

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 22-0558

IN RE THE MARRIAGE OF:

EDWARD DANIEL ELDRIDGE,

Petitioner and Appellee,

and

ANGELINA KATHRYN ELDRIDGE,

Respondent and Appellant.

FILED

NOV 28 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Before this Court are a Motion for Extension of Time concerning an opening brief and a Petition for an Out-of-Time Appeal filed by self-represented Appellant Angelina Kathryn Eldridge (Angelina).

We reviewed this Court's docket. On September 26, 2022, Angelina filed the Notice of Appeal of a dissolution matter from the Ravalli County District Court with this Court. She filed a Notice of Transcripts Deemed Necessary for Appeal on that day; however, Angelina did not serve upon or mail a copy to the District Court's Clerk of Court and the Court Reporter.

On October 17, 2022, this Court received the District Court record. The Clerk of District Court listed the Notice of Appeal on September 27, 2022. On November 21, 2022, this Court returned Angelina's opening brief because the certificate of service reflected that a copy was mailed only to Angelina and not the opposing party. This Court gave her twenty days to file an amended certificate of service, reflecting mailing of the opening brief.

We observe that Angelina served a copy of the Notice of Appeal to counsel initially. As an appellant, Angelina has a duty to serve copies of any document that she files in this Court on the opposing party, such as counsel for Appellee Edward Daniel Eldridge. M. R.

App. P. 10(4). She should mail a copy of the opening brief to Edward's counsel. She must also mail a copy of the Notice of Transcripts Deemed Necessary for Appeal to all parties: counsel, the Court Reporter, and the Clerk of District Court. Mailing these copies inform all parties of the pending appeal. We will provide the addresses below.

Upon review, Angelina's Petition for an Out-of-Time Appeal is not properly before this Court because Angelina has an appeal. We conclude that her motion for extension of time is not warranted, based upon the foregoing anomalies. Therefore,

IT IS ORDERED that:

1. Angelina must mail a copy of the Notice of Appeal and the Notice of Transcripts Deemed Necessary for Appeal to Tammy Stuckey, Court Reporter, 205 Bedford St., Ste. A, Hamilton, MT, 59840-2853, on or before Wednesday, December 7, 2022. Angelina must make arrangements with the Court Reporter to pay for any transcripts she seeks to include in this appeal;
2. Angelina must mail a copy of the Notice of Transcripts Deemed Necessary for Appeal to Paige Trautwein, Clerk of District Court, 205 Bedford St., Ste. D, Hamilton, MT, 59840-2835, and to Dustin M. Chouinard, 601 S. 1st Street, P.O. Box 515, Hamilton, MT 59840, on or before Wednesday, December 7, 2022;
3. Angelina's Petition for an Out-of-Time Appeal is DISMISSED, as moot;
4. Angelina's Motion for Extension of Time is DENIED. Angelina has ample time to provide an amended certificate of service as directed in this Court's November 21, 2022 Order. Angelina should file an amended certificate of service, showing that she mailed a copy of the opening brief to Edward's counsel, on or before Monday, December 12, 2022. All other aspects in the Court's November 21, 2022 Order stand; and
5. Failure to serve copies as outlined above and with the stated time frames may result in dismissal of this appeal and without further notice.

The Clerk of the Supreme Court is directed to provide a copy of this Order to Tammy Stuckey, Court Reporter; to counsel of record; and to Angelina Kathryn Eldridge

along with a copy of this Court's Civil Appellate Handbook.

DATED this 28th day of November, 2022.

For the Court,

By 

Chief Justice