

ARKANSAS COURT OF APPEALS

DIVISION II

No. CV-13-58

LARRY COOPER

APPELLANT

V.

ANNETTE COOPER

APPELLEE

Opinion Delivered June 19, 2013

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
FOURTEENTH DIVISION
[NO. DR-2011-4346]

HONORABLE VANN SMITH, JUDGE

SUPPLEMENTAL ADDENDUM
ORDERED**JOHN MAUZY PITTMAN, Judge**

Larry Cooper appeals from the Pulaski County Circuit Court's entry of two qualified domestic relations orders dividing his retirement benefits with his wife, appellee Annette Cooper. We direct appellant to file a supplemental addendum.

The circuit court entered a divorce decree on May 30, 2012, granting appellee a divorce and distributing the marital property, which included appellant's retirement benefits with Union Pacific Railroad and Missouri-Kansas-Texas Railroad. Appellee filed a motion to amend the final decree as to appellant's Union Pacific benefits. The circuit court granted this motion on July 16, 2012. On September 26, 2012, it entered two qualified domestic relations orders (QDROs) that stated that appellee was the "alternate payee" and that, following the alternate payee's death, any payments that otherwise would be made to the alternate payee if she had survived would be made to Tim Cooper (the parties' adult child).

Appellant filed a motion for reconsideration, asserting that the QDROs were not qualified under the Employee Retirement Income Security Act because Tim Cooper was not an “alternate payee” within the statute’s meaning. Appellant filed a second motion for reconsideration of the QDRO concerning the Missouri-Kansas-Texas Railroad benefits on another ground. On November 5, 2012, the trial court denied appellant’s motions for reconsideration. Appellant then pursued this appeal.

We are unable to address the merits of this appeal because of deficiencies in appellant’s addendum. Arkansas Supreme Court Rule 4-2(a)(8) provides that the addendum shall contain copies of documents in the record that are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. The addendum must include, among other things, all motions, responses, replies, and related briefs concerning the order challenged on appeal. Ark. Sup. Ct. R. 4-2(a)(8)(A)(i). Appellant failed to include in the addendum some essential documents relating to the issues on appeal, such as his June 22, 2012, response to appellee’s motion for reconsideration; the August 15, 2012, supplemental order directing the division of appellant’s non-tier I benefits under the Railroad Retirement Act; appellee’s attorney’s letter to the court dated September 25, 2012; appellee’s October 16, 2012, response to appellant’s motion for reconsideration; appellant’s attorney’s August 15 and 17, 2012, letters to the court; and appellee’s attorney’s August 19, 2012, letter to the court. See *Fuller v. City of Kensett*, 2013 Ark. App. 199; *Eusanio v. Tippin*, 2012 Ark. App. 524; *City of Little Rock v. McGeorge Contracting Co.*, 2010 Ark. App. 396.

Appellant shall file, within seven calendar days from this order, a supplemental addendum that includes all of the necessary pleadings, orders, and other items in compliance with Rule 4–2(a)(8). See *In re 4–2(b) of the Rules of the Supreme Court and Court of Appeals*, 2011 Ark. 141 (per curiam). We strongly encourage appellant, prior to filing the supplemental addendum, to carefully review the record and the rules regarding the contents of the addendum to ensure that it is in compliance with those rules. If appellant fails to file a compliant supplemental addendum within the prescribed time, the judgment appealed from may be affirmed for noncompliance with our rules. See *Thomas v. Sharon*, 2013 Ark. App. 134; *Davis v. Davis*, 2012 Ark. App. 270.

Supplemental addendum ordered.

WYNNE and GRUBER, JJ., agree.

Wallace, Martin, Duke, & Russell PLLC, by: Dale B. Duke, for appellant.

No response.