CIVIL

Pre-Trial Decision

29. **Dimissals**

Dismissal as a sanction for discovery abuses:

We review a district court's imposition of discovery sanctions for an abuse of discretion. **Xin Xu v. McLaughlin Research Inst. For Biomedical Sci., Inc.**, 2005 MT 209, ¶¶ 17, 31, 328 Mont. 232, 119 P.3d 100.

Dismissal for failure to comply with the Montana Rules of Civil Procedure and failure to comply with an order of the court:

Our standard of review in discretionary trial court rulings is whether the court abused its discretion. We encourage the cautious exercise of that discretion in involuntary dismissal actions, but will reverse the district court only if the court has abused its discretion in dismissing the action. A district court has discretion to dismiss the entire action and is not bound to dismiss only those claims which are related to the court order with which the plaintiff failed to comply. **Nystrom v. Melcher**, 262 Mont. 151, 157, 864 P.2d 754, 758 (1993) (citations omitted).

Involuntary dismissal under M. R. Civ. P. 41(b):

It is undisputed that it is within the sound discretion of a district court to dismiss an action under M. R. Civ. P. 41(b), and we will only reverse a district court if it abused its discretion in dismissing the action. **Chisholm v. First Nat'l Bank**, 235 Mont. 219, 225, 766 P.2d 868, 872 (1988) (citations omitted).

Motion to dismiss in a criminal case:

A district court's grant or denial of a motion to dismiss in a criminal case is a question of law which we review de novo. **State v. Rensvold**, 2006 MT 146, ¶ 14, 332 Mont. 392, 139 P.3d 154 (citation omitted).