

ORIGINAL

FILED

04/28/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0804

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0804

IN RE THE MARRIAGE OF:

SHAWN M. STUTZMAN,

Petitioner and Appellee,

and

KRIS STUTZMAN,

Respondent and Appellant.

FILED

APR 28 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

In a January 21, 2026 Order, this Court denied Appellant Kris Stutzman's (Kris) Motion for Stay Pending Appeal and Request for Limited Injunctive Relief. In that Order, this Court also granted Appellee Shawn M. Stutzman's (Shawn's) Motion to Dismiss Appeal related to two May 30, 2025 Orders. We directed Kris to appeal only the October 17, 2025 Limited Order of Protection Amended Nunc Pro Tunc.

Through counsel, Shawn now moves this Court for dismissal of this appeal of the Limited Order of Protection Amended Nunc Pro Tunc, because the Lake County District Court set aside the Order on March 9, 2026, upon Kris's motion to do so. Shawn puts forth that there is now no final judgment for an appeal. Kris has filed a response in opposition explaining that Shawn's motion should be denied. Kris reiterates that briefing should be held in abeyance and has filed a Motion to Hold Briefing in Abeyance.

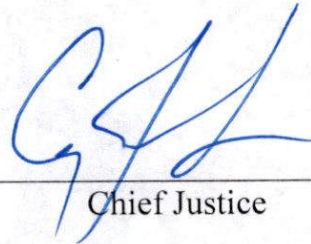
Kris cites to the correct case law but misapplies the law here. "A question is moot when the court cannot grant effective relief." *Havre Daily News, LLC v. City of Havre*, 2006 MT 215, ¶ 31, 333 Mont. 331, 142 P.3d 864. The District Court has since set aside the Order, which is the basis for Kris's appeal. There is no case or controversy because Kris has now obtained relief in the District Court. M. R. App. P. 4(1)(a). This Court cannot grant effective relief. Therefore,

IT IS ORDERED that:

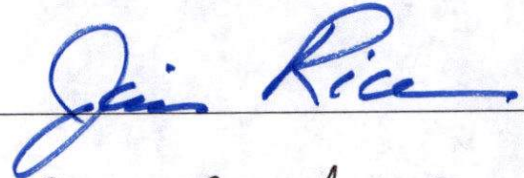
1. Shawn's Motion to Dismiss Appeal of Limited Order of Protection Amended Nunc Pro Tunc is GRANTED and this appeal is DISMISSED with prejudice;
2. Kris's Motion to Hold Briefing in Abeyance is DENIED; and
3. this matter is CLOSED as of this Order's date.

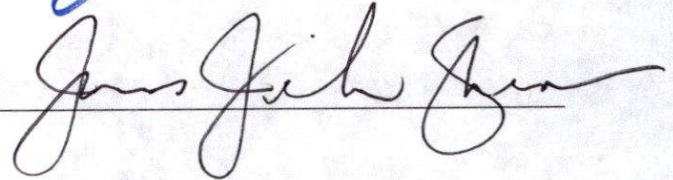
The Clerk of the Supreme Court is directed to provide a copy of this Order to counsel of record and to Kris Stutzman personally.

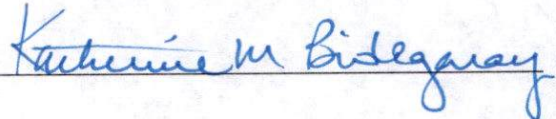
DATED this 28th day of April, 2026.

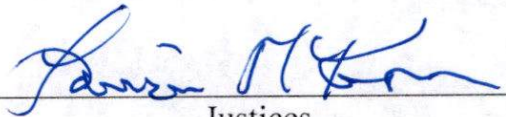


Chief Justice









Justices