

## IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 16-0709  

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In re:

JOHN CHARLES GIACOMETTO,

Debtor.  

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ORDER  
**FILED**

DEC 06 2016

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Pursuant to M. R. App. P. 15(3), the United States Bankruptcy Court for the District of Montana has certified to this Court for answer the following question of Montana law:

Whether, under Montana's liberal construction of exemptions, Debtor may claim an exemption in a health savings account pursuant to § 25-13-608(1)(d) or (f), MCA.

The certifying Court has provided a statement of facts relevant to the question for review, together with copies of the Trustee's Objection to the claimed exemption, the Trustee's Amended Supplemental Brief in support of his objection, the Debtor's Response and Supplemental Response in support of the exemption, and the Stipulated Statement of facts regarding Trustee's objections to the exemption.

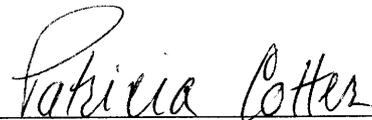
This Court accepts the certified question. We will answer the question in due course following briefing, and if determined to be appropriate, oral argument. Therefore,

IT IS ORDERED that the parties shall, in accordance with the Montana Rules of Appellate Procedure, prepare, file, and serve briefs addressing the certified question as presently formulated. The opening brief of the Appellant, which is deemed to be the Trustee, shall be prepared, filed, and served no later than 40 days from the date of this Order. Appellee Giacometto shall then have 40 days within which to file an answer brief, and the Trustee shall have 20 days thereafter within which to reply.

IT IS FURTHER ORDERED that the Clerk of this Court shall give notice of this Order to all counsel of record, and to the United States Bankruptcy Court for the District of Montana, under Case No. 16-60032-7.

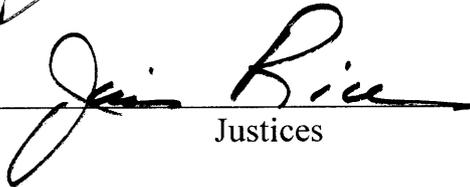
DATED this 1<sup>st</sup> day of December, 2016.

  
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Chief Justice

  
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Patricia Cotter

  
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Justices