


Amy P. Eddy  
 Robert B. Allison  
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 District Judges, Departments 1, 2, 3 & 4  
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CLERK OF DISTRICT COURT  
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ELEVENTH JUDICIAL DISTRICT COURT  
 FLATHEAD COUNTY, MONTANA

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IN THE ELEVENTH JUDICIAL	)	
DISTRICT COURT RULES OF	)	
PRACTICE	)	
	)	ORDER RE SMALL CLAIMS
	)	APPEAL PROCEDURE AND
	)	BRIEFING SCHEDULE
	)	

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IT IS HEREBY ORDERED that the procedure for perfecting the record upon appeal from a judgment of the Small Claims Division of the Flathead County Justice Court and the procedure and schedule for the filing and serving of briefs is governed by the following.

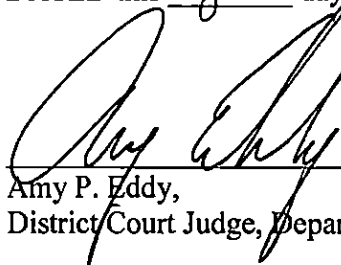
1. Immediately upon receipt of this Order each party shall inform the Clerk of the District Court of that party's mailing address if the information has not been provided to the Justice Court.
2. Within 30 days after the filing of the notice of appeal, the Justice Court shall forward the electronic recording or transcript of the proceedings to the Clerk of the District Court, together with the original papers filed, certified by the Justice Court to be accurate and complete. When the record is transferred the Justice Court shall notify the parties in writing.
3. Within 15 days after the date on which the record is filed, the appealing party shall file a written brief. According to Mont. Code Ann. § 25-35-803(2) the District Court's review on appeal is limited to alleged errors of law. The District Court may not conduct a new trial.
4. Within 15 days after the filing and service of appealing party's brief, the other party(ies) shall file an answer brief. If the appealing party's brief is served by mail, the other party(ies) shall have an additional 3 days to file and serve a brief.
5. The appealing party may file a reply brief within 10 days after the filing and service of the answer brief. There is no additional time allowed for filing the reply brief if the answer brief is served by mail.

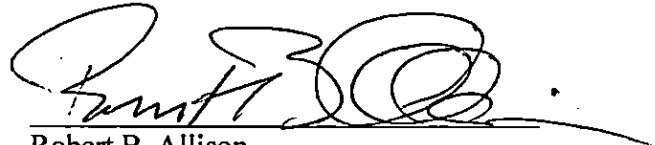
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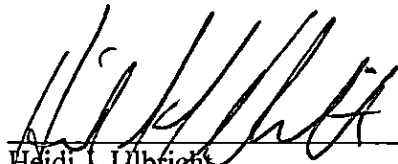
6. If the appealing party fails to file a brief within the time provided by this Order, the appeal shall be deemed without merit and subject the appeal to summary dismissal by the District Court. Failure by the other party(ies) to file an answer brief may subject the appeal to summary ruling in favor of the appealing party. Reply briefs are optional and failure to file will not subject the appeal to summary ruling.

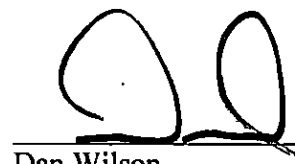
SO ORDERED.

DATED this 5<sup>th</sup> day of February, 2017.

  
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Amy P. Eddy,  
District Court Judge, Department No. 1

  
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Robert B. Allison,  
District Court Judge, Department No. 2

  
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Heidi J. Ulbricht,  
District Court Judge, Department No. 3

  
\_\_\_\_\_  
Dan Wilson,  
District Court Judge, Department No. 4