

1 John W. Larson, District Judge
2 Fourth Judicial District Dept. 3
3 Missoula County Courthouse
4 Missoula, MT 59802
5 (406) 258-4773

FILED AUG 15 2013

SHIRLEY E. FAUST CLERK

By  Deputy

6 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

7 WILLIAM M. WINDSOR,

Dept. 3
Cause No. DV-13-899

8 Plaintiff,

9 vs.

ORDER ON MUNICIPAL COURT
APPEAL AND BRIEFING
SCHEDULE

10 SEAN BOUSHIE,

11 Defendant.

12
13 Plaintiff has filed a notice of appeal of Municipal Court Judge Jenk's
14 denial to issue an Order of Protection. Section 40-15-302, MCA, states:

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17 40-15-302. Appeal to district court -- order to remain in effect.
18 (1) An order issued by a justice's court, municipal court, or city
19 court pursuant to 40-15-201 is immediately reviewable by the
20 district judge upon the filing of a notice of appeal. The district
21 judge may affirm, dissolve, or modify an order of a justice's
22 court, municipal court, or city court made pursuant to 40-15-201
23 or 40-15-204.

24 (3) If a temporary order of protection or an order of protection
25 issued by a court of limited jurisdiction is appealed or removed
26 to an appellate court, the order continues in full force and effect
unless modified by the appellate court.

IT IS HEREBY ORDERED that Plaintiff has filed a brief. Defendant
shall have until August 27, 2013, to file a response. If he responds, Plaintiff

1 shall have until September 5, 2013, within which to reply. The matter will be
2 taken under advisement. If the Court decides to hold a hearing, it will inform
3 the parties, however, no hearing is set at this time.

4 DATED this 15th day of August, 2013.

5
6 
7 JOHN W. LARSON, District Judge

8 Copies of the foregoing were sent to:

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