

FILED

12/18/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0645

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. **DA 25-0645**

XENA BENEDETTO and
CRISTIAN BENEDETTO,
Appellants,

v.

KEVIN CUATT and
HEIDI CUATT,
Appellees.

FILED

DEC 18 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

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Clerk of Supreme Court
State of Montana

APPELLANTS' MOTION TO DIRECT DISTRICT COURT TO TRANSMIT RECORD

Appellants Xena Benedetto and Cristian Benedetto respectfully move this Court for an order directing the Clerk of the Eleventh Judicial District Court, Flathead County, to transmit the full district court record in Cause No. **DV-25-393B**, as required by **M. R. App. P. 8 and 9**.

1. The District Court Has Not Transmitted the Record.

The Montana Supreme Court's online docket for this appeal indicates that the full district court record—including pleadings, affidavits, motions, responses, and clerk's filings—has not yet been transmitted.

2. The Record Is Necessary for Resolution of the Issues on Appeal.

This appeal involves the district court's denial of Appellants' Motion to Vacate Filing of Foreign Judgment, Motion to Stay Enforcement, and Motion to Disqualify Counsel. These issues cannot be reviewed without the complete district court docket, including:

- Appellants' Motion and supporting affidavits;
- Appellees' Response and exhibits;
- Notice of Filing Foreign Judgment and Affidavit of Service;
- All orders entered in the matter.

3. Rule 8 and Rule 9 Require Transmittal.

Under **M. R. App. P. 8(3)** and **9(1)**, the district court clerk must assemble and transmit the record unless the Supreme Court orders otherwise. Because the record has not been sent, Appellants request the Court's assistance to ensure compliance.

REQUEST FOR RELIEF

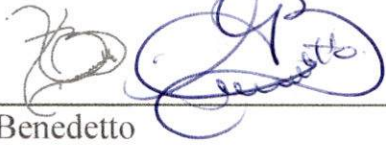
Appellants respectfully request that this Court issue an order directing the Clerk of the Eleventh Judicial District Court, Flathead County, to:

1. **Assemble the entire record**, including all pleadings, motions, affidavits, responses, exhibits, and orders filed in Cause No. **DV-25-393B**;
2. **Transmit the full record to the Montana Supreme Court**; and

3. Notify Appellants upon completion.

Dated: December 10th, 2025

Respectfully submitted,



Xena Benedetto
Appellant, Self-Represented
2379 NW Sunset Blvd
Jensen Beach, FL 34957
Phone: 925-766-4442



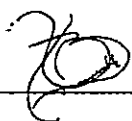
Cristian Benedetto
Appellant, Self-Represented

CERTIFICATE OF SERVICE

I certify that on the 11 day of December, 2025, I served a true and accurate copy of the foregoing **Motion to Direct the District Court to Transmit the Record on Appeal** upon:

Sean Frampton
Frampton Purdy Law Firm
530 West 19th Street, Suite 301
Whitefish, MT 59937

by depositing the same in the United States mail, first-class postage prepaid.



Xena Benedetto, Appellant