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ATTORNEYS FOR DEFENDANT A.W.A.R.E., INC.,
ON BEHALF OF CASTLE PINES GROUP HOME

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

* * * * *

AMBER J. WILLIAMS,)	CV 20-00023-H-DLC-JTJ
)	
Plaintiff,)	DEFENDANT A.W.A.R.E.,
vs.)	INC.'S REPLY BRIEF IN
)	SUPPORT OF MOTION TO
CANDICE OSTERMAN, et al.,)	DISMISS
)	
Defendants.)	

* * * * *

On November 25, 2020, Defendant Castle Pines Group Home, owned and operated by A.W.A.R.E., Inc. (collectively referred to as "AWARE") moved this Court to dismiss all claims against AWARE, pursuant to Fed. R. Civ. P. 12(e). (Docs. 39-40.) The twenty-one-day deadline has passed and Plaintiff has not filed a response to AWARE's motion. *See* Local Rule

7.1(d)(1)(B)(ii). As a result, AWARE respectfully requests the Court deem its motion well-taken pursuant to Local Rule 7.1(d)(1)(B)(ii).

As demonstrated by its opening brief, Plaintiff's claims against AWARE should be dismissed because Plaintiff failed to comply with the Court's Order requiring her to file an Amended Complaint. (Doc. 28 at 9.) The Court's Order stated that such failure would result in a recommendation by the Court that Plaintiff's claims against AWARE, Acadia Montana, and Ms. Hedke be dismissed. (Doc. 28 at 9.)

For the Court's convenience, a proposed order is attached hereto as Exhibit A.

DATED this 22nd day of December, 2020.

CHRISTENSEN & PREZEAU, PLLP

By: /s/ Cherche Prezeau
Cherche Prezeau
314 N. Last Chance Gulch, Suite 300
Helena, MT 59601

**ATTORNEYS FOR DEFENDANT A.W.A.R.E., INC.,
ON BEHALF OF CASTLE PINES GROUP HOME**

CERTIFICATE OF SERVICE L.R.5.2(b)

I hereby certify that, on 22nd day of December, 2020, the forgoing **DEFENDANT A.W.A.R.E., INC.'S REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS** was served upon the following persons by the following means:

- | | |
|----------------|----------------------------|
| <u>1, 3, 4</u> | CM/ECF |
| _____ | Hand Delivery |
| <u>2</u> | Mail |
| _____ | Overnight Delivery Service |
| _____ | Fax |
| _____ | E-Mail |

- | | |
|-------------------------------|--------------------------|
| 1. Clerk, U.S. District Court | 4. Elizabeth L. Hausbeck |
| 2. Amber J. Williams | Leah T. Handelman |
| P.O. Box 6871 | GARLINGTON LOHN & |
| Helena, MT 59604 | ROBINSON, PLLP |
| 3. Craig D. Charlton | 350 Ryman Street |
| SMITH LAW FIRM, P.C. | P.O. Box 7909 |
| 26 W. Sixth Avenue | Missoula, MT 59807-7909 |
| P.O. Box 1691 | |
| Helena, MT 59624 | |

/s/ Jake Quinn
Jake Quinn

CERTIFICATE OF COMPLIANCE

This is to certify that the foregoing brief, excluding the caption, certificate of service, and certificate of compliance, contains 158 words.

DATED this 22nd day of December, 2020.

CHRISTENSEN & PREZEAU, PLLP

By: /s/ Cherche Prezeau
Cherche Prezeau
314 N. Last Chance Gulch, Suite 300
Helena, MT 59601

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ON BEHALF OF CASTLE PINES GROUP HOME**