

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 26-0158

IN RE THE MARRIGE OF:

KAREN LYNN MAYBEE,

Petitioner and Appellee,

O R D E R

and

SCOTT BYRON MAYBEE,

Respondent and Appellant.

This Court reviews briefs to ensure compliance with the Montana Rules of Appellate Procedure. On June 5, 2026, Appellee Karen Lynn Mabee moved this Court for an order rejecting Appellant's opening brief and requiring a corrected filing. Appellant Scott Byron Maybee did not oppose this motion, and Appellee indicates he consents. After reviewing the Appellant's opening brief filed electronically on May 22, 2026, this Court has determined that the brief does not comply with the below-referenced Rules and grants the motion.

M. R. App. P. 11(4)(e) requires every brief filed with this Court to contain a certificate of compliance that states the following information: the document's line spacing, whether the document uses a proportionally spaced or monospaced typeface, the size of the type used, and the brief's word count. Appellant's certificate of compliance does not state the brief's line spacing, typeface, or size of the type used.

M. R. App. P. 12(1)(d) provides that the appellant's statement of the facts shall contain citations to the "pages or parts of the record at which material facts appear." Although Appellant's statement of the case and argument sections contain record cites, the statement of facts contains only one citation to the record.

M. R. App. P. 12(1)(i) provides that an appellant's opening brief shall contain an appendix that includes the relevant judgment, order, findings of fact, conclusions of law,

jury instruction, ruling or decision from which the appeal is taken. Appellant appeals the District Court's Findings of Fact, Conclusions of Law, and Order (Subject-matter Jurisdiction), but he failed to file this order as an appendix to his opening brief.

Therefore,

IT IS ORDERED that the referenced brief is rejected.

IT IS FURTHER ORDERED that within ten (10) days of the date of this Order the Appellant shall electronically file with the Clerk of this Court a revised brief containing the revisions necessary to comply with the specified Rules and that the Appellant shall serve copies of the revised brief on all parties of record;

IT IS FURTHER ORDERED that pursuant to Temporary Electronic Filing Rule 12(a)(4), the seven paper copies of the Appellant's opening brief must comply with M. R. App. P. 12(1)(i), including copies of the order from which the appeal is taken; and

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; 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 is directed to provide a true copy of this Order to the Appellant and to all parties of record.