

Filed 10/21/2020 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2020 ND 222

Annette Thiele a/k/a Annette Thiel,

Plaintiff and Appellant

v.

Kyle Bousquet and Mitchell's Oil

Field Services, Inc.

Defendants and Appellees

No. 20200146

Appeal from the District Court of Williams County, Northwest Judicial District, the Honorable Paul W. Jacobson, Judge.

AFFIRMED.

Per Curiam.

Annette Thiele, self-represented, Sidney, MT, plaintiff and appellant.

Shea A. Thomas (argued) and Nicholas C. Grant (appeared), Dickinson, ND, for defendants and appellees.

Thiele v. Bousquet
No. 20200146

Per Curiam.

[¶1] Annette Thiele appealed from a summary judgment. Thiele brought this negligence action for personal injuries she claims to have suffered as a result of a motor vehicle accident involving her and Kyle Bousquet, who was allegedly acting within his scope of employment with Mitchell’s Oil Field Services at the time of the accident. Bousquet and Mitchell’s Oil Field Services moved for summary judgment arguing there is no evidence to establish Bousquet caused Thiele’s injuries. Thiele moved for a briefing extension and a trial continuance. The court denied her motion. Thiele did not respond to the motion for summary judgment, and the district court granted it.

[¶2] On appeal, Thiele argues the district court erred when it granted summary judgment. She asserts the court should have allowed her a briefing extension and a trial continuance. She also argues the summary judgment ruling should be reversed based on evidence that is not in the record. We affirm under N.D.R.App.P. 35.1(a)(1) and (4). *See Ihli v. Lazzaretto*, 2015 ND 151, ¶ 21, 864 N.W.2d 483 (“Documents not in the certified record will not be considered by this Court on appeal.”). *See also Alerus Fin., N.A. v. Lamb*, 2003 ND 158, ¶ 6, 670 N.W.2d 351 (applying abuse of discretion standard to motion for continuance of trial); *Myers v. Myers*, 1999 ND 194, ¶ 5, 601 N.W.2d 264 (applying abuse of discretion standard to motion for filing extension). We award double costs pursuant to N.D.R.App.P. 38.

[¶3] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Jerod E. Tufte
Lisa Fair McEvers
Daniel J. Crothers