ORIGINAL

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05/26/2026
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 26-0098

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 26-0098

FILED
MAY 26 2026
Bowen Greenwood
Clerk of Supreme Court
State of Montana

ELIZABETH KRAGH,

Petitioner and Appellant,

v.

MONTANA ASSOCIATION OF THE DEAF, INC., a Montana Domestic nonprofit corporation,

Respondent and Appellee.

ORDER

On February 12, 2026, self-represented Appellant Elizabeth Kragh filed a Notice of Appeal for this case. We received the electronic record on March 4, 2026, from the Missoula County District Court, and the case was sent to the Court after briefing's completion on May 6, 2026. Five days later, Kragh filed an opposed Motion to Supplement the Record, and counsel for the Montana Association of the Deaf, Inc. (MAD) filed a response on May 12, 2026.

Kragh appeals a January 29, 2026 Order Granting Summary Judgment where the Missoula County District Court granted MAD's Motion for Summary Judgment, pursuant to M. R. Civ. P. 56, against Kragh's claims.

Kragh explains that the record on appeal should include two termination letters and an affidavit in support. She points out that the letters are not in the record because they were issued on April 30, 2026. Kragh requests that this Court "consider this evidence in deciding this appeal."

MAD puts forth that this Court should deny Kragh's motion because the April 30, 2026 nonrenewal letters are not part of the appellate record. Citing to several of our decisions where the established rule is not to allow documents outside of the record, MAD provides that this Court has "previously held, 'that the parties on appeal are bound by the

record and may not add additional matters in briefs or appendices.'" *Bahm v. Southworth*, 2000 MT 244, ¶ 11, (citing *Groves v. Clark*, 1999 MT 117, ¶ 22, 294 Mont. 417, 982 P.2d 446 (citation omitted). MAD adds that these post-judgment materials have no bearing on the District Court's decision. In addition to this Court's denial of Kragh's motion, MAD requests attorney fees "for responding to a motion foreclosed by settled appellate principles." *See* M. R. App. P. 19(5).

We conclude that Kragh's motion to supplement is not appropriate. The letters and affidavit were not part of the underlying record for review. We, however, will not decide MAD's request for attorney fees now, and we take it under advisement along with the entire review of the record and briefs on appeal. Accordingly,

IT IS ORDERED that Kragh's Motion to Supplement is DENIED.

IT IS FURTHER ORDERED that MAD's Request for Attorney Fees to Respond to Kragh's Motion to Supplement is TAKEN UNDER ADVISEMENT.

The Clerk is directed to provide a copy of this Order to counsel of record and to Elizabeth Kragh personally.

DATED this 26th day of May, 2026.

Chief Justice

Justices