

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 24-0160

NATHAN HARDIN,
Plaintiff and Appellant,
v.
STATE OF MONTANA
Defendant and Appellee.

**APPELLEE’S MOTION TO STRIKE APPELLANT’S MOTION FOR
SUMMARY JUDGMENT**

On Appeal from the Montana Third Judicial Court of Powell County
The Honorable Ray Dayton, Presiding

Appearances:

MONTANA DEPARTMENT OF JUSTICE
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MOTION TO STRIKE

Appellee, State of Montana, by and through undersigned counsel of record move this Court to strike Appellant's Motion for Summary Judgment pursuant to M. R. App. P. 19.

Appellant is pro se and has been contacted and objects to this motion.

BRIEF IN SUPPORT OF MOTION

Appellant's Motion for Summary Judgment should be struck because is not an appropriate request for relief in the Montana Supreme Court.

Montana Rule of Appellate Procedure 19(1) prescribes the types of dispositions available in the Supreme Court. A disposition granting summary judgment is not one. The Supreme Court can reverse, remand, or affirm a district court's decision, and can dismiss an appeal or cross-appeal. M. R. App. P. 19(1)-(2).

Appellant did not move for summary judgment in the District Court and therefore there is no order for the Supreme Court regarding summary judgment to consider. The only final judgment currently at issue is the District Court's decision to deny Appellant's petition requesting relief from the requirements to register as a sex offender in Montana. Thus, Appellant's motion for summary judgement is inappropriate and the Supreme Court cannot grant the relief requested. This Court should strike Appellant's motion for summary judgment.

CONCLUSION

For the foregoing reasons, Appellee respectfully requests this Court strike Appellant's Motion for Summary Judgment.

RESPECTFULLY SUBMITTED this 19th day of June 2024.

By: /s/ Kathleen Verderber

KATHLEEN VERDERBER

Agency Legal Counsel

Counsel for Defendants and Appellee

CERTIFICATE OF SERVICE

I, Kathleen Verderber, hereby certify that I have served true and accurate copies of the foregoing Motion - Strike to the following on 06-19-2024:

Kathryn McEnery (Govt Attorney)
211 Fourth Street,
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Representing: State of Montana
Service Method: eService

Nathan Bryce Hardin (Appellant)
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Helena MT 59601
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Electronically signed by Elena Hagen on behalf of Kathleen Verderber
Dated: 06-19-2024