

**ORIGINAL**

**FILED**

01/25/2019

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 16-0445

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 16-0445

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**FILED**

**JAN 25 2019**

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

CITY OF KALISPELL

Plaintiff and Appellee,

v.

ORDER

THOMAS SALSGIVER,

Defendant and Appellant.

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Pursuant to the Internal Operating Rules of this Court, this cause is classified for oral argument before the Court sitting en banc. Argument is scheduled for Friday, April 5, 2019, at 9:30 a.m. at the George Dennison Theater, University of Montana, Missoula, Montana, with an introduction to the oral argument beginning at 9:00 a.m.

IT IS FURTHER ORDERED that pursuant to M. R. App. P. 17(3), oral argument times in this cause shall be forty (40) minutes for the Appellant and thirty (30) minutes for the Appellee.

The Court will not entertain any motions to reschedule.

The parties are directed to address their arguments to whether Salsgiver's constitutional right to a jury trial can be waived by his failure to personally appear at an omnibus hearing.

The Court requests supplemental briefing on the application of Article II, Section 26 of the Montana Constitution. Simultaneous briefs of no more than 5000 words are due within thirty days from the date of this Order.


Counsel should be mindful of the provisions of M. R. App. P. 17(6).

The Clerk is directed to provide a copy of this Order to all counsel of record; to Dean Paul Kirgis, Alexander Blewett III School of Law, University of Montana; to Sara Kryder, Director of Communication and Events, Alexander Blewett III School of Law,

University of Montana; to John Mudd, Executive Director, State Bar of Montana; and to the Honorable Dan Wilson, District Judge.

DATED this 25<sup>th</sup> day of January 2019.

For the Court,

By   
Chief Justice