



FILED

11/19/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0553

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0553

IN RE THE MARRIAGE OF:

CHRISTINE P. LEE FRENCH,

Petitioner and Appellant,

and

BAYNE A. LEE FRENCH,

Respondent and Appellee.

ORDER

Through counsel, Bayne A. Lee French (Bayne) moves for dismissal of this appeal. Self-represented Appellant Christine P. Lee French (Christine) has not filed a response.

On October 29, 2024, this Court ordered that Christine have an extra day to prepare, file, and serve her response and objection to Bayne's motion to dismiss, filed on October 15, 2024. We noted in the Order that Christine did not provide whether she contacted Bayne's counsel before she fax-filed her motion for an extension of time on October 28, 2024. Since that Order, this Court has received notice that the Flathead County District Court issued an order granting the Clerk of District Court additional time to transmit the record. Christine has filed a notice regarding her response to the motion to dismiss and the court record transmission. Christine still has not filed a response to the motion to dismiss, almost two weeks after the Court's October 29th Order.

Bayne explains that after two years of litigation in the District Court, the court issued its Findings of Fact, Conclusions of Law, and Decree of Dissolution on May 16, 2024. Bayne filed a Notice of Entry of Decree of Dissolution on May 17, 2024. Bayne states that on June 13, 2024, Christine filed a pleading titled, "Motion to Stay, Set Aside, Amend/Motion for New Trial/Motion for Relief/Brief; Affidavit; w/Exhibits" or post-trial motion, and Bayne filed a response. Bayne provides that if Christine's post-trial motion

were made pursuant to M. R. Civ. P. 59 or 60, then the motion was deemed denied on August 12, 2024. Bayne further provides that the District Court denied Christine's motion on August 16, 2024, or four days after being deemed denied by statute. Adhering to the deemed denied date of August 12, 2024, Bayne contends that Christine's appeal time expired on September 11, 2024.¹ Bayne points out that the District Court did not consider Christine's motion viable either under M. R. Civ. P. 59 or M. R. Civ. P. 60, and instead stated "rather, it is a further assertion of positions that were asserted at trial, or in the multiple hearings and in the numerous pleadings which were filed leading up to trial."

Bayne posits that Christine's post-trial motion was a motion to reconsider, which the District Court did, and additionally argues that such a motion does not exist under the Montana Rules of Civil Procedure. *Nelson v. Driscoll*, 285 Mont. 355, 360, 948 P.2d 256, 259 (1997). Bayne further contends that Christine's time to file a timely appeal expired on June 16, 2024, or thirty days after the May 17, 2024 Notice of Entry of Decree. M. R. App. P. 4(5)(a)(i). Bayne also points out that Christine is a trained and educated attorney and that her actions here should not be granted wide latitude, particularly as Bayne is prejudiced.² *Greenup v. Russell*, 2000 MT 154, ¶ 15, 300 Mont. 136, 3 P.3d 124.

Given the foregoing, we conclude that this appeal is improperly before the Court. Therefore,

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

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

The Clerk is directed to provide a copy of this Order to counsel of record; to Peg Allison, Clerk of District Court, and to Christine P. Lee French personally.

DATED this 19th day of November, 2024.


Chief Justice

¹ Christine filed her Notice of Appeal on September 16, 2024.

² Christine was admitted to the State Bar of Montana in 2005.

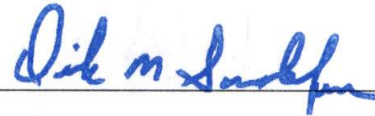
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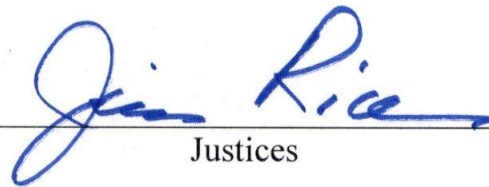
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Justices