

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
SARAH J. HEFFLEY, JUDGE

DIVISION II

CA08-92

May 28, 2008

BUBBA PROPERTIES, LLC
APPELLANT

AN APPEAL FROM COLUMBIA COUNTY
CIRCUIT COURT
[NO. CV2004-49]

v.

RONNY BELL
APPELLEE

HONORABLE DAVID GUTHRIE,
JUDGE

REMANDED TO SUPPLEMENT THE RECORD;
REBRIEFING ORDERED

This case began as a lawsuit by Farmers Bank against appellant and four guarantors to collect on two past-due loans. Appellant, along with one of the guarantors, Leslie Lewis, counterclaimed against Farmers and filed a third-party complaint against appellee, attorney Ronny Bell, for legal malpractice. The trial court granted summary judgment to Bell, and appellant appeals from that order. We remand for supplementation of the record and order rebriefing.

The record contains final judgments on all claims except Farmer's original suit against appellant. We have reason to believe that Farmers's claim was resolved by a January 2005 consent judgment listed in the docket sheet. However, the docket sheet does not mention the parties to the judgment, and the judgment was apparently omitted from the record, despite

appellant's designation of the entire record on appeal. We are therefore unable to determine whether all claims against all parties have been resolved and, consequently, unable to determine whether the order appealed from is final. *See* Ark. R. Civ. P. 54(b). Because a final order is essential to our jurisdiction, *see generally McKinney v. Bishop*, 369 Ark. 191, ___ S.W.3d ___ (2007), we remand the case to the trial court to supplement the record with a certified copy of the January 2005 judgment. *See* Ark. Sup. Ct. R. 3-5(a); Ark. R. App. P.–Civil 6(e). Appellant has thirty days from today to file the supplemental record with our clerk's office.

We also order rebriefing. Arkansas Supreme Court Rule 4-2(a)(5) requires that material portions of depositions be abstracted in the same manner as witness testimony. The depositions in appellant's addendum should be removed and abstracted as required. Further, appellant should include in its addendum a copy of Lewis's nonsuit against appellant and the material in the supplemental record so that we may determine our jurisdiction on appeal. Ark. Sup. Ct. R. 4-2(a)(8). Appellant's substituted abstract, brief, and addendum is due fifteen days after the supplemental record is filed.

Remanded to supplement the record; rebriefing ordered.

GRIFFEN and GLOVER, JJ., agree.