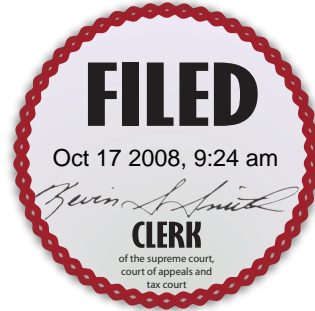


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

JAMES H. BOWDEN and)
EDWARD E. BOWDEN,)

Appellants-Defendants,)

vs.)

No. 79A05-0802-CV-66

CITY OF WEST LAFAYETTE,)
INDIANA,)

Appellee-Plaintiff.)

APPEAL FROM THE TIPPECANOE SUPERIOR COURT
The Honorable Thomas H. Busch, Judge
Cause No. 79D02-0611-PL-107

October 17, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

James H. Bowden and Edward E. Bowden appeal from the trial court's order granting summary judgment in favor of the City of West Lafayette, Indiana.

We affirm.

DISCUSSION AND DECISION

Indiana Appellate Rule 46(A)(8)(a) provides as follows:

The argument must contain the contentions of the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on, in accordance with Rule 22.

Here, Appellants' counsel has failed to support his argument with cogent reasoning and citation to authorities in support of his position. The failure to make a cogent argument is equivalent to a failure to file a brief. *Bright v. Kuehl*, 650 N.E.2d 311, 317 (Ind. Ct. App. 1995). Consequently, the issues presented here on appeal are waived, and the decision of the trial court is affirmed.¹

Affirmed.

VAIDIK, J., and CRONE, J., concur.

¹ Our decision today is not meant to ignore the serious nature of the procedure involved in this matter. However, we save our discussion for another day when the issues are more properly presented to this court.