

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

**Supreme Court Cause No. DA 20-0277**

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**IN RE THE MARRIAGE OF:**

**BRANDY J. PERSOMA,**

**Petitioner/Appellant,**

**and**

**TYLER S. PERSOMA,**

**Respondent/Appellee.**

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**REPLY BRIEF OF APPELLANT**

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**On Appeal From  
Montana Fourteenth Judicial District Court, Musselshell County  
Before the Honorable Randal I. Spaulding**

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### **STATEMENT OF THE ISSUES**

1. Did the District Court err and/or abuse its discretion when it did not address Brandy's post-trial motions? Were Brandy's rights violated?
2. Did the District Court err when it denied Brandy's Motion to Change Venue?
3. Did the District Court err when it denied Brandy's Motion for a Parenting Investigation?
4. Did the Court err and/or abuse its discretion by ordering a parenting plan contrary to the best interests of the children without considering relevant post-trial motions, and making findings not supported by facts?

### **STATEMENT OF THE CASE**

This case is on appeal from Musselshell County District Court Judge Randal I Spaulding. Findings of Fact and Conclusions of Law, and a Final Parenting Plan was issued on April 16, 2020. Appellant Brandy now files this Appellant Reply.

### **STATEMENT OF THE FACTS**

The briefs of the parties differ on what facts are pertinent, as well as the implications of those facts.

For the most part the facts and timeline of filings are similar in both briefs.

Additionally, though, Tyler elicits this Courts attention to actions that have taken place in this case since filing the appeal. While information submitted on appeal is restricted to information on the record prior to the filing of the appeal, Tyler again tries to manipulate the truth to attempt to sway his favor. The record after appeal does reflect that Tyler once again filed an ex parte on June 26, 2020, requesting all contact between Brandy and B.J.P. be suspended until CPS concluded their investigation and deemed Brandy's home safe. Tyler used this opportunity again to deny Brandy all contact to include phone with B.J.P., Brandy alleges, using the justice system to interfere with Brandy's parenting once again. Tyler in his Response brief fails to include all the facts. Subsequently, CPS completed their investigation as unsubstantiated and informed Tyler that Brandy's home was safe on July 22, 2020, Tyler still refused to allow any contact between B.J.P. and Brandy. By the courts account they were unable to reschedule initial Show Cause hearing until November 2020 which Tyler again requested and was granted postponement. A hearing was to take place December 18, 2020. In the days prior to the hearing the court determined that it did not have jurisdiction after all, to rule on the June 26,

2020 ex parte and vacated the order. Unfortunately, due to Tyler's ex parte and the courts actions, Brandy was kept from B.J.P. for another almost 6 months.

Brandy's parenting time has resumed.

### **ARGUMENT**

#### **A. THE DISTRICT COURT ERRED BY ORDERING A PARENTING PLAN THAT IS CONTRARY TO THE BEST INTERESTS OF THE CHILD.**

*(c) the interaction and interrelationship of the child with the child's parent or parents and siblings and with any other person who significantly affects the child's best interest:*

Tyler initially filed his ex parte February 3, 2016 claiming he had concern regarding the party's sons being a danger to B.J.P. He did so with no evidence to support that the sons had ever harmed or had a negative impact on B.J.P. Lisa Hjelmstad testified in her interview of Tyler he at no time reported that C.J.P. had acted inappropriately with B.J.P. nor mistreated her. TR15-180:3-24. The court notated this as well, "In reality, however, Respondent offered no evidence that C.J.P. has ever acted inappropriately toward B.J.P" (FOF 9/27/16 p. 12 line 18). Respondent's suspicions and fears concerning the Petitioner and her parenting of the parties' children appear largely unfounded. The Respondent offered no

competent evidence to suggest that Petitioner had ever violated the Court ordered Emergency Exparte Interim Parenting Plan; that B.J.P. is in danger when she is in the custody of Petitioner; or that Petitioner ever failed to act in the best interest of B.J.P." (FOF 9/27/2016 #25). "The weight of the evidence suggests that frequent and continuing contact between B.J.P., the Petitioner, and B.J.P. 's siblings is in their best interests. Later allegations made by Tyler were all unsubstantiated as well.

