

ORIGINAL

FILED

07/07/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 20-0342

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 20-0342

JEANNE JUDSON,

Petitioner and Appellee,

v.

CONNIE JUDSON,

Respondent and Appellant.

LEE JUDSON,

Petitioner and Appellee,

v.

CONNIE JUDSON,

Respondent and Appellant.

FILED

JUL 07 2020

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Representing herself, Connie L. Judson (Connie) petitions this Court for an out-of-time appeal. As grounds, Connie states that she improperly filed via facsimile a Notice of Appeal with the Thirteenth Judicial District Court, Yellowstone County, and the Helena Office of Court Administration on June 1, 2020. Connie contends that the underlying proceedings were not fair. Connie presents a verified petition and includes a copy of the final judgment. We amend the caption to comport with the District Court's, pursuant to M. R. App. P. 2(4).

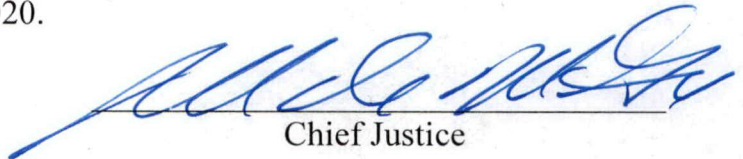
M. R. App. P. 4(6) allows this Court to grant an out-of-time appeal "[i]n the infrequent harsh case and under extraordinary circumstances amounting to a gross miscarriage of justice[.]"

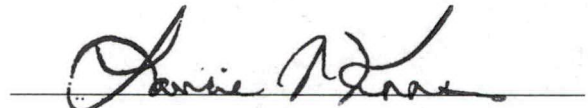
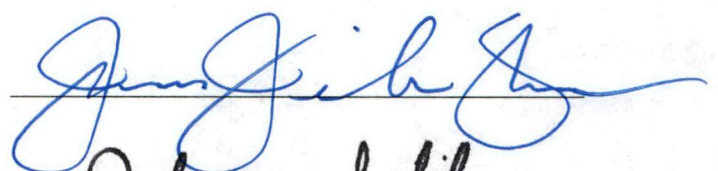
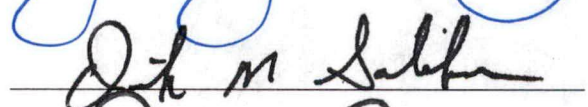
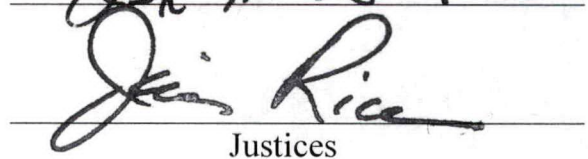
On May 1, 2020, the Yellowstone County District Court issued a consolidated Order Affirming the Billings Municipal Court in two separate proceedings for a Temporary Order of Protection against the underlying Respondent Connie, the adult daughter of the underlying Petitioner, Jeanne. Jeanne and Lee each sought orders of protection from Connie in the Billings Municipal Court, which held a hearing. Connie then appealed both decisions to the District Court. Upon review, we conclude that Connie has demonstrated extraordinary circumstances to pursue this appeal. We further conclude that these cases and both District Court records will remain consolidated in one appeal. M. R. App. P. 4(3)(b). Accordingly,

IT IS ORDERED that Connie's Petition for an Out-of-Time Appeal is GRANTED and that Connie shall PREPARE, FILE, and SERVE a Notice of Appeal with this Court in accordance with the Montana Rules of Appellate Procedure and within thirty days, or on or before August 6, 2020. Failure to do so will result in dismissal of this appeal without further notice.

The Clerk of the Supreme Court is directed to provide a copy of this Order to all parties along with a copy of this Court's Civil Appellate Handbook.

DATED this 7th day of July, 2020.


Chief Justice





Justices