



FILED

09/26/2023

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 23-0355

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 23-0355

DAVID SHAW and KRISTINA J. SHAW,

Plaintiffs and Appellees,

v.

FORSHEE AGENCY, INC.
and SHEILA FORSHEE,

Defendants and Appellants.

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ORDER

Through counsel, Appellees David Shaw and Kristin J. Shaw (the Shaws) move this Court for dismissal of this appeal. The Shaws state that self-represented Appellant Sheila Forshee (Forshee) opposes the motion. Forshee has not filed a response to the motion.

The Shaws explain that Forshee is not in compliance with the Montana Rules of Appellate Procedure. They state that Forshee has not included a transcript with the record on appeal, in violation of M. R. App. P. 9(1). The Shaws provide that no extension of time for production of a transcripts has been docketed within the forty-day window for transmission of the record. M. R. App. P. 9(3)(b). They point out that Forshee has a duty to provide the record, including transcripts of the proceedings. M. R. App. P. 8(1).

On June 27, 2023, Forshee filed a Notice of Appeal with this Court. We received the District Court record on August 7, 2023. Forshee's opening brief was due on or before Wednesday, September 6, 2023. She has not filed an opening brief or requested an extension of time to do so. M. R. App. P. 13(1) and 16(1). We conclude that dismissal of this appeal is warranted based upon counsel's motion as well as Forshee's failure to file an opening brief. We decline to entertain counsel's request for attorney's fees as an additional sanction.

Therefore,

IT IS ORDERED that the Motion to Dismiss Appeal is GRANTED and that this appeal is DISMISSED with prejudice.

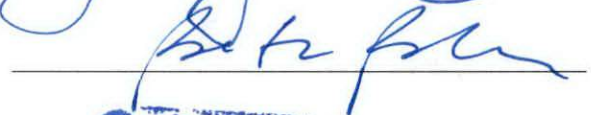
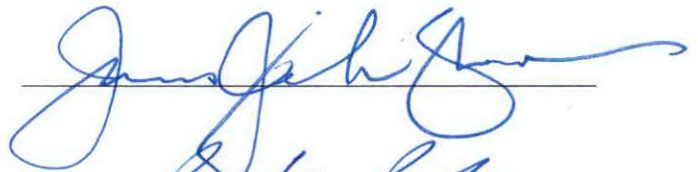
IT IS FURTHER ORDERED that this case is CLOSED as of this Order's date.

The Clerk of the Supreme Court is directed to provide a copy of this Order to counsel of record and to Sheila Forshee personally.

DATED this 25th day of September, 2023.



Chief Justice



Justices