

WRITTEN MOTION TO DISMISS APPELLANT'S APPEAL FOR FAILURE TO FILE A DESIGNATION OF RECORD

If you are the appellee (meaning the other party filed the initial appeal) and the appellant (meaning the party who filed the initial appeal) has failed to file a designation of record with their Notice of Appeal as required by Rule 6 you should file a motion to dismiss the appeal for failure to file designation of record.

Rule 11 requires that an Appellee file their motion to dismiss for lack of jurisdiction within 15 days after the Appellant files their notice of appeal and designation of record. Failure to do so will cause your motion to be dismissed.

INSTRUCTIONS FOR FILLING OUT THE FORM. To fill out the attached form follow these instructions. The numbers to each instruction below is the number on the blank line on the form where the information for that number needs to be inserted on the form.

Instructions for filling out the motion:

(1) on this line insert the name of the party who was the plaintiff in the case at the trial court level, it will either be you or the other party. Look at a case caption of the trial court pleadings to determine who the plaintiff is.

(2) on this line insert Appellant if the plaintiff is the party that filed the appeal or insert Appellee if the defendant is the party that filed the appeal

(3) on this line insert the name of the party who was the defendant in the case at the trial court level, it will either be you or the other party. Look at a case caption of the trial court pleadings to determine who the defendant is.

(4) on this line insert Appellant if the defendant is the party that filed the appeal or insert Appellee if the plaintiff is the party that filed the appeal

(5) on this line insert the date you sign the motion

(6) on this line sign the motion

Note: Your motion must be signed and dated before the Clerk can accept it for filing and service

(7) on this line insert all the opposing parties entitled to notice by name and last known address you mailed a copy of the motion to each opposing party.

(8) on this line date the day you mailed a copy of the motion to all opposing parties. You are required to serve a copy of the motion to all opposing parties

(9) on this line sign your name to certify you mailed a copy of the motion on date you inserted on line (8).

NOTE: You must file your motion with the RST Clerk of the Supreme Court and mail a copy to all parties to the action you listed in the certificate of service.

SUPREME COURT
OF THE
ROSEBUD SIOUX TRIBE

<p>(1) _____ _____, Plaintiff and (2) _____</p> <p>v.</p> <p>(3) _____ _____, Defendant and (4) _____</p>	<p>SC# _____</p> <p>MOTION TO DISMISS APPEAL FOR FAILURE TO FILE A DESIGNATION OF RECORD</p>
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Comes now the Appellee and moves this Court to dismiss the appeal for the following reasons:

The Appellant failed to file a designation of record with its notice of appeal as required by Rule 6 of the RST Rules of Appellate Procedure.

WHEREFORE, Appellee requests this Court to dismiss the appeal.

(5) _____

(6) _____
Appellee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I mailed a true and correct copy of this motion upon Appellant(s) last known address(es) by first class mail addressed to the following: (7) _____

(8) _____

(9) _____
Appellee