

FILED

10/01/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0492

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0492

MATTHEW HEAVEN,

Plaintiff and Appellant,

v.

STEVEN PAUL WEBER &
KRISTI LYNN WEBER,

Defendants and Appellees.

FILED

OCT 01 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

This Court reviews briefs to ensure compliance with the Montana Rules of Appellate Procedure. After reviewing the Appellant's opening brief filed on October 1, 2025, this Court has determined that the brief does not comply with the Rules and must be resubmitted.

M. R. App. P. 10(2) and (4) require service of all papers on all other parties to the appeal and proof of service in the form of a certificate of service containing "a statement of the date and manner of service and of the names and addresses of the persons served, certified by the person who made service." Appellant's opening brief does not contain a certificate of service or otherwise indicate that it has been served on other parties to this appeal.

M. R. App. P. 11(4)(e) requires a brief to contain a certificate of compliance "which states the document's line spacing and states either: (1) the document is proportionately spaced, together with the typeface, point size, and word count; or (2) the document uses a monospaced typeface, together with the number of characters per inch and word count, or, the number of counted pages." Appellant's opening brief does not contain a certificate of compliance.

M. R. App. P. 12 describes required contents of briefs. Rule 12(1)(i) requires an appendix "that includes the relevant judgment, order(s), findings of fact, conclusions of law, jury instruction(s), ruling(s), or decision(s) from which the appeal is taken together

with any written memorandum or rationale of the court, and those pages of the transcript containing any oral ruling in support.” Appellant’s opening brief does not contain an appendix with the judgment or order appealed from.

Therefore,

IT IS ORDERED that the signed original and seven copies of the referenced brief be returned for revisions necessary to comply with the specified Rules;

IT IS FURTHER ORDERED that a signed original and seven copies of the revised brief ordered herein be filed within ten (10) days of the date of this Order with the Clerk of this Court and that one copy of the revised brief be served on each counsel of record;

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

IT IS FURTHER ORDERED that the postage costs for returning the referenced copies of Appellant’s brief will be billed to Appellant by the Clerk of this Court and shall be due and payable upon receipt; and

IT IS FURTHER 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 of this Court is directed to mail a true copy of this Order to Appellant and to mail a true copy of this Order to all counsel upon whom the brief was served.

DATED this 1 day of October, 2025.

For the Court,

By Katherine M. Bridgman
Justice