The significant amount of testimony regarding the sons and Brandy made by Lisa Hjelmstad and Rochelle Beley supported frequent and continuing contact as well as described the close relationship between all the siblings. TR15-136:3-21.

Tyler notates his interrelationship with B.J.P.; while their interaction is not disputed the issue lies with his willful and consistent blocking of B.J.P.'s interaction with her mother and brothers. Brandy attempted at one time to have a parent-child assessment done by Dr. Brenda Roche, asking Tyler to participate as well. Tyler blocked Brandy's ability to do this by filing contempt against her for taking B.J.P. to Dr. Roche. DC Doc 77.

Contrary to Tyler's response brief (p.11), Brandy did not say that

Tyler was a good father to the boys. Brandy described Ty's relationship with the boys since the birth of B.J.P. as he was harsher, shorter with them; in the beginning he was attentive and did stuff with them. When asked if he was a good father Brandy said, "they loved him and he—they had fun with him". Brandy went on to describe that his treatment of them became worse and in 2014 he no longer chose to really have a relationship with them, he was hard on them, mean, called them names, saying he hated them and blamed them for his father's suicide. Brandy also described that Tyler's focus turned to C.J.P. after the first time CPS came to the house in 2014 in response to a report that C.J.P. had been hit by Tyler. TR15-9:10 to 12:25.

Brandy testified that the criminal charges against the boys were a result of coercion of B.J.P. by Tyler. TR2-50:14 to 52:5. Brandy submitted to the court after the criminal charges were dismissed, a recording of B.J.P. saying "daddy decided" and "it didn't happen". DC Doc.136, Ex C. Rebecca Hofmann testified that she had in the past witnessed Tyler's coercive tactics with B.J.P. TR2-236:1 to 239:5. Nevertheless, as noted by Tyler in his Response Brief (p.12), the court found the allegations had not been proven. Final Order p. 10 ¶ 37. The



court also did not have a hearing during the 2 years after the 2018 hearing to address the evidence Brandy submitted with her multiple post-trial motions as the concern of coercion and psychological abuse of B.J.P. The court failed to consider the effects on ALL the children of the marriage, the court at no time even addressed the party's sons.

*(e) "the mental. .... health of all individuals involved."*

Brandy argues that Tyler's stalking of both her and their sons, as well as the death threats should have reflected on his mental health.

Rebecca Hoffman gave detail testimony of Tyler's behaviors she witnessed. TR15-104:21 to 111:2.

Also concerning were comments he made with regards to his relationship with B.J.P. as detailed in this reply below (p.8). TR15-37:13 to 38:14.

*(f) "Physical abuse or threat of physical abuse by one parent against the other parent or the child".*

Contrary to Tyler's assertion that "Brandy drastically misstates the evidence", there was evidence by multiple witnesses as to abuse to the children as well as threats of physical harm to Brandy by Tyler. Rochelle Beley testified extensively as to the reports of abuse by Tyler to C.J.P. She

testified regarding the abuses to the boys by Tyler, not only discussing the biological father's treatment as Tyler describes. Rochelle testified to the abuses that C.J.P. reported to her after Tyler left the marital home, she stated "was suffering severe abuse at the hands of his adoptive (Tyler) father, and at this point I could tell horrendous stories about that, and he did not divulge a piece of that until it was safe to do so". TR15-153:22 to 155:5. Rochelle also further described Tyler back handing C.J.P., T.J.P. reporting being locked in their rooms not let out to go to the bathroom, she testified to an incident that the school was involved in with regards to reports by the boys that they were not fed in Tyler's care and food being a punishment, among other abuses. TR15-158:2-22.

Submitted into evidence in the September 27, 2016 hearing were also text messages between Tyler a friend that detail abuse to the boys by Tyler in June of 2015. Tyler discussed in these texts "about to kill" and that "he just snapped", "all it took was a look from the middle one". TR27-199:23 to 202:3. The Founded CPS case stems from this June 2015 incident that was reported to CPS in 2016. Tyler's claim that he does not have a Founded CPS case is perjurious. During testimony, Tyler discussed his CPS interactions and said that no actions had been taken against him, zero. TR27-91:15-22. Yet

Brandy submitted in a post-trial motion, a text message between Tyler and Rebecca Hoffman where he says CPS founded the case against him from the June 2015 altercation with the children. This altercation was reported and investigated after separation of the parties. Tyler is fully aware that CPS founded the allegation against him in 2016 resulting from the June 2015 incident. Stating now that a CPS case was not founded against him is perjury on his part. A 2014 report was unsubstantiated by CPS as Brandy testified to. Brandy was unaware at the time of the 2016 trial that the June 2015 report was founded against Tyler, this information was not presented to her until after trial.

