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FILED

07/05/2023

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 23-0053

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 23-0053

IN RE THE MARRIAGE OF:

DAVINA ATTAR-WILLIAMS,

Petitioner and Appellant,

and

STEVEN THOMAS WILLIAMS,

Respondent and Appellee.

FILED

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Before this Court is Appellant Davina Attar-Williams (Davina) and her Motion to Complete and Correct Appellate Record, which alleges that the District Court record is incomplete because hearing exhibits are missing. Appellee Steven T. Williams (Steven) responds in opposition, stating that the motion is untimely and disregards the appellate rules for completing the record. Steven moves this Court for dismissal because Davina has failed to file an opening brief by June 7, 2023. In response, Davina has filed a “Combined Motion for Leave to File Reply and Stay & Dismiss Motions to Dismiss.”

Davina argues that in addition to the problem of an incomplete record on appeal, she wants to rebut Steven’s claims and assertions in a reply. She states that “Appellant’s Opening Brief was never due because the appellate record was never completed[.]” Davina maintains that the record has missing exhibits as well as an incorrectly filed exhibit.

Davina’s arguments appear disingenuous. Upon review of this Court’s docket, as Steven points out, Davina had a date for filing her opening brief. On March 23, 2023, she received an extension of time to file her opening brief on or before May 10, 2023. Upon receipt of an additional exhibit on May 8, 2023, the due date was moved to June 7, 2023. Davina has not filed her opening brief and did not seek an extension of the June 7, 2023 deadline. Moreover, she did not bring to this Court’s attention in a timely manner any

alleged anomaly with the District Court record until June 13, 2023, well after the brief's due date. Davina's motion to complete and correct the appellate record is not well taken. Therefore,

IT IS ORDERED that:

1. Davina's Motion to Complete and Correct Appellate Record is DENIED;
2. Davina's Motion for Leave to File Reply is DENIED, as moot;
3. Davina's Motion to Stay is DENIED, as moot; and
4. Steven's Motion to Dismiss is GRANTED and this appeal is DISMISSED with prejudice.

IT IS FURTHER ORDERED that the Clerk of the Supreme Court is directed to CLOSE this matter as of this Order's date.


The Clerk is also directed to provide a copy of this Order to all parties of record.


DATED this 5th day of July, 2023.



Chief Justice







Justices