

Anita DAVIS v. Samuel PEEBLES

92-1234

857 S.W.2d 825

Supreme Court of Arkansas
Opinion delivered July 5, 1993

APPEAL & ERROR — ABSTRACT FLAGRANTLY DEFICIENT — ORDER APPEALED FROM AFFIRMED. — Where the appellant's abstract was found to be flagrantly deficient in that it contained no abstract of the complaint, answer, the motion for summary judgment, the affidavits supporting the motion, or the order granting summary judgment, in clear violation of the requirements of Ark. Sup. Ct. R. 4-2 (a)(6), the order appealed from was affirmed.

Appeal from Howard Circuit Court; *Ted Capeheart*, Judge; affirmed.

William M. Howard, Jr., for appellant.

Friday, Eldredge & Clark, by: *C. Tab Turner* and *Sarah J. Heffley*, for appellee.

ROBERT H. DUDLEY, Justice. Appellant Anita Davis filed suit against Samuel Peebles, Thomas Humphries, and South Park Clinic. The trial court granted summary judgment in favor of both individuals and dismissed the complaint against the clinic because it was only a trade name. Appellant appeals only from the granting of the summary judgment in favor of Samuel Peebles.

Appellant's abstract is flagrantly deficient. In it, she lists the pleadings and orders and gives citations to the pages in the record where those items might be found. She fails to abstract the complaint, the answer, the motion for summary judgment, the affidavits supporting the motion, or the order granting the summary judgment.

[1] An appellant's abstract or abridgement of the record should consist of an impartial condensation of the material parts of the pleadings, proceedings, facts, documents, and other matters in the record as are necessary to an understanding of all questions presented to the court for decision. Ark. Sup. Ct. R. 4-2 (a) (6). The reason for the rule, as we have often explained, is that there is only one record and there are seven judges. It is impractical, and often times impossible, for all seven judges to attempt to pass around the one record, and we will not do so. *Pennington v. City of Sherwood*, 304 Ark. 362, 802 S.W.2d 456 (1991). Accordingly, the order appealed from is affirmed under Rule 4-2 (b) (2).

Affirmed.