

SUPREME COURT OF MONTANA

Roberta Arnoux v. JTL Group, Inc., Pioneer Ready Mix, Inc.

2001 MT 40N (Mont. 2001) · Decided March 6, 2001

SUMMARY

The Montana Supreme Court affirmed the dismissal with prejudice of Roberta Arnoux's personal injury and employment discrimination actions against JTL Group and Pioneer Ready Mix. The court held that unsupported factual assertions and exhibits could be stricken from the appellate materials and concluded that Arnoux had failed to comply with discovery obligations, scheduling orders, and prosecution requirements.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice Patricia O. Cotter
JURISDICTION	Montana
DECIDED	March 6, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Arnoux appealed the Eighteenth Judicial District Court's dismissal with prejudice of her personal-injury and discrimination complaints for discovery violations, failure to comply with scheduling orders, and failure to prosecute.
STANDARD OF REVIEW	A district court's grant of a motion to dismiss is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Roberta Arnoux v. JTL Group, Inc., Pioneer Ready Mix, Inc.

TOPICS

- sanctions
- discovery dispute
- appellate procedure
- civil procedure
- standard of review

PRACTICE AREAS

- civil procedure
- appellate procedure
- employment law
- civil rights

QUESTIONS PRESENTED

1. Whether unsupported factual assertions, arguments, and exhibits in Arnoux's appellate brief should be stricken because they were not supported by the record.
2. Whether the District Court properly dismissed both complaints with prejudice as sanctions for discovery violations, failure to comply with scheduling orders, and failure to prosecute.

HOLDINGS

1. The appellate court will not consider off-the-record allegations or unsupported statements, arguments, and exhibits that are not supported by the appellate record and do not comply with the Montana Rules of Appellate Procedure.
2. The District Court did not abuse its discretion by dismissing both of Arnoux's complaints with prejudice.

KEY QUOTATIONS

“It is a well-established rule that parties are bound to the record on appeal and may not supplement it with unsubstantiated matters in briefs or appendices.” (¶ 6)

“The imposition of sanctions for failure to comply with discovery procedures is regarded with favor.” (¶ 8)

FACTUAL BACKGROUND

Arnoux brought a personal-injury action against her employer and later filed a separate action alleging sexual and racial discrimination. After new counsel appeared, the District Court combined the cases for discovery and pretrial purposes and issued scheduling orders. Arnoux repeatedly failed to timely or completely answer discovery, provide required expert and exhibit disclosures, submit a statement of damages, comply with scheduling orders, participate in mediation, and respond to the motion to dismiss.

PROCEDURAL HISTORY

Arnoux filed a personal-injury action in 1995 and a sexual- and racial-discrimination action in 1997. The cases were later combined for discovery and pretrial purposes. After repeated failures to comply with discovery obligations and scheduling orders, failure to provide a statement of damages and exhibit list, failure to respond to the motion to dismiss, and failure to prosecute, the District Court dismissed both complaints with prejudice on June 19, 2000. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Bahm v. Southworth, 2000 MT 244, ¶ 11, 10 P.3d 99, ¶ 11
- In re McGurran, 1999 MT 192, ¶ 7, 295 Mont. 357, ¶ 7, 983 P.2d 968, ¶ 7
- McKenzie v. Scheeler, 285 Mont. 500, 949 P.2d 1168, 1172 (1997)
- Hufine v. Boylan, 239 Mont. 515, 517, 782 P.2d 77, 78 (1989)

- State v. Blackcrow, 1999 MT 44, ¶ 33, 293 Mont. 374, ¶ 33, 975 P.2d 1253, 133
- Rieman v. Anderson, 282 Mont. 139, 147, 935 P.2d 1122, 1127 (1997)

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