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**FORT PECK COURT OF APPEALS  
ASSINIBOINE AND SIOUX TRIBES  
FORT PECK INDIAN RESERVATION  
POPLAR, MONTANA**

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VELMA NEPSTAD d/b/a NEPSTAD DRILLING,  
Petitioner/Appellant,

vs.

**Appeal No. 022**

HOWARD BEMER d/b/a FORT PECK DRILLING,  
Respondent/Appellee.

A Petition for Review of the decision of Lawyer Judge Hodge to refuse to disqualify himself from presiding in this matter in the Fort Peck Tribal Court, Assiniboiné and Sioux Tribes, Fort Peck Indian Reservation, Poplar, Montana.

For Petitioner/Appellant: Mary L. Zemyan, Attorney at Law, P.O. Box 1094, Wolf Point, Montana 59201.

For Respondent/Appellee Ralph J. Patch, Attorney at Law, P.O. Box 1079, Wolf Point, Montana 59201.

Briefs were not submitted by Appellant or Appellee. At the time set for Oral Argument June 26, 1987, neither party or their attorneys appeared. On June 16, 1987, this Court had received a Joint Stipulation to Dismiss with the direction that the case should be remanded to the lower court for trial on the merits, if Respondent/Appellee files a response to the original petition. This Court received no response to the original petition.

HELD: BECAUSE THE PARTIES AND THEIR ATTORNEYS DID NOT APPEAR AT ORAL ARGUMENT AND PROVIDE FURTHER DIRECTION TO THIS COURT, AND SINCE RESPONDENT/APPELLEE FILED NO RESPONSE TO THE ORIGINAL PETITION, IT IS THE UNANIMOUS DECISION OF THIS COURT THAT THIS MATTER BE AND THE SAME HEREBY IS DISMISSED WITH PREJUDICE.

**BY THE COURT OF APPEALS:**

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ARNIE A. HOVE, Chief Justice

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DANIEL A. SCHAUER, Justice

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