



ORIGINAL

FILED

09/10/2024

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 24-0403

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0403

IN RE THE MARRIAGE OF:

JOHN KURTIS OBLINGER,

Petitioner and Appellant,

ORDER

and

LORA JEAN OSTER,

Respondent and Appellee.

FILED

SEP 10 2024

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

Self-represented Appellant John Kurtis Oblinger moves this Court for a thirty-day extension to file his opening brief. He states that he has not received the transcripts or the court file.

Upon review of the docket, this Court received the record from the Flathead County District Court on July 8, 2024, and we received the exhibits on July 11, 2024. Oblinger's opening brief would have been due on or before August 12, 2024.

On July 29, 2024, the Clerk of the Supreme Court issued an Order appointing a mediator in this matter. On the same day and through counsel, Appellee Lora Jean Oster filed a notice regarding appellate mediation. Oster explains that a history of domestic violence exists between the parties and that Oster obtained a ten-year Order of Protection against Oblinger which is the basis of the instant appeal. This Court deems this notice a motion so we may consider it. We conclude that mediation is not mandatory given the history "that one of the parties . . . has been physically, sexually, or emotionally abused . . . ." M. R. App. P. 7(2)(b).

We further observe that on September 5, 2024, the day after Oblinger filed his motion, this Court received a copy of the electronic transcript for a May 14, 2024 hearing.

Therefore, upon the foregoing and good cause shown,

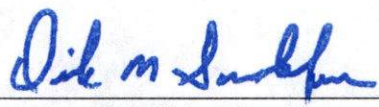
IT IS ORDERED that:

1. Oblinger's motion for an extension of time to file an opening brief is GRANTED and Oblinger shall prepare, file, and serve an opening brief on or before Tuesday, October 15, 2024; and
2. Oster's Motion to Waive Mediation is GRANTED and the Clerk of the Supreme Court shall VACATE its Order appointing a mediator.

The Clerk is directed to provide a copy of this Order to mediator Shelly F. Brander; to counsel of record, and to John Kurtis Oblinger

DATED this 10<sup>th</sup> day of September, 2024.

For the Court,

By   
Acting Chief Justice