

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CV-18-679

FREDERICK PITCHFORD

APPELLANT

V.

CITY OF EARLE; MAYOR CAROLYN JONES, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY; CITY COUNCIL MEMBERS ROBERT MALONE, BOBBY LUCKETT, SR., DONNIE CHEERS, CHARLIE YOUNG, AND JESSE SELVY, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES; AND DAVIS LOFTIN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

APPELLEES

Opinion Delivered February 27, 2019

APPEAL FROM THE CRITTENDEN COUNTY CIRCUIT COURT
[NO. 18CV-16-30]

HONORABLE RICHARD LUSBY,
JUDGE

REMANDED TO SETTLE AND SUPPLEMENT THE RECORD; SUPPLEMENTAL ADDENDUM ORDERED

N. MARK KLAPPENBACH, Judge

Appellant Frederick Pitchford appeals the April 16, 2018 orders of the Crittenden County Circuit Court that rendered judgment in favor of the City of Earle on Pitchford's numerous claims of wrongdoing by the city, its officials, and certain employees, and that denied Pitchford's posttrial motion.¹ Appellant presents thirteen points on appeal, and

¹Appellees are the City of Earle; its mayor, Carolyn Jones; city council members Robert Malone, Bobby Lockett, Sr., Donnie Cheers, Charlie Young, and Jesse Selvy; and

two of those points concern the findings made in the order denying appellant's posttrial motion. We are unable to reach the merits of the appeal at this time. The record contains only the first page of the circuit court's order denying the posttrial motion. Because the record does not contain the entirety of the order denying appellant's posttrial motion, we remand to settle and supplement the record and to supplement appellant's addendum in his brief.

To explain further, appellant filed a posttrial motion in which he made four arguments related to (1) a motion for contempt; (2) a motion for a hearing concerning perjury; (3) a motion to be permitted to call the city attorney as a witness; and (4) a motion to accept additional evidence concerning the work hours of a part-time police officer. The first page of the order denying the posttrial motion recited that it was considering appellant's four requests, and the first page of the order resolves the first two requests. This is found at page 231 of the transcript. It is apparent, however, that the remaining two requests would be resolved on the following page or pages that do not appear in the transcript. In fact, the transcript includes a letter that was sent by the circuit court's administrator to both the circuit clerk and the parties noting that this order was signed by the circuit judge, but the transcript does not contain a page including the judge's signature. Instead, page 232 of the transcript is the first page of the original judgment that is also on

the city attorney, Davis Loftin. The city officials were sued in their individual and official capacities. For simplicity's sake, we refer to the appellees collectively as the city.

appeal. To conduct appellate review, we must have the entire order denying appellant's posttrial motion.

If anything material to either party is omitted from the record, this court may direct that the record be settled and supplemented and that a supplemental record be certified and transmitted. Ark. R. App. P.-Civ. 6(e); *Boyd v. Crocker*, 2016 Ark. App. 382. Accordingly, we order the record to be settled and supplemented pursuant to Rule 6(e). In addition, we order supplementation of appellant's addendum pursuant to Arkansas Supreme Court Rule 4-2(b)(4). Appellant has fifteen calendar days to settle and supplement the record. Appellant shall then have seven days from the date the supplemental record is lodged to file a supplemental addendum to his appellate brief. See *Taper v. City of Forrest City*, 2017 Ark. App. 470.

Remanded to settle and supplement the record; supplemental addendum ordered.

HARRISON and GLOVER, JJ., agree.

Frederick Lee Pitchford, pro se appellant.

Davis Loftin, for appellees.