

SUPREME COURT OF ARKANSAS

No. 12-41

REGIONS BANK; THE STEPHENS FAMILY LIMITED PARTNERSHIP; KATHRYN STEPHENS; RACHEL STEPHENS; ALEX STEPHENS; JENNIFER STEPHENS; JOSHUA STEPHENS, MINOR; AND GREG STEPHENS, INDIVIDUALLY, AND AS A PARENT AND NEXT FRIEND OF THE ABOVE MINOR

APPELLANTS

V.

CHASE BANK USA, N.A.

APPELLEE

Opinion Delivered March 28, 2013

APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT
[NO. CV-2008-7020-13]

HONORABLE COLLINS KILGORE,
JUDGE

DISMISSED.

PAUL E. DANIELSON, Justice

This appeal is a companion to another case being handed down this same date, *Chase Bank USA, N.A. v. Regions Bank*, 2013 Ark. 129, ___ S.W.3d ___. There is no need to repeat the facts leading up to the appeal and the circuit court's order granting the motions for summary judgment and judgment on the pleadings against Chase as they are stated within that opinion. The instant appeal involves challenges only to postjudgment matters.

Subsequent to Chase filing its notice of appeal from the circuit court's order and posting the supersedeas bond, Regions, the Stephens Family Limited Partnership, the Stephens Heirs, and the estate of Wanda Stephens, moved for attorneys' fees against Chase.

Chase opposed the motions and the circuit court denied the motions. Additionally, the Stephens Heirs filed a Motion to Correct Clerical Error and to Reconsider Pursuant to Rule 60 and Rule 59 of the Arkansas Rules of Civil Procedure; discovery requests related to the motions for attorneys' fees; requests for admissions; a Motion to Compel Discovery and for Sanctions; and a Motion to Reconsider the Court's Attorneys' Fees, Ruling, Costs, and Interest Award. Chase opposed all the aforementioned filings. Now, Regions, the Stephens Family Limited Partnership, and the Stephens Heirs (hereinafter "appellants") collectively argue these postjudgment issues on appeal.

Appellants raise the following arguments: (1) the circuit court erred by not awarding interest on the judgment; (2) the circuit court erred in not awarding attorneys' fees because they were mandatory pursuant to a combined application of Rule 68 of the Arkansas Rules of Civil Procedure and Ark. Code Ann. § 16-22-308 (Repl. 1999); (3) that even if the award of fees was not mandatory, the circuit court abused its discretion by not awarding fees because Chase acted in a dilatory fashion throughout the case and used its resources to burden the appellants, the circuit court was familiar with the amount of work performed in the case, and the fees were reasonable; (4) the circuit court erred by not awarding costs because the appellants had made a Rule 68 offer to Chase, which was not accepted; and (5) the circuit court erred by allowing Chase to refuse to directly answer any interrogatories.

Because this court reversed the order granting summary judgment and judgment on the pleadings against Chase for the reasons stated in *Chase Bank USA, N.A., supra*, the arguments raised in the instant appeal are moot. As a general rule, we will not review issues

that are moot. See *Hobbs v. Jones*, 2012 Ark. 293, ___ S.W.3d ___. Therefore, we dismiss.

Dismissed.

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C., by: *Anton L. Janik, Jr.*, for appellant Regions Bank.

Southern & Allen, by: *Byron S. Southern*, for appellant Stephens Family Partnership.

Greg Stephens, for appellants Stephens Fee Tail Heirs.

McMullan Law Firm, by: *Marian Major McMullan* and *Amy Clemmons Brown*, for appellee.