

ORIGINAL

FILED

05/16/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 21-0516

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 21-0516

THERMAL DESIGN, INC., a Nebraska Corporation,

Plaintiff and Appellee,

v.

MARK DUFFY, an individual; PAM DUFFY, an individual; CENTRAL COPTERS, INC., a Montana corporation,

Defendants and Appellants,

STEVE THORSON, an individual, d/b/a TNT Building Systems, a general partnership; TRAVIS THORSON, an individual, d/b/a TNT Building Systems, a general partnership; STEEL CONCEPTS, LLC, an Idaho limited liability company; and STEVE LARSON, an individual,

Defendants.

FILED

MAY 16 2022

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ORDER

MARK and PAM DUFFY, a married couple and CENTRAL COPTERS, INC.,

Counterclaim Plaintiffs,

v.

THERMAL DESIGN, INC., a Nebraska corporation,

Counterclaim Defendants.

MARK and PAM DUFFY, a married couple, and CENTRAL COPTERS, INC.,

Crossclaim Plaintiffs,

v.

STEVE THORSON, an individual, d/b/a TNT Building Systems, a general partnership; TRAVIS THORSON, an individual, d/b/a TNT Building Systems, a general partnership,

Crossclaim Defendants.

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This Court reviews briefs to ensure compliance with Rules 11 and 12 of the Montana Rules of Appellate Procedure. After reviewing Steve and Travis Thorson's response brief filed on May 16, 2022, this Court has determined that the brief does not comply with the Rules and must be resubmitted.

M. R. App. P. 11(6)(b)(v) requires the cover page of a brief to contain the "names, mailing addresses, telephone, fax numbers, and email addresses (if any) of respective counsel for the parties, identifying the party counsel represents, and that same information if the party is proceeding without counsel[.]" While the brief contains the contact information for the opposing parties, it is missing that information for Steve and Travis Thorson.

M. R. App. P. 12(1)(e) requires a brief to contain a "statement of the standard of review as to each issue raised, together with a citation of authority[.]" The Thorsons' brief does not contain a standard of review section.

M. R. App. P. 12(1)(f) requires a brief to contain a summary of the argument which contains "a succinct, clear, and accurate statement of the arguments made in the body of the brief and not be a mere repetition of the argument headings." The Thorsons' brief does not contain a summary of the argument.

M. R. App. P. 12(1)(g) requires the brief to contain an argument section which contains the contentions of the Thorsons "with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes, and pages of the record relied on[.]" The Thorsons' brief does not contain an argument section.

We note the Thorsons have previously been provided a copy of this Court's Civil Handbook, which explains the requirements for the formatting and content of Supreme

Court briefs.

Therefore,

IT IS ORDERED that the signed original and seven copies of the referenced brief be returned for revisions necessary to comply with the specified Rules;

IT IS FURTHER ORDERED that a signed original and seven copies of the revised brief ordered herein be filed within ten (10) days of the date of this Order with the Clerk of this Court and that one copy of the revised brief be served on each counsel of record;

IT IS FURTHER ORDERED that the postage costs for returning the referenced copies of Steve and Travis Thorson's brief will be billed to Steve Thorson and Travis Thorson by the Clerk of this Court and shall be due and payable upon receipt; 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 of this Court is directed to mail a true copy of this Order to Steve Thorson and Travis Thorson and to mail a true copy of this Order to all counsel upon whom the brief was served.

DATED this 16<sup>th</sup> day of May, 2022.

For the Court,

By 

Justice