defendants, but the  
judgment appealed from was granted on the pleadings in favor of  
only two of the defendants.

Appeal from Sebastian Circuit Court, Greenwood District;

*Floyd Pete Rogers*, Judge; dismissed.

*Walters Law Firm, P.A.*, by: *Michael Hamby*, for appellant.

*Pryor, Barry, Smith, Karber & Alford*, by: *Thomas B. Pryor*, for appellee.

[1] ROBERT H. DUDLEY, Justice. The plaintiff filed suit against three defendants. Two of the three defendants filed motions for judgments on the pleadings. *See* A.R.C.P. Rule 12(c). The trial court granted the motions for the two defendants, but the third separate defendant remains in the suit below. Thus, the trial court did not grant a final judgment, *see* A.R.C.P. Rule 54(b), and yet, the plaintiff seeks to appeal. We dismiss the appeal because the order entered is not an appealable order. *Burnley v. Mutual of Omaha*, 291 Ark. 185, 723 S.W.2d 363 (1987).

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