CIVIL

Pre-Trial Decision

56. **Lack of Prosecution**

The action of a trial court on a motion for dismissal for lack of prosecution is addressed to the trial court's sound discretion. It is presumed that the trial court acted correctly, and its decision will not be overturned absent an abuse of that discretion. **Peters v. Newkirk**, 194 Mont. 223, 226, 633 P.2d 1210, 1212 (1981) (citations omitted).