

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0303

CB1, INC.,

Plaintiff and Appellee,

v.

KATELYN N. HOVE and IRA HOVE,

Defendants and Appellants

v.

**HEALTHCARE SERVICE CORPORATION d/b/a BLUE CROSS AND
BLUE SHIELD OF MONTANA,**

Third-Party Defendant and Appellee

Order Granting Motion to Dismiss Appeal

Plaintiff/Appellee CB1, Inc., filed and served a Motion to Dismiss Appeal dated June 19, 2024. The motion was grounded on Rules 13 and 26, Mont. R. App. Pro.

An appellant has 30 days from the date the record is filed to file their opening brief. Mont. R. App. Pro. 13(1). The Court may extend the time to file, but only upon showing a good cause. Mont. R. App. Pro. 26. If the appellant does

not file a brief within the time provided by rule, then the appellee may move to dismiss the appeal. Mont. R. App. Pro. 13(3).

In this matter, the record was filed on May 15, 2024. The deadline for the Appellants to file their opening brief was June 14, 2024. They did not file timely an opening brief and did not request an extension of time to file.

IT IS HEREBY ORDERED that this appeal is dismissed with prejudice and Plaintiff/Appellee CB1, Inc., is awarded its costs and reasonable attorneys' fees incurred in drafting and filing the motion.

Dated this ____ day of _____ 2024.

Chief Justice

Justices

c: Martin S. Smith
Dennis Michael Eakin
Daniel J. Auerbach