

WRITTEN MOTION FOR EXTENSION OF TIME TO FILE BRIEF

Rule 8 of the Rules of Appellate Procedures requires the parties to file a brief. Failure of either party to file briefs in a timely manner as required shall be sanctioned by the Court by summary dismissal unless the excused by the Court and failure to ask for an extension prior to the Brief due date will result in summary dismissal of your appeal.

The Clerk of the Supreme Court will issue a briefing schedule where the appellant will be required to file its brief by a certain date and where the appellee will be required to file their brief by a certain date. If the appellant fails to file its brief by the due date and has failed to move the Supreme Court for an extension use this motion to dismiss the appeal.

If you are waiting for the designation of record (the appellate record) and transcriptions or have some other good excuse and your brief is coming due, file a motion for extension of time to file your brief. It may be a common occurrence to file a motion for several extensions because transcriptions takes time.

You can ask for an extension if you have some other good excuse such as medical or mental conditions (to verify attach any recent medical statements about your condition to this motion), employment demands (to verify attach a statement from employer about such demands) to a death in the family (attach some kind of verification). What ever the reason attach any copies of supporting documents to the motion before you file it.

Failure to ask for an extension prior to the Brief due date will result in summary dismissal of your appeal. So file this motion for extension well in advance of the date your brief is due.

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 whether you are the appellant or appellee
- (6) on this line insert the date that your brief is due according to the briefing schedule
- (7) on this line insert any other reasons why you may not be able to file your brief by the due date. This can include medical or mental conditions (to verify attach any recent medical

statements about your condition to this motion), employment demands (to verify attach a statement from employer about such demands) to a death in the family (attach some kind of verification). What ever the reason attach any copies of supporting documents to the motion before you file it.

(8) on this line insert whether you are the appellant or appellee

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

(10) on this line sign the motion

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

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

(12) 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

(13) on this line sign your name to certify you mailed a copy of the motion on date you inserted on line (12).

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 named 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 FOR EXTENSION OF TIME TO FILE BRIEF</p>
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Comes now the (5) _____ and moves this Court for an extension of time to file its brief the following reasons:

1. That my brief is due on (6) _____.

2. That the Clerk of the Supreme Court has not yet produced documents contained in the designation of record or has not produced the transcripts as requested in the Designation of Record and I am unable to prepare a brief until such documents or transcripts are produced.

3. That I need more time to prepare my brief because (7) _____

Wherefore, the (8) _____ requests the Court to grant an extension of time to file its brief.

(9) _____

(10) _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on 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:

(11) _____

_____.

(12) _____

(13) _____