

SUPREME COURT OF ARKANSAS

No. 09-1149

DANNY SNOWDEN AND SHELIA
SNOWDEN

APPELLANTS

V.

JRE INVESTMENTS, INC.;
CHESAPEAKE EXPLORATION, LLC;
CHESAPEAKE EXPLORATION
LIMITED PARTNERSHIP; AND
CHESAPEAKE ENERGY CORP.

APPELLEES

Opinion Delivered February 18, 2010

REBRIEFING ORDERED.

PER CURIAM

Appellants, Danny Snowden and Shelia Snowden, appeal to this court from a final decree of the Faulkner County Circuit Court granting summary judgment in favor of Chesapeake Exploration, LLC, its successor by merger Chesapeake Exploration Limited Partnership, and Chesapeake Energy Corp. Appellants had filed a cross-motion for summary judgment, and JRE Investments, Inc., had adopted the position taken by Chesapeake.

We are precluded from reaching the merits of the summary-judgment decision because appellants failed to include in the addendum their brief in opposition to Chesapeake's motion for summary judgment as well as appellants' brief in support of their cross-motion for summary judgment.¹ The issue before the circuit court was one of statutory interpretation.

¹Appellants also fail to include Chesapeake's brief in support of its summary-judgment motion and Chesapeake's brief in opposition to appellants' cross motion for summary judgment. However, Chesapeake includes those documents in its supplemental addendum.



Cite as 2010 Ark. 80

The missing briefs in opposition to, and in support of, the summary-judgment motions are “essential to an understanding of the case” as required by Ark. Sup. Ct. R. 4-2(a)(8), because they contain argument and citations to authority advanced by appellants on the issue on appeal—whether the circuit court erred in rejecting appellants’ proffered interpretation of the statute in question, as presented in appellants’ cross-motion for summary judgment, and whether it erred in adopting Chesapeake’s interpretation as submitted in its summary-judgment motion. Moreover, we have recently stated that “an order of a circuit court cannot be reviewed for error when the addendum fails to include the documents on which the order was based.” *Dachs v. Hendrix*, 2009 Ark. 322, 320 S.W.3d 645 (per curiam). The circuit court’s order granting summary judgment in this case clearly states that “[t]he issues in this litigation are presented based on the pleadings, filed motions with attached documents, legal memoranda in support of and in response to the motions, stipulations regarding factual matters and argument of counsel presented at the hearing on the motions held on March 2, 2009, and all other matters of record.”

Pursuant to Ark. Sup. Ct. R. 4-2(b), we order appellants to file a substituted addendum in the case within fifteen days from the entry of this order. We encourage appellate counsel, prior to filing the substituted addendum, to review our rules and the substituted addendum to ensure that no additional deficiencies are present.

Rebriefing ordered.

DANIELSON, J., not participating.

M. Edward Morgan and J. Cody Hiland, for appellants.

Daily & Woods, PLLC, by: *Jerry L. Canfield; Michelle P. Cullen*, Chesapeake Energy Corporation, for appellees Chesapeake Exploration, LLC, and Chesapeake Energy Corporation.