

THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 25-0620

SANDRA A. GEMAR,

Petitioner and Appellee,

v

RICHARD K. GEMAR, JR.,

Respondent and Appellant.

FILED

MAR 06 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

APPELLANT'S NOTICE OF SUPPLEMENTAL AUTHORITY

RECORD OF CHRONIC PROCEDURAL DEFAULT

I. PURPOSE Appellant Richard K. Gemar Jr. submits this Notice to provide the Court with the specific timeline of Appellee's failure to adhere to the **Montana Rules of Appellate Procedure (M. R. App. P.)**. This timeline establishes a functional waiver of the Appellee's right to a defense.

II. THE PROCEDURAL DEFAULTS Appellant directs the Court to the following specific lapses in the record:

1. **The Initial 14-Day Default:** Following the mandatory deadline for January 14th, 2026, the Appellee failed to file any responsive document for a period of **14 days**.
2. **The Secondary 29-Day Default:** Following the expiration of the subsequent grace period or required filing window, the Appellee has remained in total default for an additional **29 days** beyond the legal requirement.
3. **M. R. App. P. 13 Violation:** The Appellee's failure to file a timely Answer Brief within the 30-day window provided by Rule 13 constitutes a procedural abandonment of the appeal.

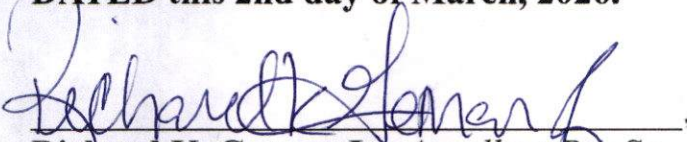
III. LEGAL EFFECT OF THE DEFAULTS Under Montana law and the rules of this Court, a party who fails to respond within the prescribed timelines is in **Default**.

- **Admission by Silence:** By failing to respond for 14, and subsequently 29 days, the Appellee has constructively admitted to the facts and legal conclusions presented in the Appellant's Opening Brief.
- **Judicial Economy:** To allow the Appellee to continue in this litigation after such an extensive and documented failure to act would prejudice the Appellant and undermine the finality of the Court's timelines.

IV. CONCLUSION The record is clear: The Appellee sat on their rights for 14 days, and then again for 29 days. Appellant requests that the Court acknowledge these specific procedural defaults and proceed to a final ruling on the merits of the Opening Brief.

Respectfully submitted,

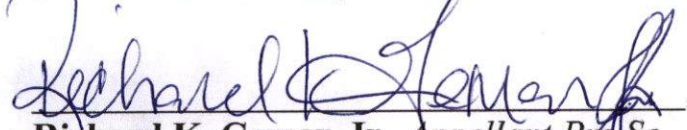
DATED this 2nd day of March, 2026.


Richard K. Gemar, Jr., *Appellant Pro Se*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the **APPELLANT'S NOTICE OF SUPPLEMENTAL AUTHORITY** was served upon the Appellee, Sandra A. Gemar, via the established arrangement with the Clerk of the Montana Supreme

Court on this 2nd day of March, 2026.


Richard K. Gemar, Jr., *Appellant Pro Se*

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