

Donald B. PENNINGTON, et al. v. HARVEST FOODS, INC.  
95-732 913 S.W.2d 760

Supreme Court of Arkansas  
Opinion delivered December 18, 1995

APPEAL & ERROR — MOTION TO SETTLE RECORD — GRANTED. — Where several appellants filed motions to settle the record, explaining that certain exhibits, which formed the basis of the testimony of several witnesses, were lost in the transfer from the temporary court quarters to the Pulaski County Courthouse, and indicating that the record could be settled through the inclusion of photocopies of each of the exhibits, the supreme court granted the parties' request for a writ of *certiorari*, returnable within 30 days, to the lower court to settle the record.

Motion to Settle the Record; granted.

*The Perroni Law Firm, P.A.*, by: *Rita S. Looney* and *Samuel A. Perroni*, for appellant Donald B. Pennington.

*The Boswell Law Firm*, by: *Dennis Davis*, for appellants John Oldner and John Oldner Consulting Services, Inc., d/b/a John Oldner Enterprises.

*Dodds, Kidd, Ryan & Moore*, by: *Greg Alagood*, for appellants Joel Tumbleson, Sr., and Soundra Tumbleson.

*David H. Williams*, for appellants Joel Tumbleson, Jr., T.S.P., Inc., and Top Spread, Inc.

*Steven W. Quattlebaum*, for appellants Billy J. Armstrong and Service Brokerage Co.

*Wilson, Engstrom, Corum & Coulter*, by: *Stephen Engstrom*, for appellees.

PER CURIAM. Some of the appellants in this case, namely, John Oldner, John Oldner Consulting Services, Inc., d/b/a/ John Oldner Enterprises, Joel Tumbson, Sr., and Soundra Tumbson, Joel Tumbson, Jr., T.S.P. Inc., Billy Armstrong, and Service Brokerage, have filed motions to settle the record. In a *per curiam* opinion issued this date, we have dismissed the appeals of Mr. Armstrong and Service Brokerage. The motions of the other appellants are granted.

[1] The motions explain that certain exhibits, which formed the basis of the testimony of several witnesses, were lost in the transfer from the temporary court quarters in the KARK building to the Pulaski County Courthouse. The motions and responses also indicate that the record can be settled through the inclusion of photocopies of each of the exhibits. The parties request that a writ of *certiorari*, returnable within 30 days, to the lower court to settle the record.

The writ is granted and the briefing time for each of these parties is stayed until 15 days after the writ is returned.