

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 22-0512

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.

On March 16, 2023, Cross-Appellee filed his response brief. That same day, the Court rejected the brief for noncompliance with the Montana Rules of Appellate Procedure.

On March 17, Cross-Appellee resubmitted the same brief, without the required citations to the record. After reviewing Cross-Appellee's resubmitted response brief, this Court has determined that the brief still does not comply with the below-referenced Rule and must be resubmitted.

M. R. App. P. 12(1)(d) requires that the statement of the facts section of a brief contain references to the pages or the parts of the record at which material facts appear. Although the statement of facts in Cross-Appellee's resubmitted response brief now contains one citation to the complaint of the case, that single citation is not sufficient to conform to the rule. In Cross-Appellee's statement of facts, he directs the Court to the facts listed in the statement of the case section. However, the facts set forth in the statement of the case are not accompanied by specific citations to the pages or parts of the record where facts are located. Citations to the record must be added to the facts stated in the statement of the case, as they are also serving as Cross-Appellee's statement of facts.

Therefore,

IT IS ORDERED that the referenced brief is again rejected.

IT IS FURTHER ORDERED that within ten (10) days of the date of this Order Cross-Appellee shall electronically file with the Clerk of this Court a revised brief containing the revisions necessary to comply with the specified Rule and that 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 Cross-Appellee and to all parties of record.

Electronically signed by:
Dirk Sandefur
Justice, Montana Supreme Court
March 20 2023