

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CV-16-97

RALPH BRADBURY

APPELLANT

V.

EDWARD HARVEY; BONNIE
HARVEY; and MARVIN JONES

APPELLEES

Opinion Delivered November 9, 2016APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
SIXTH DIVISION
[NO. 60CV-2011-5472]HONORABLE CHRISTOPHER
CHARLES PIAZZA, JUDGEAPPEAL DISMISSED WITHOUT
PREJUDICE; MOTION TO DISMISS
MOOT**BRANDON J. HARRISON, Judge**

Ralph Bradbury appeals two Pulaski County Circuit Court summary-judgment orders. We must dismiss this appeal without prejudice because there is no final order in the circuit court.

Whether an order is final and therefore appealable is a jurisdictional question that this court will raise on its own. *Kowalski v. Rose Drugs of Dardanelle, Inc.*, 2009 Ark. 524, 357 S.W.3d 432. The orders that Bradbury has appealed are not final because they do not resolve Edward Harvey's and Bonnie Harvey's counterclaim against Bradbury for an alleged breach of fiduciary duty. *See City of Corning v. Cochran*, 350 Ark. 12, 14, 84 S.W.3d 439, 441 (2002) (pending counterclaim destroys finality).

We take this opportunity to remind Bradbury that, should he appeal again, his addendum must include all papers that are essential to confirm our jurisdiction. Arkansas Supreme Court Rule 4-2(a)(8)(A) (2015).

A final point. The Harveys moved to dismiss Bradbury's appeal because "the claims against the John Doe defendants are not adjudicated and continue to exist" and that an order dismissing two defendants from the case was entered after Bradbury had filed his notice of appeal. Based on our finality decision, the motion is moot.

Appeal dismissed without prejudice; motion to dismiss moot.

VIRDEN and BROWN, JJ., agree.

Jack Nelson Jones, P.A., by: *Randy Coleman*, for appellant.

Barber Law Firm PLLC, by: *Robert L. Henry III*, for appellees Edward Harvey and Bonnie Harvey.

Watts, Donovan & Tilley, P.A., by: *David M. Donovan*, for appellee Marvin Jones.