

SUPREME COURT OF ARKANSAS

No. 11-870

CITY OF CLINTON

APPELLANT

V.

SOUTHERN PARAMEDIC SERVICES,
INC.

APPELLEE

Opinion Delivered February 16, 2012SUPPLEMENTAL ADDENDUM
ORDERED.**PER CURIAM**

This case originated as an action filed by Appellant City of Clinton against Appellee Southern Paramedic Services, Inc., in the Van Buren County District Court, seeking an interpretation of Arkansas Code Annotated section 14-266-105. On November 2, 2007, the district court issued a *nolle prosequi* order finding that it would be “far more appropriate for the issue of construction of the relevant statute, Ark. Code Ann. section 14-266-105(a)(5), to be determined in a Civil Court forum.”

Thereafter, a complaint for declaratory judgment was filed in Van Buren County Circuit Court on December 7, 2007. On January 4, 2008, an amended complaint was filed with the circuit court. The amended complaint listed as defendants Southern Paramedic Services, Inc.; Gary Padget; the County of Van Buren; John Does; and Roes and Roe Corporations. A counterclaim was subsequently filed by Southern Paramedic Services against the City of Clinton. On April 21, 2008, the circuit court dismissed defendant Gary Padget

from the action. The parties agreed to dismiss the County of Van Buren and an order dismissing the county with prejudice was entered on February 5, 2009.

On April 16, 2009, the circuit court entered a judgment on the declaratory judgment complaint. In that judgment, the circuit court found that the only remaining defendant was Southern Paramedic Services. The judgment “grants both the Plaintiff’s Complaint and Defendant’s Counter-claim to the extent they are consistent with this Order.” This order is not in the addendum. On August 20, 2009, Southern Paramedic Services filed a “Motion for Partial Voluntary Dismissal of Petition,” and moved to dismiss all counts from its counter-petition with the exception of Count 1. Subsequently, on August 21, 2009, the City of Clinton filed a “Motion for Partial Voluntary Dismissal of Counterpetition,” agreeing to the dismissal. On August 31, 2009, the circuit court entered an order granting Southern Paramedic Service’s motion and dismissed, without prejudice, the remaining claims.

The first pleading that appears in the addendum filed with this court is Southern Paramedic Services’s “Petition for Further Relief and for Order to Show Cause,” filed on June 18, 2009. Likewise, the addendum contains a “Response to the Petition for Further Relief and for Order to Show Cause and Counter-Petition for Further Relief.” This petition was filed on July 15, 2009, by the City of Clinton.

Arkansas Supreme Court Rule 4-2(a)(8) (2011) requires that an appellant’s brief include an addendum consisting of all documents essential to the appellate court’s resolution of the issues on appeal. Specifically, Arkansas Supreme Court Rule 4-2(8)(A)(i) requires that the addendum include:

the pleadings (as defined by Rule of Civil Procedure 7(a)) on which the circuit court decided each issue: complaint, answer, counterclaim, reply to counterclaim, cross-claim, answer to cross-claim, third-party complaint, and answer to third-party complaint. If any pleading was amended, the final version and any earlier version incorporated therein shall be included.

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all motions (including posttrial and postjudgment motions), responses, replies, exhibits, and related briefs, concerning the order, judgment, or ruling challenged on appeal.

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any order adjudicating any claim against any party with or without prejudice

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any other pleading or document in the record that is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.

To reiterate, none of the pleadings filed in the district court are included in the record or addendum filed with this court. The district court's *nolle prosequi* order is not included in the addendum, although it does appear in the record. The pleadings requesting a voluntary nonsuit are not included in the addendum. Likewise, the circuit court orders dismissing Gary Padget and Van Buren County are not in the addendum and the April 16, 2009, order from the circuit court entering a declaratory judgment is not in the addendum. Because the City of Clinton has not included the pleadings, motions, and orders necessary to confirm jurisdiction, understand the case, and decide the issues on appeal in its addendum, we order it to correct this deficiency by filing a supplemental addendum within seven calendar days from the date of this opinion. Ark. Sup. Ct. R. 4-2(b)(4); *see also In re 4-2(b) of the Rules of the Supreme Court*, 2011 Ark. 141. We encourage appellate counsel, prior to filing the supplemental addendum, to review our rules as well as the addendum to ensure that no additional deficiencies are present.