

ORIGINAL

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IN THE SUPREME COURT OF MONTANA

FILED

APR 04 2019

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

Mara Guiffrida,

Appellee/Appellee,

v.

Ron Glick,

Appellant/Appellant.

Cause No.

DC Cause No. DR 18-885

Response To Appellee's Motion For Denial of  
Appeal, Pro Se Status And Forma Pauperis  
Filings; Motion For Sanctions; and Brief In  
Support

Comes now Appellant to respond to Appellee's wholly frivolous and meritless motion, and to move of the Court for sanctions for the same, and to wit:

Appellee has been receiving legal counsel from a non-attorney paralegal, Angela Townsend, who has additionally been writing and preparing legal documents for Appellee, as well. Townsend, who in recent years stole a trademarked title from Appellant, has a personal vendetta against Appellant for his continued detraction of her crime, and she has actively sought to defame and cause hardship to Appellant, including but not limited to aiding Appellee in her own vexatious actions. This motion represents the second time Appellant is aware that Townsend has made an appearance on behalf of Appellee before this Court.

However, as clear consequence of Townsend's complete ineptitude for acting as an attorney, she has filed this grossly inappropriate motion, and now subjected Appellee to potential sanctions, as well, since this motion is brought for no other reason than to harass and provoke Appellant.

Irregardless of the foregoing, Appellee's motion is meritless on its face. Appellee's motion blurs the lines between responding to district court issues and addressing issues before this Court. Appellee also deliberately misrepresents facts of the case for the purpose of prejudicing Appellant and causing harm to him. As consequence of this flagrantly vexatious conduct, Appellee should properly be sanctioned for bringing this motion for no purpose other than to harass, cause unnecessary delay and needlessly increase the cost of litigation.

## DISCUSSION

Montana Rules of Civil Procedure 11(c) grant this Court authority to sanction any party who files a motion for “any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation” or presents “claims, defenses, and other legal contentions [which] are [not] warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law...” Plainly, Appellee's response violates both standards: seeking to file for both improper purpose and presenting arguments that are not warranted by the subject matter of this proceeding.

Appellee's motion clouds the lines between the filings in district court and this Court, and even in this capacity fails to establish any meritorious reason to make said motion save to harass and cause unreasonable delay.

Appellant filed two motions in the district court cause for this action after the lower court rendered its glaringly prejudiced rulings: a motion for change of venue, rehearing and reconsideration, and a subsequent motion for default ruling when Appellee failed to appear or respond. Appellee failed to respond to either motion, and the lower court simply ignored these filings, forcing Appellant to wait a full sixty days to file his notice of appeal. Appellee made no effort to appear whatsoever in response to these motions, yet in part seeks to raise arguments against them within her motion without proper form nor schedule. Appellant has had no opportunity to file arguments with this Court, and therefore any effort to respond or object to *significantly* out-of-time issues from the lower court to this Court is both improper and prejudicial, as it would provide an *additional* opportunity to Appellee to present arguments before this Court.

Further, Appellee seeks to lay a premature claim before this Court as cause for dismissal – that there is no record before this Court upon which to act. Clearly, this is untimely, as the lower court has not yet transmitted their record to this Court, and the Court itself has not yet ruled upon Appellant's motion for production of transcripts. To argue that because the lower court records have not *yet* been produced as a justification to dismiss is simply inconsiderable. The Court procedure provides for an opportunity of the lower court to transmit its record on appeal, and a party trying to preempt such a

schedule is essentially acting to obstruct the process of this court, and should be considered in contempt of court.

Notably, Appellant has received notice shortly after receiving Appellee's motion that the lower court intends to refuse to transmit the court records, refusing to acknowledge Appellant's right to proceed without cost pursuant to his *in forma pauperis* status, and Appellant cannot help but wonder whether Appellee (or Townsend on Appellee's behalf) is in communication in some inappropriate capacity with the lower court, coordinating this specific obstruction. It seems highly unlikely that both Appellee would make the claim that no record would exist for the Court to act on without specific preterknowledge that the lower court intended to obstruct production of the same.

Though arguably, this Court cannot properly proceed upon *all* appellant issues without the transcript of the lower court proceedings, the transcript does not represent the full record, and should this Court determine not to order the transcript produced in spite of Appellant's entitlement pursuant to this Court's granting his *in forma pauperis* status, there is still a considerable record currently held by the lower court upon which to proceed. And as the timeframe for production of such record has not yet expired, it is frivolous to call upon the Court to dismiss Appellant's appeal on this basis.

Still further, Appellee has deliberately committed fraud upon this Court by misrepresenting the parties to this cause in order to seek to have Appellant's *in forma pauperis* status revoked. Appellant was served *by* Appellee as an individual. He responded and has made all appearances *as* an individual. He is restrained from his

liberties *as* an individual. Appellant made his petition for in forma pauperis and received such based upon his *personal* income, not that of a corporation. Appellee has made no effort to file *any* cause against the corporation, “Ron Glick, Incorporated” – she *only* filed and took action against Appellant as a *person*. To now come forth and claim that Appellant is *not* a person is both chicanerous and fraudulent.

Appellee cannot change the status of the party *she herself* took action against at this late juncture, but that aside, this is a clear case of perjury as Appellee is fully informed that Appellant *is* a person and not a corporation, and took action against Appellant *as* an individual, not a business entity. As consequence, Appellee should properly be sanctioned for such duplicitous conduct.

Of note for the Court, “Ron Glick, Incorporated”, aka “RGI” exists as an umbrella shell over Appellant's efforts to become a published author. Appellant has numerous publications of which he has been seeking (as yet unsuccessfully) to create a career from, and created said corporation to act as a buffer between his person and his public brand, as well as to protect Appellant from any potential legal claims should such arise. Said corporation has yet to operate within a profitable margin, and Appellant receives no income from his work for said corporation. Additionally, Appellant does not wholly own said corporation, as he has two shareholders who share ownership and act as directors of the corporation with him. So plainly, Appellant cannot be considered to *be* said corporation, as said corporation is plainly a completely separate entity under law, and is not even owned entirely by Appellant.

Finally, Appellee (ironically) makes an aspersion against Appellant for “pretending” to be an attorney. Appellant is not required to possess a law degree to represent himself. To suggest that Appellant should have his cause dismissed for somehow practicing law without a license for representing *himself* is plain hubris on the part of Appellee (or, more likely, Townsend acting on Appellee's behalf). The irony is established in that Angela Townsend *herself* is acting as an attorney in making this specific claim on Appellee's behalf against Appellant!

As for Townsend's continued acts of unlawful practice of law, though Townsend was, at Appellant's last understanding, a paralegal working for the office of Dale McGarvey in Kalispell, Montana, she lost said position when McGarvey passed away two years ago, and Appellant does not believe Townsend is currently employed in such a capacity. Irregardless, MCA § 25-10-305(3) specifically prohibits a paralegal from engaging in the unauthorized practice of law. Townsend's counsel to Appellee is not only thereby unlawful, it is also grossly ineffective – as has been demonstrated herein. Consequently, this Court should properly hold Angela Townsend and Appellee in contempt pursuant to MCA § 37-61-210.

WHEREFORE, Appellant respectfully moves of the Court to hold both Appellee and Angela Townsend in contempt, and to sanction Appellee for bringing a motion for improper purposes.