

SUPREME COURT OF ARKANSAS

No. 10-257

ALLSTATE INSURANCE COMPANY,
APPELLANT,

VS.

JON H. DODSON, M.D.,
APPELLEE,

Opinion Delivered 12-13-10

APPEAL FROM THE CIRCUIT
COURT OF PULASKI COUNTY,
SIXTEENTH DIVISION, NO. 97-9562,
HON. ELLEN B. BRANTLEY, JUDGE

REBRIEFING ORDERED

PER CURIAM

Jon H. Dodson, appellee, brought an action against Allstate Insurance Company, appellant, alleging defamation and tortious interference with a contractual relationship. In June 2009, the jury returned a verdict in favor of Dodson and awarded him compensatory damages in the amount of \$6 million and punitive damages in the amount of \$15 million. A judgment was entered in this matter on July 2, 2009. Thereafter, Allstate filed a motion for new trial and a motion for remittitur. On August 12, 2009, the circuit court denied Allstate's motion for new trial but granted the motion for remittitur and reduced the amount of punitive damages awarded to Dodson to \$6 million. Allstate filed a timely notice of appeal with this court, arguing that the circuit court erred by giving two special non-AMI jury instructions, that Dodson failed to meet his burden of proving causation and damages, that the circuit court

erred in allowing Dodson's insurance expert to testify to irrelevant and inflammatory evidence, that Allstate cannot be held jointly and severally liable, that it was error for Dodson to use Allstate's withdrawn counterclaim as substantive evidence, that the compensatory damages award was excessive and not supported by substantial evidence, and that the punitive damages award should be vacated or reduced because it was not supported by substantial evidence. Dodson timely filed a notice of cross-appeal from the order granting a remittitur and reducing Dodson's award of punitive damages.

We are unable to consider Allstate's appeal at this time because its brief is not in compliance with Ark. Sup. Ct. R. 4-2(a)(8) (2010). Our newly amended rule states that the appellant must include in the addendum "the order, *judgment*, decree, ruling, letter opinion, or administrative agency decision from which the appeal is taken." Ark. Sup. Ct. R. 4-2(a)(8)(A)(i) (2010) (emphasis added). In this case, Allstate failed to include the judgment from which this appeal is taken in its addendum as required by our rules, nor was this judgment included in the supplemental addendum filed by Dodson.

Ordinarily, the appellant would be ordered to file a substituted brief, curing the deficiency in the addendum. Ark. Sup. Ct. R. 4-2(b)(3) (2010). However, in light of the fact that Allstate's brief consists of eleven volumes, including an eight volume addendum, we order Allstate to file a supplemental addendum within fifteen days from the date of the entry of this order. After service of the supplemental addendum, Dodson shall have an opportunity to file a responsive brief in the time prescribed by the supreme court clerk, or to rely on the brief

Cite as 2010 Ark. 494

previously filed in this appeal.

Rebriefing ordered.