

SUPREME COURT OF ARKANSAS**No. 09-595**

STEPHEN JACKSON

APPELLANT,

VS.

CATHY JACKSON

APPELLEE,

Opinion Delivered September 10, 2009

MOTION FOR RULE ON CLERK

MOTION DENIED**PER CURIAM**

In a per curiam delivered on June 25, 2009, this court remanded this case to the circuit court for proof of compliance with Arkansas Rule of Appellate Procedure–Civil 5(b)(1)(C). Appellant had previously been granted extensions of time for filing the record on March 5, 2009, and May 8, 2009. We asked the court to determine if the rule was complied with at the time the original motion for extension of time was filed and granted.

In its order on remand, the trial court found that the rule was complied with at the time appellant’s first motion and order for extension was filed and granted, but the rule was not complied with at the time his second motion and order for extension was filed and granted. The court specifically found that appellee did not have an opportunity to be heard on appellant’s second motion for extension, either at a hearing or by responding in writing before the extension was filed.

We have made it clear that there must be strict compliance with the requirements of Rule 5(b), and this court does not view the granting of an extension as a mere formality. *See*

South Flag Lake, Inc. v. Gordon, 374 Ark. 138, 286 S.W.3d 146 (2008) (per curiam). Because the requirements were not met in this case, the motion for rule on clerk filed by the appellant is denied, and the case is dismissed.