ARKANSAS COURT OF APPEALS

DIVISION III
No. CA08-1053

PALANI KARUPAIYAN AND RAMYA PALANI
APPELLANTS

V.

METROPOLITAN EMERGENCY MEDICAL SERVICES
APPELLEE

Opinion Delivered April 22, 2009

APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, [NO. CV07-12010]

HONORABLE ELLEN B. BRANTLEY, JUDGE

AFFIRMED

JOSEPHINE LINKER HART, Judge

Appellants Palani Karupaiyan and Ramya Palani, who are husband and wife, bring this pro se appeal from the circuit court's dismissal of their lawsuit against appellee, Metropolitan Emergency Medical Services (MEMS). The court ruled that appellants' suit was barred by the statute of limitations. Appellants present ten arguments for reversal. We affirm because appellants failed to preserve their arguments for appeal.

Appellants were involved in an automobile accident in Little Rock on October 23, 2004. MEMS responded to the accident but did not transport appellants to the hospital. Ms. Palani, who was pregnant at the time, later gave birth to a child, Pritam.

On September 13, 2007, appellants and Pritam filed a pro se lawsuit against MEMS for negligence and racial discrimination. Appellants alleged that MEMS required them to sign blank forms, which it later altered; that MEMS refused to provide emergency services to

appellants; that MEMS discriminated against appellants to prevent a "minority race" from pursuing a lawsuit; that MEMS altered blank forms in order to avoid responsibility if appellants' unborn child did not survive; and that MEMS "tried to kill the innocent fetus." MEMS answered and raised several affirmative defenses, including the two-year statute of limitations applicable to medical-malpractice actions. *See* Ark. Code Ann. § 16-114-203 (Repl. 2006). On February 19, 2008, MEMS filed a motion to dismiss based on the statute of limitations.

Appellants sought a thirty-day extension of time to respond to MEMS's motion, claiming that they were "confused by the legal system" and had "ongoing pain and suffering." The circuit court did not rule on appellant's request and set a motion hearing for April 17, 2008. Appellants did not seek a postponement, and Mr. Palani appeared at the hearing to argue against MEMS's motion.

The hearing transcript contains several notations that Mr. Palani's arguments were unintelligible and could not be transcribed by the court reporter. The reporter stated in a preamble to the hearing transcript:

> Because of the strong accent of Mr. Palani Karupaiyan, the plaintiff in this case who is representing himself pro se, a portion of the recording of this hearing is unintelligible and cannot be transcribed by this court reporter. Judge Brantley's trial court assistant, Mrs. Rosie Tolbert, offered Mr. Palani the services of an interpreter several weeks prior to this hearing. However, Mr. Palani refused the offer insisting that he speaks "perfect English."

Recognizing these difficulties, the court carefully questioned Mr. Palani about his case and made an effort to understand his arguments. The court explained that Arkansas law requires a medical-malpractice suit to be filed within two years of the time the incident occurs

"unless you have some exceptions." When the court asked Mr. Palani what exceptions he relied upon, his only response capable of being understood by the court reporter was the continuous-treatment doctrine. The court ruled that the continuous-treatment doctrine did not apply to the facts alleged by appellants, and the court dismissed appellants' suit as untimely.

On appeal, appellants present numerous arguments for reversal, none of which involve the continuous-treatment doctrine. Appellants are therefore raising their appellate arguments for the first time on appeal. It is well established that this court does not address arguments made for the first time on appeal. *See Collins v. St. Vincent Infirmary Med. Ctr.*, 98 Ark. App. 190, 253 S.W.3d 26 (2007). Even though appellants are unfamiliar with the law, we hold pro se litigants to the same requirements as attorneys. *Qualls v. Ferritor*, 329 Ark. 235, 947 S.W.2d 10 (1997).

Appellants did raise some of their appellate arguments below in a motion filed after entry of the dismissal order. We generally do not address arguments that are raised for the first time in a postjudgment motion. *See, e.g.*, *Tate-Smith v. Cupples*, 355 Ark. 230, 134 S.W.3d 535 (2003). Moreover, appellants' motion was deemed denied by the circuit court thirty days after it was filed, Ark. R. App. P.-Civil 4(b)(1), and appellants did not appeal from that denial. We do not review orders from which no appeal has been taken. In *Rose Care, Inc. v. Ross*, 91 Ark. App. 187, 209 S.W.3d 393 (2005), this court stated:

> A notice of appeal must state the order appealed from with specificity, and orders not mentioned in the notice of appeal are not properly before the appellate court ... Further, in *Tate-Smith v. Cupples*, 355 Ark. 230, 134 S.W.3d 535 (2003), the supreme court noted that, when a motion for a new trial has been deemed denied, the only

> appealable matter is the original order .... Because Rose Care's notice of appeal does not mention the deemed denial of the new-trial motion or that an appeal is being taken from any order other than the original judgment, we do not reach the issues that were solely raised in the new-trial motion.

91 Ark. App. at 209, 209 S.W.3d at 407.

Based on the foregoing, appellants' arguments are procedurally barred. We therefore affirm the circuit court's order dismissing appellants' suit.

Affirmed.

GLADWIN and KINARD, JJ., agree.