

Cite as 2018 Ark. 55  
**SUPREME COURT OF ARKANSAS**  
No. CV-17-707

CONVENT CORPORATION

APPELLANT

V.

CITY OF NORTH LITTLE ROCK et al.

APPELLEES

**Opinion Delivered** February 22, 2018

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT  
[NO. 60CV-13-1398]

HONORABLE ALICE S. GRAY,  
JUDGE

APPEAL DISMISSED.

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**JOSEPHINE LINKER HART, Justice**

Convent Corporation has attempted to appeal from an order of the Pulaski County Circuit Court upholding the City of North Little Rock’s decision to condemn a business property. The order, however, by its express terms recited that the circuit court was

reserving for a later time its decision on the City’s stated intention to request civil penalties in the amount of \$50 per day against the Plaintiff pursuant to Ark. Code Ann. § 14-55-606, and as provided in the Resolution that was passed by the City Council finding the property to be a nuisance.

The circuit court also expressly reserved its decision on Convent Corporations’s declaratory-judgment action:

6. The only remaining issue before the Court is Plaintiff’s Petition for Declaratory Judgment, which Plaintiff may set for hearing and present at a later time, if Plaintiff so chooses.

In an effort to expedite its appeal, Covenant Corporation voluntarily dismissed its declaratory-judgment action without prejudice pursuant to Rule 41(a) of the Arkansas Rules

of Civil Procedure. It did not move for Arkansas Rule of Civil Procedure 54(b) certification. Accordingly, we must dismiss this appeal.

With some limited exceptions not applicable to the case before us, Rule 2 of the Arkansas Rules of Appellate Procedure—Civil requires that a judgment or decree be final before it can be appealed. See *Advanced Env'tl. Recycling Tech., Inc. v. Advanced Control Sol., Inc.*, 372 Ark. 286, 275 S.W.3d 162 (2008). The purpose of Rule 2 is to avoid piecemeal litigation. *Id.* A party with multiple claims cannot voluntarily dismiss without prejudice a claim that has not been ruled on by the circuit court in order to create a final, appealable order. *Ratzlaff v. Franz Foods of Ark.*, 255 Ark. 373, 500 S.W.2d 379 (1973). In reaching the same conclusion in *Haile v. Ark. Power & Light Co.*, 322 Ark. 29, 907 S.W.2d 122 (1995), this court noted that a voluntary dismissal under Arkansas Rule of Civil Procedure 41(a) leaves a plaintiff free to refile a claim, assuming there has been no previous dismissal, which creates the possibility of piecemeal appeals. Pursuant to our holdings in *Haile* and *Ratzlaff* this appeal must be dismissed.

Appeal dismissed.

*Mickey Stevens*, for appellant.

*Marie-Bernarde Miller*, Deputy City Attorney, for appellees.