

Decree of Dissolution of Marriage, which adopted Petitioner's Proposed Parenting Plan as the parenting plan for the two (2) minor children of the parties on April 27, 2021. The adopted parenting plan established the Appellee as the primary residential parent for the minor children, and provided for the minor children to move with her to Virginia in August of 2021. The Appellant, as the non-primary residential parent, was granted parenting time during the summer months in addition to certain holiday time. On or about May 28, 2021, a Notice of Appeal was filed by the Appellant in this matter. Sometime shortly after the entry of the District Court's April 27, 2021 Decree, the Appellee moved to Palmyra, Virginia and the Appellant began exercising his Summer Parenting under Appellee's Parenting Plan, which the District Court had adopted. The Appellant filed a Motion to Stay Order with the District Court on or about June 14, 2021, which was subsequently denied. The Respondent then filed the current Motion to Stay Order Pending Appeal.

ARGUMENT

Appellant correctly states that the primary concern in any parenting action is the best interest of the children. M.C.A. § 40-4-212. The District Court, in its Decree of April 27, 2021, already weighed those best interests and adopted Appellee's Proposed Parenting Plan, which permitted the minor children to move to Palmyra, Virginia with the Appellee prior to the new school year starting in

August. The arguments made in Appellant's Motion to Stay, in regards to the best interests of the minor children, have already been made at the District Court level and were considered in the aforementioned Decree.

Appellant claims that there is "no pressing reason the children need to relocate to Virginia before the appeal is resolved." Appellee argues that the beginning of a new school is clearly a "pressing reason" for the minor children to relocate in early August. Appellant, by virtue of his Motion alone, acknowledges that the appeal process will last past the beginning of August, which also coincides with the new school year. Having the minor children begin school in Miles City, Montana, only to have them relocate to Palmyra, Virginia and switch schools well into the new school year is not in their best interests. It is important for the minor children to be able to begin school at the beginning of the year, and to be able to immerse themselves into the new schools at the same time as their peers. Conversely, if the minor children did indeed have to switch schools after the school year, it would be easier for them to return to a school they had previously attended, rather than a school that was unknown to them.

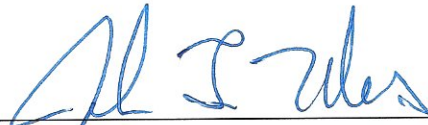
Appellee also contends that another "pressing reason" for the minor children to relocate to Palmyra, Virginia in August, pursuant to the District Court's Decree, is that the Appellant has been exercising his summer parenting time since the school year ended, and the minor children have not been in the care of Appellee at

all. Since the Appellee has been the primary caregiver for the minor children their entire lives up until that point, it is a “pressing reason” that they be reunited with their primary caregiver as initially intended by the District Court. Their stability and continuity of care is directly tied to the presence of the Appellee.

Appellant makes it clear in his Motion to Stay that he wants to prevent any unnecessary relocation of the minor children, and then conveniently neglects to mention anywhere that no relocation will happen if his appeal is denied. If he is unsuccessful on appeal, the children will remain in Palmyra, Virginia and no relocation will be necessary. If the Decree is stayed and the Appellant is unsuccessful on appeal, the minor children will have to relocate to Palmyra, Virginia and start attending a new school midway through the year, which as noted above, would be more difficult on the minor children than if they were forced to relocate back to Miles City, Montana in the instance that the Appellant was successful on appeal.

Minimizing any difficulties and negative impacts on the minor children during this Appeal should be at the forefront for both parties. Given the above, it’s clear that the least potential difficulty or negative impact on the minor children stems from this Court denying Appellant’s Motion to Stay, and having the minor children begin school in Palmyra, Virginia pursuant to the District Court’s April 27, 2021 Decree.

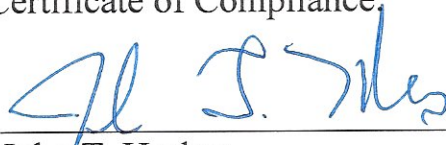
Dated this 19rd Day of July, 2021.



John T. Hrubes
Attorney for Appellee

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16 and 22 of the Montana Rules of Appellate Procedure, I certify that this Motion is printed with a proportionately spaced Times New Roman text, typeface of 14 points, is double spaced; and does not exceed 10 pages of text, excluding the certificates of service and the Certificate of Compliance.



John T. Hrubes
Attorney for Appellee

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify, that on the 19th day of July, 2021, a true and exact copy of the foregoing document was delivered by email, to the following:

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John T. Hrubes
Attorney at Law

CERTIFICATE OF SERVICE

I, John T. Hrubes, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 07-19-2021:

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