Brandy did not present conflicting evidence or testimony of her concerns for the children's safety as well as her own. As stated above in this brief, Brandy did not testify that Tyler was a good father. TR15-9:10 to 12:25. Tyler misrepresents and manipulates the testimony to his favor. Brandy's testified that she had concern for her daughter's safety given the history of abuse she had learned from the sons. Contrary to Tyler's Response Brief, Brandy did address multiple times her concerns for B.J.P.'s safety with Tyler. She had concerns for his stability given some of the comments he made during time they were separating. Comments about running away with B.J.P., stating she

is the only thing that keeps him alive. More concerning were the comments he made regarding “being one” with her and “she’s his other half” among others. Brandy also expressed concern that she felt if he did not get the desired outcome of custody that he could possibly harm B.J.P. and himself or harm Brandy and their sons. TR15-37:13 to 38:14.

Brandy also addressed issues of Tyler’s anger issues and described a violent incident in the nights prior to moving out where he broke a glass and a picture in a rage with B.J.P. present. She also described how he had lost his job as a police officer for threatening his boss. TR15-96:4-18.

The allegations of abuse shown in Brandy’s testimony and corroborated by Rochelle Beley is supported in the record, as well by the Founded 2016 CPS.

The Court also found there was enough of a reason to protect the Brandy and the sons to grant the Protection Order (DC Doc 58) that is still in full force and effect. Final Order p.18 #10. Brandy’s concern is the Court disregarded these dangers with regard to the effects to B.J.P., even with the knowledge of abuse to the sons and Tyler’s behaviors to warrant the Protection Order and the testimony of Rebecca Hoffman to the coercion and grilling of B.J.P. The court disregarded that the abuse to the sons by Tyler,

was done in front of B.J.P. which by law constitutes abuse to her as well.

The Court initially noted its concern for the testimony it heard regarding Tyler's behaviors, stating it was "very concerned". TR15-211:7-11. Although in the January 2017 order chalked threats and stalking up to "little more than male bravado and machismo in the midst of a highly emotionally charged custody battle." January 2017 Order p.12 ¶23.

Brandy does not feel that a conclusion of essentially 'no big deal' is supported by the record. The record reflects a history of violence, abuse to the party's sons, months of stalking of Brandy and the children, and Rebecca's testimony of death threats with Tyler's own corroboration albeit downplayed. Brandy feels the court did not properly account for abuse nor notate it in either Order, in err.

*(g) Chemical dependency, as defined in 53-24-103, or chemical abuse on the part of either parent:*

Tyler again in his response brief tries to manipulate and divert attention from his behaviors stating that "he had his medical marijuana card and Brandy brought up the option of delivering marijuana from California to Montana for a family member of hers in exchange for payment". Although Tyler testified his felony charge was a result of his transporting marijuana at Brandy's request, he was then

cross examined as to an alternative story. Submitted as evidence (Petitioner's Ex. 4, 2016 hearing) was a communication Tyler had written to the Idaho Court during his sentencing which relayed a much different story. This letter submitted under oath, stated he in fact decided to transport medical marijuana back to Montana to help his Veteran friends, to their dispensary, and no money was to change hands. TR27-193:4 to 194:25. No matter the story, Tyler again showed his true colors to the court, in his attempt to lie, to whichever court, to attempt to make himself look better and try and make false allegations about Brandy.

*(h) continuity and stability of care:*

Brandy alleges that the Court failed to consider the fact that Tyler primarily parenting B.J.P. since separation in 2016 was due to his continued interference in her parenting with multiple unsubstantiated allegations and denial of her parenting time. It is Brandy's position that the Court all but rewards Tyler for his interference that the Court stated was contrary to B.J.P.'s best interests, by relying so heavily on "stability of care" only, when making the parenting plan decision. The Court all but ignores that B.J.P. could have been thriving under Brandy's care as well had it not been for Tyler's actions. Again, Tyler twists Brandy's testimony with regards B.J.P.'s consistency of care. Brandy testified that B.J.P. is fed

and clothed, doing well considering she is smart, overly smart about things. Brandy went on to state that she is used to the schedule, doesn't mean it's good. TR2-165:11 to 166:7.

