

**WRITTEN MOTION TO DISMISS APPELLEE’S STATEMENT OF ISSUES FOR
FAILURE TO FILE A DESIGNATION OF RECORD**

If you are the appellant (meaning you filed the initial appeal) and the appellee (meaning the party who did not file the initial appeal) has failed to file a designation of record with its statement of issues as required by Rule 6 you should file a motion to dismiss the Appellant’s Statement of Issues 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 Appellee files their statement of issues and designation of record.

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 APPELLEE'S STATEMENT OF ISSUES FOR FAILURE TO FILE A DESIGNATION OF RECORD</p>
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Comes now the Appellant and moves this Court to dismiss the Appellee's Statement of Issues for the following reasons:

The Appellee failed to file a designation of record with its Statement of Issues as required by Rule 6 of the RST Rules of Appellate Procedure.

WHEREFORE, Appellant requests this Court to dismiss the Appellee's Statement of Issues.

(5) _____

(6) _____
Appellant

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) _____
Appellant