

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 16-0562

MONTANA ENVIRONMENTAL INFORMATION
CENTER and SIERRA CLUB,

Plaintiffs and Appellees,

v.

MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Defendant,

WESTERN ENERGY COMPANY,

Defendant/Intervenor and Appellant.

ORDER

FILED

OCT 25 2016

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

Appellees Montana Environmental Information Center (MEIC) and Sierra Club, by counsel, have filed an unopposed motion to stay briefing in this matter. Appellees represent that Appellant Western Energy Company prematurely filed a notice of appeal before the District Court could enter a final order resolving the issue of MEIC's entitlement to attorney fees and costs from defendant Montana Department of Environmental Quality (MDEQ).

This Court generally declines to stay briefing for an indefinite period of time after a notice of appeal has been filed. It is the responsibility of the appellant to ascertain that a final judgment has been entered before filing a notice of appeal. A final judgment is defined at M. R. App. P. 4(1)(a) to be one that has settled all claims in controversy, including any necessary determination of the amount of costs and attorney fees to be awarded. Because the issue of fees and costs has yet to be determined in the District Court, there is no final judgment from which appeal may presently be taken. Therefore,

IT IS ORDERED that appellees' motion to stay briefing in this matter is DENIED.

IT IS FURTHER ORDERED that the appeal in this matter is DISMISSED
WITHOUT PREJUDICE.

The Clerk of this Court shall serve notice of this Order upon all counsel of record.

DATED this ^{4th}25 day of October, 2016.

Patricia Cotter

Michael E. Whelan

James J. Ryan

James J. Ryan

John P. Rice

Justices