Tyler points out the boys' school attendance, the Court notating it as a black mark against Brandy but puts no responsibility on Tyler for his part in his son's difficulties. It was testified to by both Brandy and Rochelle Beley that the boys started having difficulty due to their fear of Tyler, the continual stalking that they witnessed, their grief over the loss of their sister, and their difficulty dealing with the continued false allegations against them. TR15-69:1-16 and TR15-141:7 to 142:7. Brandy again testified to this in the 2018 hearing. TR 2 161:3-20. Again, the court favoring Tyler, although contrary to evidence.

While in the January 2017 Findings of fact the court notated the continued interference, the Final order did not even acknowledge the almost 2-year interference of Brandy's parenting with B.J.P. by Tyler since the 2018 hearing. The court erred in not taken into consideration the repeated ways in which Tyler drastically changed the parenting of B.J.P. unilaterally and how that instability in B.J.P.'s contact with her mother is directly negative on stability of care not only for B.J.P. but ALL the children of the marriage.

*(1) " whether the child has frequented and continuing contact with both parents, which is considered to be in the child's best interests;*

Tyler asserts that while the expert witnesses testified that frequent and continuing contact was in the best interests of the children, that this testimony was prior to the allegations of sexual and physical abuse on B.J.P. At the time on the 2016 hearing both Lisa Hjelmstad and Rochelle Beley were fully aware of the multiple reports of abuses made by Tyler regarding the boys. The court found that Brandy had not ever not acted in B.J.P.'s best interests and the concerns that Tyler has for her parenting are largely unfounded. 9/27/16FOF,#25. The court also deemed that there was no reason to limited or otherwise supervise Brandy's parenting time with B.J.P. DC doc 155p.2#4. Tyler willfully and consistently throughout interfered in Brandy's relationship with B.J.P. He was admonished from continued interference by the Court. 2017 Findings, p16, V. Yet after Tyler's ex-parte filing in 2018 he again denied all contact between Brandy and B.J.P. While he tries to justify it by alleging that Brandy made no meaningful effort to her supervised visits, that does not justify the refusal of phone contact, the return of cards, or the refusal by Tyler to allow Christmas presents to be left at the school for B.J.P. The court did not



acknowledge Tyler's willful refusal to allow any contact with B.J.P. which the court had already deemed that interference to not be in B.J.P.'s best interest. Findings January 2017, p... The Final Order does not address, as it should, that Tyler has willfully and consistently interfered in Brandy's relationship with B.J.P., thus acting contrary to frequent and continuing contact.

*m) adverse effects on the child resulting from continuous and vexatious parenting plan amendment actions:*

While Tyler tries to turn this, Brandy's motions filed in this case were a direct result of Tyler's continual attack on the party's sons, and Tyler's continual interference in Brandy's parenting. Brandy's post-trial motions were filed in response to Tyler not allowing any contact after July 25, 2018 between Brandy and B.J.P. and the Court's lack of response to Brandy's requests for relief as the Court stated it would. DC Doc. 119, p.2, line 7. Tyler has now on 3 occasions filed ex parte motions alleging abuses and in doing so denied Brandy parenting of B.J.P. that has varied from a matter of week to months to years! The allegations always unsubstantiated. Tyler's ex parte motions are nothing more than his attempt to keep B.J.P. from her mother and siblings and to harass/continue to abuse his own sons, none of

which is in the best interests of any of the children.

**B. THE DELAY IN RULING ON BRANDY'S POST-TRIAL MOTIONS WAS AN ABUSE OF DISCRETION AND DOES REQUIRE A REVERSAL.**

Case law is clear that the failure of a district court to exercise discretion is itself an abuse of discretion. *State v Weaver*, 276 Mont. 505, 509, 917 P.2d 437, 440 (1996); see also *Columbia Falls Elementary School District No. 6 v. State*, 2005 MT 69, P48, 326 Mont. 304, 109 P.3d 257 (stating that a choice not to act is an act itself). While it is true that this Court will generally defer to discretionary decisions of district courts, this rule presupposes that the court did, in fact, exercise its discretion. A court's failure to exercise its discretion is, in itself, an abuse of discretion.

