

Cite as 2018 Ark. App. 70
ARKANSAS COURT OF APPEALS

DIVISION I
No. CV-17-564

MARILYN HOPSON

APPELLANT

V.

LITTLE ROCK SCHOOL DISTRICT
AND FRED BOOSEY, INDIVIDUALLY,
AND IN HIS OFFICIAL CAPACITY

APPELLEES

Opinion Delivered January 31, 2018

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
SIXTH DIVISION
[NO. 60CV-15-2471]

HONORABLE TIMOTHY DAVIS FOX,
JUDGE

DISMISSED

LARRY D. VAUGHT, Judge

Appellant Marilyn Hopson appeals the Pulaski County Circuit Court’s order granting appellee Little Rock School District (LRSD) summary judgment based on sovereign immunity against her negligence claim. We dismiss the appeal.

Hopson sued LRSD, several LRSD administrators, Central Arkansas Adjustment Company, Inc., and Genesis Insurance Company (Genesis), alleging negligence after her son Timothy had been injured in an accident at school. On September 11, 2015, the circuit court entered an order dismissing defendant Johnny Key. On January 26, 2017, the court entered an order finding that Genesis had been improperly served and dismissing it from the suit. The same day, the court entered an order dismissing Central Arkansas Adjustment Company, Inc., for lack of proper service. On March 10, 2017, the circuit court entered an order granting summary judgment to LRSD and Fred Boosey based on statutory immunity.

On April 5, 2017, Hopson filed a notice of appeal, which simply states that “Plaintiff submits this Notice of Appeal that they intend to Appeal the decision made by this Honorable Court and ask that this court will direct the clerk to prepare the record for Appeal.”

This notice of appeal fails to substantially comply with Rule 3(e) of the Arkansas Rules of Appellate Procedure–Civil, which provides in pertinent part, “A notice of appeal or cross-appeal shall: . . . (ii) designate the judgment, decree, order or part thereof appealed from[.]” We require substantial compliance with the procedural steps set forth in Rule 3(e). *J.N.A. v. State*, 2017 Ark. App. 502, at 4, 532 S.W.3d 582, 586. Whether an appellant has filed an effective notice of appeal is always an issue before the appellate court, and absent an effective notice of appeal, we lack jurisdiction to consider the appeal and must dismiss it. *Id.*, 532 S.W.3d at 586. A notice of appeal must designate the judgment or order appealed from, and an order not mentioned in the notice of appeal is not properly before an appellate court. *Id.*, 532 S.W.3d at 586.

Hopson’s notice of appeal fails to designate the order or decision from which she is appealing. The notice’s reference to “the decision made by this Honorable Court” does not identify which of the court’s numerous orders she intended to appeal. She has, therefore, failed to substantially comply with Rule 3(e), and we lack jurisdiction to hear her appeal.

Dismissed.

ABRAMSON and HIXSON, JJ., agree.

Rickey H. Hicks, for appellant.

Friday, Eldredge & Clark, LLP, by: *Christopher Heller* and *Khayyam M. Eddings*, for appellee.