
LATE FILING OF COST BOND DOES NOT INVALIDATE ARBITRATION APPEAL

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Riendeau v. Wal-Mart Stores, Inc.

Ct. Appeals, Div. One, February 25, 2010

Authored by the [JSH Appellate Team](#)

Mr. and Mrs. Riendeau sued Wal-Mart for injuries arising out of a slip and fall that Mrs. Riendeau had at a Wal-Mart store. They were awarded \$3,540 at compulsory arbitration. They appealed the award, but filed the bond required by Rule 77 (B) more than a month after the final arbitrational award was filed. Wal-Mart moved to strike the notice of appeal on the ground that the bond was untimely filed.

The court of appeals held that an untimely filing of the bond is not a jurisdictional defect. Because the trial court had discretion to extend the time for perfecting an appeal from compulsory arbitration, the tardy payment of the cost bond is not a jurisdictional defect. As long as the appeal is timely filed, the late filing of the cost bond is not a fatal flaw.