

**SUPREME COURT OF ARKANSAS**

No. CV-12-1065

VIRGINIA MCCREARY SKALLA  
APPELLANT

V.

JOSEPH F. CANEPARI  
APPELLEE

Opinion Delivered June 6, 2013

REBRIEFING ORDERED.**PER CURIAM**

Appellant Virginia McCreary Skalla appeals an order of the Crittenden County Circuit Court granting summary judgment in favor of appellee, Joseph F. Canepari. We order rebriefing because of defects in Skalla's abstract and addendum.

Skalla and Canepari filed cross-motions for summary judgment contending damages as a result of Canepari's entering into a tenancy in common and selling property to a third party. With their motions, each party attached excerpts from deposition testimony as exhibits. On appeal, Skalla's abstract contains an itemized list of the deposition excerpts with page-number references to the addendum. Those abstracted deposition excerpts appear in Skalla's addendum and are cited by both parties in their arguments.

Skalla's inclusion of the deposition transcripts in her addendum, instead of the abstract, violates our briefing rules. If a transcript of a deposition is an exhibit to a motion or related paper, the material parts of the transcript shall be abstracted, *not* included in the addendum. Ark. Sup. Ct. R. 4-2(a)(5)(A) & 4-2(a)(8)(A)(i) (2012) (emphasis added). The addendum shall also contain a reference to the abstract pages where the transcript exhibit appears as abstracted.

Ark. Sup. Ct. R. 4-2(a)(8)(A)(i). We order rebriefing to correct these defects. See *Gentry v. Robinson*, 2009 Ark. 345, 322 S.W.3d 498 (per curiam); see also *Chesapeake Exploration, LLC v. Whillock*, 2013 Ark. App. 339; *Drake v. Sheridan Sch. Dist.*, 2012 Ark. App. 531; *Lancaster v. Reiger*, 2010 Ark. App. 437.

Skalla has fifteen days from the date of this order to file a substituted brief, abstract, and addendum that comply with our rules. Ark. Sup. Ct. R. 4-2(b)(3) (2012). Failure to do so within the prescribed time may result in affirmance. *Id.* After service of the substituted brief, abstract, and addendum, Canepari shall have the opportunity to file a substituted responsive brief within the time prescribed by this court.

Further, we encourage Skalla, prior to filing her substituted brief, abstract, and addendum, to review our rules to ensure that no additional deficiencies are present. *Gentry*, 2009 Ark. 345, at 6, 322 S.W.3d at 501.

Rebriefing ordered.

*Daggett, Donovan & Perry, PLLC*, by: *Robert J. Donovan*, for appellant.

*Chisenhall, Nestrud & Julian, P.A.*, by: *Jason W. Earley*, for appellee.