

Cite as 2009 Ark. App. 880

ARKANSAS COURT OF APPEALSEN BANC
No. CA09-474EMMA LEE GIBSON JONES,
ADMINISTRATRIX OF THE
ESTATE OF DONALD EDWARD
GIBSON, DECEASED

APPELLANT

V.

DOROTHY MCEWEN

APPELLEE

Opinion Delivered December 16, 2009APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
[NO. CV2006-3394]HONORABLE JAMES MOODY, JR.,
JUDGE

DISMISSED

PER CURIAM

Appellant Emma Jones, Administratrix of the Estate of Donald Gibson, deceased, filed a complaint against Theresa Webb for the conversion of funds belonging to the decedent. Appellant added appellee Dorothy McEwen as a defendant in an amended complaint. After the trial court granted appellee's motion for summary judgment, appellant filed this appeal, which we must dismiss for lack of a final order.

Appellant filed her original complaint against Theresa Webb on March 24, 2006. She added appellee as a defendant in an amended complaint on December 3, 2007. Appellee filed motions for summary judgment and to dismiss in the fall of 2008. In response to the motion to dismiss, appellant asserted that, on May 5, 2008, the circuit court dismissed the claim

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against Webb without prejudice.¹ On January 7, 2009, the circuit court granted summary judgment to appellee. Appellant then pursued this appeal. In her notice of appeal, appellant only designated “the pleadings . . . pertaining to Dorothy McEwen”

The record contains no order disposing of appellant’s claim against Webb. This court only reviews final orders. Ark. R. App. P.–Civ. 2(a). The question of whether an order is final and subject to appeal is a jurisdictional question that this court will raise on its own. *Bevans v. Deutsche Bank Nat’l Trust Co.*, 373 Ark. 105, 281 S.W.3d 740 (2008). For an order to be final and appealable, it must dismiss the parties from the court, discharge them from the action, or conclude their rights to the subject matter in controversy. *Bayird v. Floyd*, 2009 Ark. 455. It is not enough to dismiss some of the parties; the order must cover all parties and all claims in order to be final and appealable. *Id.* Absent a certificate from the circuit court directing that the judgment is final, an order that fails to adjudicate all of the claims as to all of the parties is not final for purposes of appeal. Ark. R. Civ. P. 54(b)(2). Here, the record does not reflect a Rule 54(b) certificate. Because it is not apparent that there is a final order, this court has no jurisdiction to hear the appeal. Thus, we dismiss this appeal without prejudice to refile at a later date.

Appeal dismissed without prejudice.

¹ With her response, appellant filed a copy of a new complaint that she had initiated against Webb in the Pulaski County Circuit Court on August 7, 2008.