

## IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 22-0512

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MICHAEL L. GOGUEN,

Plaintiff, Appellee  
Cross-Appellant,

v.

NYP HOLDINGS, INC.; ISABEL VINCENT;  
and DOES 1 through 100,

O R D E R

Defendants and Appellants,

WILLIAM DIAL,

Defendant and Cross-Appellee.

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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 the Cross-Appellee's response brief filed electronically on March 16, 2023, this Court has determined that the brief does not comply with the below-referenced Rules and must be resubmitted.

M. R. App. P. 11(4)(e) requires that a certificate of compliance for a proportionately spaced font include: the document's line spacing, that it is proportionately spaced, the typeface, point size, and word count. The certificate of compliance included at the end of Cross-Appellee's response brief does not include the brief's word count.

M. R. App. P. 12(1)(d) requires that the statement of facts portion of a brief contain references to the pages or the parts of the record at which material facts appear. The statement of facts in Cross-Appellee's response brief does not include any citations to the record.

Therefore,

IT IS ORDERED that the referenced brief is rejected.

IT IS FURTHER ORDERED that within ten (10) days of the date of this Order the

Cross-Appellee shall electronically file with the Clerk of this Court a revised brief containing the revisions necessary to comply with the specified Rules and that the Cross-Appellee shall serve copies of the revised brief 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 Cross-Appellee and to all parties of record.

Electronically signed by:  
Dirk Sandefur  
Justice, Montana Supreme Court  
March 16 2023