DA 19-0578

IN THE SUPREME COURT OF THE STATE OF MONTANA

2020 MT 115N

HENRY P. LUSSY,

Plaintiff and Appellee,

v.

RICHARD C. LUSSY,

Defendant and Appellant.

APPEAL FROM: District Court of the Third Judicial District,
In and For the County of Anaconda/Deer Lodge, Cause No. DV-18-38
Honorable Kurt Krueger, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Richard C. Lussy, Self-Represented, Naples, Florida

For Appellee:

Jeffrey W. Dahood, Knight & Dahood, Anaconda, Montana

Submitted on Briefs: March 11, 2020

Decided: May 5, 2020

Filed:

Clerk

Justice James Jeremiah Shea delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion, shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Richard Charles Lussy appeals from the orders and judgment of the Third Judicial District Court, Deer Lodge County, releasing Richard's liens filed on Appellee Henry Paumie Lussy's property. We affirm.

¶3 The document Richard filed on appeal is not so much a brief as a rambling and incoherent screed against the judiciary and the legal profession in general. This Court has no obligation to research a party's position or to develop a legal analysis to support it if the party fails to do so. *State v. Hicks*, 2006 MT 71, ¶ 22, 331 Mont. 471, 133 P.3d 206. "[A] district court's decision is presumed to be correct," and the appellant has the burden to demonstrate that an error was made. *State v. Gomez*, 2007 MT 111, ¶ 33, 337 Mont. 219, 158 P.3d 442. Richard has not even come close to meeting this burden.

¶4 Richard's conduct in this case is far from new. Richard's abuse of the Montana legal system is so ingrained and pervasive that nearly thirty-six years ago, on October 25, 1984, this Court found it necessary to issue an order enjoining him from proceeding pro se in any Montana court without obtaining leave to file or proceed. *Lussy v. Bennett*, 214 Mont. 301, 303, 692 P.2d 1232, 1234 (1984). Solely for the purpose of providing the

victims of his abuse with some peace, we lifted that restraining order so as to affirm the district court's summary judgment order in favor of the individuals Richard had sued. *Lussy*, 214 Mont. at 309, 692 P.2d at 1236-37. We held:

> Richard C. Lussy, by his various [pro se] actions, has caused the courts of Montana some considerable difficulty. He has sued judges, attorneys and others left and right, charging conspiracies, abuse of 'Justinhoard,' and expounding like theories of law. While his misdirected efforts have caused the courts difficulty, the real tragedy is that he has cost himself a considerable amount of money and wasted time in his vain pursuits. However much we desire to keep the courts open to all persons seeking to adjust their rights, duties and responsibilities, we must also take into account the effect that his actions bring on other parties to his suits. In this case, the respondents are entitled to their peace. It is for that reason we lifted the restraining order heretofore entered against Mr. Lussy, to bring this particular case to a conclusion.

Lussy, 214 Mont. at 309, 692 P.2d at 1236-37.

¶5 It is clear from the record in this case that the intervening decades have neither softened Richard's temperament, nor disabused him of his belief that the courts of this state are here to serve as a vehicle for his own malevolent pursuits. It is equally clear that the order prohibiting Richard from initiating any legal proceedings or filing any legal papers in any Montana court should have been promptly reinstated upon resolution of the appeal in *Lussy v. Bennett*. We now take the opportunity to remedy this oversight.

¶6 The order and judgment of the District Court is affirmed. Moreover, IT IS HEREBY ORDERED that Richard Charles Lussy is declared a vexatious litigant. Before Richard Charles Lussy is allowed to initiate any legal proceeding or file any pleading in any court of the State of Montana, he is required to obtain pre-filing approval from the court in which

he seeks to file. The court may prohibit any such filing upon a determination that the claims asserted are harassing, frivolous, or legally not cognizable.

¶7 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. This appeal presents no constitutional issues, no issues of first impression, and does not establish new precedent or modify existing precedent. Affirmed.

/S/ JAMES JEREMIAH SHEA

We Concur:

/S/ DIRK M. SANDEFUR
/S/ INGRID GUSTAFSON
/S/ LAURIE McKINNON
/S/ JIM RICE