

ORIGINAL

FILED

10/06/2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 07-0157

IN THE SUPREME COURT OF THE STATE OF MONTANA
AF 07-0157

IN THE MATTER OF THE MONTANA
RULES OF CIVIL PROCEDURE.

FILED

OCT 06 2016

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RESPONSE

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Chief Judge John W. Larson, Dept. 3
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The District Judges of the Fourth Judicial District Court met on October 3, 2016 and discussed proposed amendments to Montana Rules of Civil Procedure published for comment in *In the Matter of Montana Rules of Civil Procedure*, AF-07-0157. The judges offer the following comments in favor of the proposed amendment to revise the deadlines for deemed denial of motions for new trial or relief from a judgment or order under M.R.Civ. P. 59(f) and 60(c)(1).

The proposed amendment seems beneficial for litigants, who presumably would prefer a ruling on the merits as opposed to a denial imposed by operation of rule as well as for judges, by allowing more time, if needed. Under the current rules, the 60-day window for ruling is shortened by at least 28 days in order for the parties to complete briefing. Parties sometimes stipulate to extend briefing schedules, further shortening the time available for ruling.

Tracking these motions can be challenging as it requires clerks to recognize that a 60-day deadline is applicable to a particular motion, tracking from the correct starting date (the date of filing) and notifying the judge as soon as briefing is complete. One way to assist in calendaring might be to require the moving party to include the 60-day and 120-day deadline in the heading of the motion. A further amendment could say something like:

A party filing a motion under Rule 59 or 60 must identify the date which is 60 days and the date which is 120 days from the date of filing the motion in the

heading of the motion under the cause number and department identification as follows:

Cause No. DV-2017-000

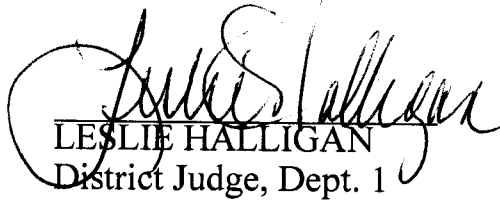
Department No. 4

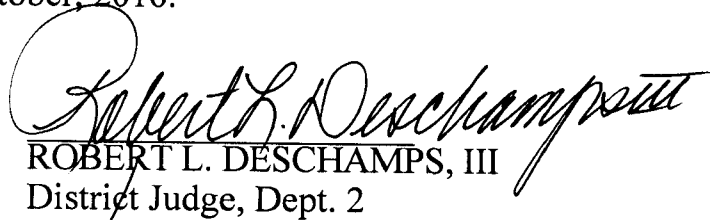
60 days from the date of filing: mm/dd/yy

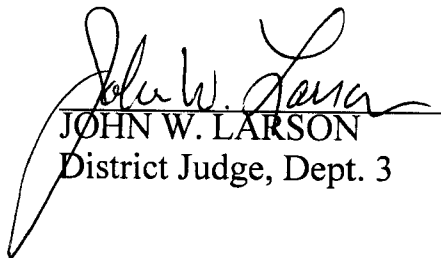
120 days from the date of filing: mm/dd/yy

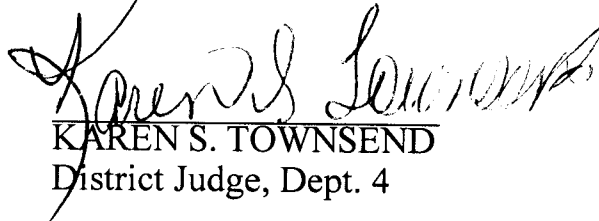
Thank you for the opportunity to comment on the proposed amendments.

DATED this 4th day of October, 2016.


LESLIE HALLIGAN
District Judge, Dept. 1


ROBERT L. DESCHAMPS, III
District Judge, Dept. 2


JOHN W. LARSON
District Judge, Dept. 3


KAREN S. TOWNSEND
District Judge, Dept. 4