

Sandra S. VANDIVER v. Ronald BANKS

97-272

962 S.W.2d 349

Supreme Court of Arkansas
Opinion delivered March 19, 1998*

APPEAL & ERROR — CASE REMANDED TO TRIAL COURT — TRIAL COURT DIRECTED TO DECIDE AND AWARD ATTORNEY'S FEES AND COSTS. — Where appellant petitioned for rehearing and requested that the supreme court undertake to award attorney's fees, expenses, costs, and prejudgment interest, the supreme court found that appellant had previously asked that the chancery court be directed to enter judgment against appellee and to award a reasonable attorney's fee and costs, and, because the case was remanded to the trial court for further proceedings, the supreme court directed the trial court to decide and award appropriate prejudgment interest, attorney's fees, and costs.

Clarification Order Entered Upon Appellant's Petition for Rehearing.

Cearley Law Firm, P.A., by: *Robert M. Cearley*, for appellant.

Gruber Law firm, by: *Wayne A. Gruber*, for appellee.

PER CURIAM. [1] Appellant petitions for rehearing and requests that we undertake to award attorney's fees, expenses, costs, and prejudgment interest in this cause. However, in her opening brief, appellant previously asked that we direct the chancery court to enter judgment against appellee, and to award a reasonable attorney's fee and the costs of this action beginning in April of 1990. Because this case is being remanded to the trial court for further proceedings consistent with our opinion, we believe the making of such awards should be decided and made by the trial court on remand. Thus, we issue this per curiam directing the trial court to decide and award appropriate prejudgment interest, attorney's fees, and costs in accordance with Arkansas law.

* Reporter's note: See 331 Ark. 386, 962 S.W.2d 349 (1998).