Tyler relies on Mont. Rule Civ. Pro. 60(1) and R. 59(b) in asserting that Brandy's post-trial motions were not timely filed with the court to alter, amend, or request relief. Motions under these rules require that there be a final judgement in the case, which there was not when Brandy's motions were filed. The argument that Brandy did not file her motions for relief within 28 days is an invalid argument.

At the time of the hearing there was the pending criminal case. Brandy's post-trial motions were filed after the dismissal of the criminal case against the sons, thus presenting information after a hearing that the court did not have prior to

hearing. This issue was even discussed on record in the August 2018 hearing, where the parties discussed that if/when the criminal cases were dismissed, either party could file for an amendment alleging a change in circumstance. TR2-5:21-23.

Brandy's post-trial motions also requested a hearing to address the willful and consistent denial of Brandy's parenting time by Tyler. MCA 40-4-219 (1)(d)(i) and MCA 40-4-219(3) allows for a modification of a parenting plan if one parent is willfully and continually denying contact with the other parent which the court shall assume the parent is not acting in the child's best interests; this constitutes a change in circumstance, possibly warranting a modification of a parenting plan.

Tyler asserts that the alleged statements made by B.J.P, Brandy included in her motions, were made by B.J.P. prior to the trial and should have been offered at trial. When the facts are that at the August 2, 2018 trial there was an open criminal proceeding against the boys which prohibited testimony by the boys or B.J.P. As the Court noted TR2-170:7 to 172:12, there could not only be issues with the boys testifying in the parenting plan proceeding but Tyler would have had to agree to let all the children testify as well. This conflict with the concurrent criminal case along with parenting proceeding was cause for Brandy to request to continue the final parenting proceeding until the criminal case was resolved so that a fair and accurate trial could be had with the ability to admit necessary evidence (recordings

of B.J.P.) as well as testimony of the party's sons, which the Court denied. TR2-7:1 to16:17.

Tyler's denial of all contact and refusal to any person that Brandy suggested to supervise parenting does constitute Contempt of the July 25, 2018 order allowing for supervised parenting.

Tyler was in contempt of the Court's order by denying ALL contact. Aside from his own admitted refusal of either professional facilitator suggested by Brandy, Tyler also would not agree to the school counselor to supervise a brief visit at school at Christmastime, would not agree to B.J.P.'s own therapist to supervise a visit nor allow her to read a card to B.J.P. from Brandy, nor would he agree to even monitored phone contact with B.J.P. for almost 2 years. He even went so far to deny contact that he refused/returned all cards and gifts sent to B.J.P. in the mail. While Tyler might claim he was only abiding by the Court's order that required a mutually agreed upon supervisor, he also made no attempt to negotiate with the best interests of the child in mind, and heinously went far further to deny the child ANY communication at all with her mother for almost 2 years.

While rulings on post-trial motions might be discretionary, Brandy's post-trial motions were requesting assistance from the Court as it said it would. The court abused its discretion by not ruling on any of Brandy's post-trial motions.

**C. THE DISTRICT COURT ERRED IN DENYING BRANDY'S MOTION TO CHANGE VENUE.**

Tyler alleges that pursuant to Mont. Rule. Civ. Pro. 12(a)(1)(B), Brandy failed to allege a defense of improper venue within 21 days. Where Tyler's argument fails is that Brandy's motion to change venue was not alleging improper venue. Brandy's Motion to Change Venue was for the convenience of witness.

McNeill v. McNeill, 122 Mont. 413, 415 (Mont. 1949) and Dawson v. Dawson, 92 Mont. 46, 51 (Mont. 1932), both speak with regard to the timeframe with which based on the ground for convenience of witnesses would be premature when filed prior to the answer in the case, therefore filing a motion on these grounds would not be valid if in fact filed in the first 21 days of the proceeding prior to answer. Prior to knowing the witnesses and what each of those witnesses have to offer the Court could not make a decision based on facts of the case. In Dawson v Dawson: "This court has held that a motion made for a change of venue [3] on the ground of the convenience of witnesses can with propriety be made, and be by the court considered, only after the defendant has answered. (Wallace v. Owsley) We agree with such holding, for until an action is at issue, the court is not in position to determine whether a change of place of trial for the convenience of witnesses is necessary."

