

ARKANSAS COURT OF APPEALSDIVISION III
No. CA12-1072

JOSE BALLESTEROS

APPELLANT

V.

NATIONWIDE MUTUAL
INSURANCE COMPANY

APPELLEE

Opinion Delivered May 8, 2013APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT,
[NO. CIV-12-1208-4]HONORABLE GEORGE
CHADDWICK MASON, JUDGE

REBRIEFING ORDERED

WAYMOND M. BROWN, Judge

Appellant appeals the circuit court's grant of appellee's motion for summary judgment and denial of appellant's motion for partial summary judgment. Because appellant has submitted a brief without a proper abstract, in violation of Arkansas Supreme Court Rule 4-2, we order rebriefing.

Arkansas Supreme Court Rule 4-2(a)(5)(B) states that "[t]he abstract shall be an impartial condensation, without comment or emphasis, of the transcript (stenographically reported material)."¹ It goes on to state that "[t]he question-and-answer format shall not be used."² Appellant's abstract is a duplicate of the record below rather than a condensed summary of the same, and therefore, does not comply with Rule 4-2(a).

We order appellant to submit a substituted abstract correcting the above-referenced deficiencies within 15 days from the date of this order. We encourage appellant to review Rule 4–2 of the Rules of the Arkansas Supreme Court and Court of Appeals to ensure that the substituted abstract complies with the rules and that no additional deficiencies are present. After service of the substituted abstract, brief, and addendum, appellee shall have an opportunity to revise or supplement its brief in the time prescribed by the clerk, or to rely on the brief that it previously filed in this appeal.

Rebriefing ordered.

HARRISON and GRUBER, JJ., agree.

Ken Swindle, for appellant.

Wright, Lindsey & Jennings, LLP, by: *Regina A. Young* and *Gary D. Marts, Jr.*, for appellee.