

**SUPREME COURT OF ARKANSAS**

No. 12-1131

DR. PITTMAN MOORE, M.D.; MOORE  
SURGICAL ARTS & GYNECOLOGY,  
PLLC; THE MOORE CLINIC FOR  
WOMEN'S HEALTH, LLC; PHILLIPS  
HOSPITAL CORPORATION D/B/A  
HELENA REGIONAL MEDICAL  
CENTER

PETITIONERS

V.

THE CIRCUIT COURT OF PHILLIPS  
COUNTY, ARKANSAS

RESPONDENT

**Opinion Delivered** April 18, 2013MOTION TO REMAND TO SETTLE  
THE RECORDMOTION GRANTED.**PER CURIAM**

On January 24, 2013 this court ordered briefing on a petition for a writ of prohibition or, alternatively, certiorari filed by Petitioners Dr. Pittman Moore, M.D.; Moore Surgical Arts & Gynecology, PLLC; the Moore Clinic for Women's Health, LLC; Phillips Hospital Corporation d/b/a Helena Regional Medical Center. Therein, Petitioners asserted that the circuit court was without jurisdiction to order that they pay costs of \$12,000 to Bobbie Troup, in her capacity as administrator of the Estate of Easter Dawkins, deceased, who is the plaintiff in the action below. The award of costs was in response to a motion by Troup for costs for her expert witnesses' trial attendance after the trial was continued.

Briefing has commenced in the instant action but Troup now asks this court to remand the matter to the circuit court to obtain what she deems to be relevant portions of the record

and to supplement the record. According to Troup, the issue of experts' costs was argued at a hearing held on September 17, 2012, as evidenced by an order entered on January 18, 2013, wherein it states that "[t]he Court hereby reserves its ruling on Plaintiff's 7/24/12 Motion For Expert Costs." Petitioners acknowledge the afore-mentioned language but assert that they do not recall any arguments being raised regarding the issue of expert costs.

Because there is a question as to whether the circuit court heard arguments on the issue now pending before us, we remand this matter to the circuit court to settle the record. Specifically, we order the circuit court to determine, within thirty days from the date of this order, whether the issue of expert costs was argued and, if so, whether that portion of the transcript is necessary to this court's review of the pending writ, such that Petitioners would need to supplement the record. We also stay the briefing schedule until such time that the record is settled.

*Hodges Law Firm*, by: *David Hodges*; *Knapp Law Firm*, by: *Donald Knapp*; and *Jeff Scriber, P.A.*, by: *Jeff Scriber*, for respondent Estate of Easter Dawkins.