

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0760

MONARCH HEATING AND COOLING, LLC,

Petitioner and Appellee,

v.

PETRA, INC.,

Defendant and Appellant,

BOZEMAN WEST APARTMENTS LP;
SACCOCCIA LANDS III LLC; BCRH AVION
VENTURE LLC; STOCKMAN BANK OF MONTANA;
WCW OLYMPUS BOZEMAN LLC; and JOHN DOES
1-10,

Defendants.

BOZEMAN WEST APARTMENTS LP, SACCOCCIA
LANDS III LLC, and PETRA, INC.,

O R D E R

Counterclaimants,

v.

MONARCH HEATING AND COOLING, LLC,

Counter-Defendant.

BOZEMAN WEST APARTMENTS LP; and
SACCOCCIA LANDS III LLC,

Cross-Claimants

v.

PETRA, INC.,

Cross-Defendant.

This Court reviews briefs to ensure compliance with Rules 11 and 12 of the Montana Rules of Appellate Procedure. On February 6, 2025, this Court rejected the Appellant's opening brief for noncompliance with the Rules. After reviewing the Appellant's opening brief resubmitted electronically on February 18, 2025, this Court has determined that the brief does not comply with the below-referenced Rules and must be resubmitted again.

M. R. App. P. 2(4) requires the caption of an appeal to "list the parties in the same order as the caption used in the district court, with the addition of the designations 'appellant' and 'appellee' as appropriate." The Appellant's opening brief has changed the caption from that used in the district court.

M. R. App. P. 11(6)(b) sets forth the information that must be presented on the cover of each brief, which includes: the title of the case from the tribunal in which the case originated or from which an appeal is taken, adding the designations of the parties set forth in Rule 2, and the name, the venue of the tribunal, and the judge in which the case originated or from which an appeal is taken; and the names, mailing addresses, telephone, fax numbers, and email addresses (if any) of respective counsel for the parties, identifying the party counsel represents, and that same information if the party is proceeding without counsel. M. R. App. P. 11(7) requires that the first page of a brief shall contain the same information set forth in M. R. App. P. 11(6)(b). The Appellant's opening brief does not comply with M.R. App. P. 11(6)(b) and 11(7).

IT IS ORDERED that the referenced brief is rejected.

IT IS ORDERED that within ten (10) days of the date of this Order the Appellant shall electronically file with the Clerk of this Court a revised brief containing the revisions necessary to comply with the specified Rules and that the Appellant shall serve copies of the revised brief on all parties of record;

IT IS ORDERED that no changes, additions, or deletions other than those specified in this Order may be made to the brief as originally filed; and

IT IS ORDERED that the times for any subsequent briefing contained in M. R. App. P. 13 shall run from the date of filing of the revised brief.

The Clerk is directed to provide a true copy of this Order to the Appellant and to all parties of record.