

**IN THE APPELLATE COURT
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION, PABLO, MONTANA**

JENIEL BENNEFIELD,)	Cause No. AP-05-080-SC
)	
Plaintiff-Appellee,)	
)	
vs.)	ORDER DISMISSING APPEAL
)	
SARAH LUTES,)	
)	
Respondent-Appellant.)	
)	
)	

Before the Court is a Motion to Dismiss Appeal and a request to be granted interest on the judgment granted by the Trial Court on October 18, 2005 filed by the Plaintiff-Appellee in this matter.


Pursuant to Rule 15 (1) of the CSKT Rules of Appellate Procedure, the Appellant shall file an opening brief and serve a copy of same upon Appellee within 20 days of the date the record is filed and transmitted. The record was filed and transmitted on the 27th day of December, 2005.

Pursuant to Rule 2 (3) of the CSKT Rules of Appellate Procedure, the Appellee is entitled to interest accruing from the date of judgment of the Trial Court.

Appellant having failed to file and serve an opening brief as required by the Rules, the Plaintiff-Appellee's Motion to Dismiss Appeal is hereby granted and the appeal is dismissed with prejudice for failure to file an opening brief and Appellee is awarded interest at the legal rate of 10% from the date of judgment.

SO ORDERED this 24th day of February, 2006.





Chuck Wall
Associate Justice

Certificate of Mailing

I, Abigail Dupuis, Appellate Court Administrator, do hereby certify that I mailed true and correct copies of the **ORDER DISMISSING APPEAL** to the persons first named therein at the addresses shown below by depositing same in the U.S. Mail, postage prepaid at Pablo, Montana, or hand-delivered this 24th day of February, 2006.

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Abigail Dupuis
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