

IN THE COURT OF APPEALS
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION

FOSTER FUNERAL HOMES)	
& CREMATORY, Inc.,)	Cause No. AP-10-334-CV
Appellant,)	
)	
vs.)	
)	ORDER DISMISSING APPEAL
)	
DAVID A. DURGLOH, Jr.)	
Appellee.)	
)	

Foster Funeral Homes & Crematory, Inc. appeals the lower court's final order of dated March 9, 2011. Such appeals are governed by the Confederated Salish and Kootenai Law and Order Code (2003). Several deadlines, as dictated by the CSKT Rules of Appellate Procedure (hereinafter RAP), must be met in order for this Court to be able to hear a case.

A Notice of Appeal must be filed within 20 days of the date of a final judgment from the trial court. Appellant filed a Notice of Appeal on March 29, 2011. The Appellants notice was timely. Within five days of filing a Notice of Appeal, an Appellant must order a transcript of the lower court record according to Rule 3(RAP). Appellant ordered the transcript on March 30, 2011, within the time required by the Rule.

Rule 4 indicates that the lower court record must be transmitted to the Appellate Court Clerk within 30 days after filing the Notice of Appeal, unless an extension has been granted for good cause. A Certified Copy of the file was received on May 17, 2011, also within the required time. Upon the completion of the record transmitting, the case is deemed transferred to the Appellate Court.

The issue in this case arises with the filing of the brief as required by Rule 15 of the RAP. Rule 15 lays out the process through which an Appellant must write, file and

serve her brief. Rule 15 (1) in relevant part says "An appellant's brief shall be filed and served within 20 days of the date the record is filed and transmitted..."

Appellant's brief in this case was due to be filed by June 27, 2011. No brief was filed by June 27, 2011 and two months have passed since that date and no brief has been filed. Without a brief from the Appellant, this Court cannot proceed.

This Court must dismiss this case for failure to file a brief.

ORDER

IT IS HEREBY ORDERED that the case before this Court is **DISMISSED** with prejudice.

IT IS SO ORDERED THIS 12th DAY OF SEPTEMBER, 2011.


DANIEL BELCOURT
Associate Justice



Certificate of Mailing

I, Abigail Dupuis, Appellate Court Administrator, do hereby certify that I mailed a true and correct copy 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 12th day of September, 2011.

**Torian Donohoe
WELLS & MCKITTRICK, P.C.
222 East Pine
P.O. Box 9410
Missoula, MT 59806**

**David Durgeloh, Jr.
P.O. Box 45
St. Ignatius, MT 59865**

**Cara Croft
Clerk of the Tribal Court
P.O. Box 278
Pablo, MT 59855**

A handwritten signature in black ink that reads "Abigail Dupuis". The signature is written in a cursive style and is positioned above a horizontal line.

**Abigail Dupuis
Appellate Court Administrator**