

**SUPREME COURT OF ARKANSAS**

No. CV-13-456

MARK ADAMS and KATHY ADAMS,  
Individually and on behalf of all others  
similarly situated

PETITIONERS

V.

CAMERON MUTUAL INSURANCE  
COMPANY

RESPONDENT

**Opinion Delivered** June 27, 2013

REQUEST TO CERTIFY QUESTION  
FROM UNITED STATES DISTRICT  
COURT FOR THE WESTERN  
DISTRICT OF ARKANSAS

HON. P.K. HOLMES, III, CHIEF  
JUDGE,

CERTIFIED QUESTION ACCEPTED.

**PER CURIAM**

In accordance with section 2(D)(3) of amendment 80 to the Arkansas Constitution and Rule 6-8 of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas, the Honorable P.K. Holmes, III, of the United States District Court for the Western District of Arkansas filed a motion and certification order with our clerk on May 23, 2013. The certifying court requests that we answer a question of law that may be determinative of a cause now pending in the certifying court, and it appears to the certifying court that there is no controlling precedent in the decisions of the Arkansas Supreme Court.

After a review of the certifying court's analysis and explanation of the need for this court to answer the question of law presently pending in that court, we accept certification of the following question, as herein formulated:

Whether an insurer in determining the "actual cash value" of a covered loss under an indemnity insurance policy may depreciate the costs of labor when the term "actual cash value" is not defined in the policy.

This per curiam order constitutes notice of our acceptance of the certification of the question of law. For purposes of the pending proceeding in this court, the following requirements are imposed:

A. Time limits will be calculated from the date of this per curiam order accepting certification. The plaintiffs in the underlying action, Mark Adams and Kathy Adams, are designated the moving parties and will be denoted as the “Petitioners,” and their brief is due thirty days from the date of this per curiam; the defendant, Cameron Mutual Insurance Company, shall be denoted as the “Respondent,” and its brief shall be due thirty days after the filing of Petitioners’ brief. Petitioners may file a reply brief within fifteen days after Respondent’s brief is filed.

B. The briefs shall comply with this court’s rules as in other cases except for the briefs’ content. Only the following items required in Ark. Sup. Ct. R. 4–2(a) shall be included:

(3) Point on appeal which shall correspond to the certified question of law to be answered in the federal district court's certification order.

(4) Table of authorities.

(6) Statement of the case which shall correspond to the facts relevant to the certified question of law as stated in the federal district court’s certification order.

(7) Argument.

(8) Addendum.

(9) Cover for briefs.

C. Oral argument will only be permitted if this court concludes that it will be helpful for

presentation of the issue.

D. Ark. Sup. Ct. R. 4–6 with respect to amicus curiae briefs will apply.

E. This matter will be processed as any case on appeal.

F. Rule XIV of the Rules Governing Admission to the Bar shall apply to the attorneys for the Petitioner and the Respondents.

Pursuant to Arkansas Supreme Court Rule 6–8(d), we request that the parties include in an addendum the following pleadings: the complaint, the answer, if any; the motion for summary judgment; and any responses, replies, and briefs in support thereof. In addition, if the parties believe that any additional pleadings will be useful to our understanding of the legal issues presented in this certified question, those pleadings should be included as well.

Certified question accepted.

Goodson, J., not participating.