

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 19-0223

VOTE SOLAR, MONTANA
ENVIRONMENTAL INFORMATION
CENTER, and CYPRESS CREEK
RENEWABLES, LLC,

Plaintiffs and Appellees,

and

WINDATA, LLC,

Plaintiff-Intervener and Appellee,

v.

THE MONTANA DEPARTMENT OF
PUBLIC SERVICE REGULATION,
MONTANA PUBLIC SERVICE COMMISSION,

O R D E R

Defendant and Cross-Appellant,

NORTHWESTERN CORPORATION,
d/b/a NORTHWESTERN ENERGY,

Defendant and Appellant,

and

THE MONTANA CONSUMER COUNSEL,

Defendant-Intervener.

This Court reviews briefs to ensure compliance with Rules 11 and 12 of the Montana Rules of Appellate Procedure. After reviewing the Appellee Windata, LLC's response brief filed electronically on September 30, 2019, this Court has determined that the brief does not comply with the below-referenced Rule and a corrected Summary of the Argument must be resubmitted.

M. R. App. P. 12(1)(f) requires an appellee's response brief to "contain a succinct, clear, and accurate statement of the arguments made in the body of the brief and not be a mere repetition on the argument headings." Appellee Windata, LLC's response brief did not contain a precise statement of the arguments made in the body of the brief; rather, the content of the "Summary of the Argument" section was more akin to an issue statement. Therefore,

IT IS ORDERED that the Summary of the Argument in the referenced brief is rejected.

IT IS FURTHER ORDERED that within ten (10) days of the date of this Order the Appellee Windata, LLC shall electronically file with the Clerk of this Court a revised Summary of its Argument containing the revisions necessary to comply with the specified Rule and that the Appellee shall serve copies of the revised Summary on all parties of record;

IT IS FURTHER ORDERED that no changes, additions, or deletions other than those specified in this Order may be made to the brief as originally filed; and

IT IS FURTHER ORDERED that the times for any subsequent briefing contained in M. R. App. P. 13 shall run from the date of filing of the revised brief.

The Clerk is directed to provide a true copy of this Order to the Appellee Windata, LLC, and to all parties of record.