

ARKANSAS DEPARTMENT of HUMAN SERVICES, *et al. v.*  
ARKANSAS HEALTH CARE ASSOCIATION, *et al.*

98-1342

987 S.W.2d 733

Supreme Court of Arkansas  
Opinion delivered April 22, 1999

APPEAL & ERROR — ORDER APPEALED FROM MUST BE FINAL —  
MOTION TO STRIKE DENIED — CASE REMANDED TO SETTLE REC-  
ORD. — Where there was a question as to whether the order  
entered by circuit court was a final order from which an appeal  
could be taken, and which would deprive the circuit court of  
authority to enter the supplemental order and declaratory judge-  
ment, the supreme court, in accordance with Ark. R. App. P.—  
Civ. 6(b), remanded the matter to the trial court to settle the record  
to include all materials needed to address the issue of whether the  
trial court's order was a final order, or if the trial court had retained  
jurisdiction to enter the later order.

Motion to Strike; denied; remanded to settle the record.

ARKANSAS DEP'T OF HUMAN SERVS. *v.*  
ARKANSAS HEALTH CARE ASS'N

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Cite as 337 Ark. 351 (1999)

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*Breck G. Hopkins*, for appellants.

*Meeks & Jernigan P.A.*, by: *W. Russell Meeks III*, for appellees.

PER CURIAM. Appellant, Arkansas Department of Human Services, filed a motion to strike in the above-styled case. Appellant has filed the entire record but failed to abstract a supplemental order and declaratory judgment entered by the trial court on September 24, 1998. Appellee referenced the two documents in their supplemental abstract, and appellant now moves this court to strike any reference to the papers, claiming that the trial court was without jurisdiction to enter further orders upon its entry of an order filed June 17, 1998. It appears that there is a question of whether the order entered by circuit court on June 17, 1998, was a final order from which an appeal could be taken, and which would deprive the circuit court of authority to enter the supplemental order and declaratory judgment on September 24, 1998.

[1] In accordance with Ark. R. App. P.—Civ. 6(b), we remand the matter to the trial court for the purpose of settling the record to include all materials needed to address the issue of whether the trial court's order entered June 17, 1998, was a final order, or if the trial court had retained jurisdiction to later enter the September 24, 1998 order. Upon settling the record, the parties are directed to brief the issue and submit the issue with the case.