

SUPREME COURT OF ARKANSAS

No. CV-11-793

LAKETHA BROWN FLUKER;
BETTYE HENDRIX; ESSIE JONES;
DICK HENDRIX; ELIZABETH RENEE
VALLEY; TOMMY HUNT; OLLIE
RAYFORD; OTIS W. HOWE;
DARLENE MAYWEATHER; JARED
ZEISER; MONTY WIGGINS; EUGENE
JOHNSON; WESLEY N. FREEMYER;
ALICE VALLEY; ALAN J. LEVINE;
DOROTHY FRANKLIN; EDDIE
SCHIEFFLER; ELIJAH VALLEY;
BARBARA KING; LEOLA JAMERSON;
VANCE ST. COLUMBIA; LORENZO
VALLEY; JOE ST. COLUMBIA;
LATOYA BRYANT; JOHNNY
MCKENZIE; MARK FITZPATRICK;
LARRY CRUMBY; CONSTANCE
JARRETT; REV. ROCKEY STARNES;
MAXINE BALL; ROBERT LEE; LINDA
WHITFIELD; BILLY RAY; LEWIS
O'NEAL; LAYMON PIERCY; FANNIE
M. O'NEAL; LARRY JOHNSTON;
DERRICK FLUKER; CATHY
CUNNINGHAM; JACQUELINE
BOLES; MINDY MAUPIN;
KATHEENYA MILLS; SHARON
GREENE; EDDIE CALHOUN;
UNDRAYE WILSON; PAM HALL;
RAMON BURGESS; BETTY HILL;
SHALA BURGESS; WATSON LIGHT;
REV. LARRY EDWARDS; LAURIE
LIGHT; WALTER ANN NELSON;
KIMBERLY LIGHT; ROTONDRA
ROSS; WANDA CROCKETT; RUBY
HARDINSON; AND EVELYN LEWIS,
INDIVIDUALLY AND FOR AND ON
BEHALF OF THEMSELVES AND
OTHERS SIMILARLY SITUATED
APPELLANTS

Opinion Delivered March 1, 2012

APPEAL FROM THE PHILLIPS
COUNTY CIRCUIT COURT
[NO. CV-2005-162-3]

HON. BENTLEY E. STORY, JUDGE

V.

HELENA - WEST HELENA PUBLIC SCHOOL DISTRICT; LIONELL MOSS, RAYNE GORDON, RAYMOND SIMES, JESSE SMITH, BOBBY JONES, C.R. WALKER, AND LARRY WILSON, AS MEMBERS OF ITS BOARD OF DIRECTORS; LINDA FAYE WHITE, IN HER CAPACITY AS COUNTY CLERK; THE PHILLIPS COUNTY ELECTION COMMISSION; AND JOANN SMITH, AS CHAIR OF THE PHILLIPS COUNTY ELECTION COMMISSION

APPELLEES

SUPPLEMENTAL ADDENDUM AND SUPPLEMENTAL RECORD ORDERED.

PER CURIAM

Appellants appeal from an order of the Phillips County Circuit Court denying their request for attorneys' fees. We order appellants to file a supplement to both the addendum and the record within seven calendar days to cure deficiencies.

Arkansas Supreme Court Rule 4-2(a)(8) (2011) requires that an appellant's brief include an addendum consisting of all documents essential to the appellate court's resolution of the issues on appeal. Here, appellant failed to include two briefs filed with the circuit court, at the circuit court's request, regarding attorneys' fees, the issue now on appeal.

At a hearing held on October 2, 2009, the circuit court asked the appellees to give it another copy of a previously submitted supplemental brief regarding attorneys' fees and for the appellants to respond. Appellants submitted a posthearing brief on January 10, 2010, and the appellees relied on their previously filed supplemental brief. These briefs were not

included in the addendum nor the record lodged on appeal, although the appellees included their brief in a supplemental addendum.

On December 5, 2011, the appellees filed a motion to supplement the record with both of the above-mentioned posthearing briefs. Our clerk issued a writ of certiorari, ordering the circuit court clerk to complete the record to correct the alleged deficiencies. A supplemental record was filed; however, it contained only the appellees' supplemental brief. The posthearing brief filed by the appellants remains absent from the record and the addendum without explanation.

Because the appellants have not included their post-hearing brief in the addendum, we order appellants to correct this deficiency by filing a supplemental addendum within seven calendar days from the date of this opinion. *See* Ark. Sup. Ct. R. 4-2(b)(4); *see also In re 4-2(b) of the Rules of the Supreme Court*, 2011 Ark. 141 (per curiam). Further, because the addendum shall not contain any document or material that is not in the record, *see* Ark. Sup. Ct. R. 4-2(a)(8), we direct appellants to supply the omitted material by filing a certified, supplemental record within seven calendar days. *See* Ark. R. App. P.–Civ. (6)(e).

Supplemental addendum and supplemental record ordered.