Pursuant to M.C.A. § 25-2-201, the trial court “*must* change the place of trial when...(3) the convenience of witnesses and the ends of justice would be promoted by the change.” M.C.A. § 25-2-201(3) (emphasis added).

Tyler draws attention to MCA 40-4-211, which determines proper jurisdiction. Montana is the state of proper jurisdiction, and Brandy is not alleging that Musselshell County wasn’t the appropriate venue for the commencement of this parenting plan proceeding. MCA 40-4-211(4)(b) does not apply to changes of venue for convenience of witnesses.

**D. THE DISTRICT COURT ERRED BY DENYING BRANDY’S MOTION FOR PARENTING INVESTIGATION.**

Abuse was at the forefront of the custody contention. As noted earlier in this reply, Brandy detailed the many abuses reported by the party’s sons to her and the experts involved. Tyler has continually alleged abuse. Rebecca Hoffman testified to her concern for B.J.P. as well as witnessing stalking and threats by Tyler.

The court heard extensive testimony from Rochelle Beley as to the abuse the boys suffered at the hands of Tyler.

The record reflects that Tyler made allegations against his own sons as to the danger he felt they posed to B.J.P. Those allegations were unsubstantiated. The record shows that Tyler continually interfered in Brandy’s parenting; the court found this to not be in her best interests. The record reflects that Tyler again in 2018 motioned for yet another ex parte order again alleging abuses to B.J.P. from

her brothers. Brandy's Motion for a Parenting Investigation was requested to provide a complete picture of both homes and investigate the allegations of both parties and was well warranted.

Discretion to order a parenting investigation certainly does lie within the court's discretion. Brandy argues that the court abused that discretion given the circumstances involved in this case. Four years of allegations by Tyler as to the safety of B.J.P. in Brandy's home and with her brothers, all going unsubstantiated yet Tyler still to this day insisting that there is an issue. Brandy voiced her concern for the safety of B.J.P. in Tyler's home given her concerns of parental alienation and interference and psychological abuse she believed Tyler inflicts on B.J.P. and given the history of abuse to the parties' sons by Tyler. Again, contrary to Tyler's insistence in his response brief, Brandy did testify to concerns for the safety of the children in her testimony as addressed earlier in this brief. As stated in Brandy's brief, the Court acknowledged that it didn't have the necessary information regarding the 2018 allegations to determine validity, information it would have had if the relief requested by Brandy would have been granted. To this day there is still continued litigation and disruption to custody by yet more ex parte filings by Tyler. Current and continued litigation could be avoided had a complete custody evaluation with experts, able to access all parties and households, been done as

request by Brandy, recommended by B.J.P.'s therapist, Susan Frew DC Doc 136 Ex.G.

The District Court erred when it denied Brandy's Motion for Parenting Investigation per MCA 25-4-215. The matter should be reversed and remanded for appointment of a parenting investigator and additional proceedings.

**E. Tyler should not be awarded Attorney's Fees on Appeal**

Montana Supreme Court's general rule is each party pays its own attorney's fees. Montana Rules of Civil Appellate Procedure provides that the supreme court may assess damages against a party who appeals a district court decision "without substantial or reasonable grounds, but apparently for purposes of delay only". The supreme court will find that an appeal is frivolous only if, after viewing the record as a whole, it only can come to the conclusion that the appeal was brought solely for dilatory purposes, was unfounded, *Carbon County v. Schwend*, 182 Mont. 89, 99, 594 P.2d 1121, 1127(1979), and was without substantial or reasonable basis, *Sutton v. Empire Sav. & Loan Ass'n*, 147 Mont. 124, 128, 410 P.2d 456,458 (1966). Where there are reasonable grounds for appeal, the supreme court will refuse to award attorney fees incurred in bringing the appeal, *Bailey v. Ravalli County*, Mont. 653 P.2d 139, 144 (1982). Brandy's appeal is not for the intention to delay and was not brought for frivolous or vexatious reasons. Brandy contends

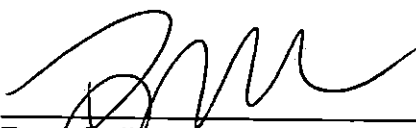


that she has reasonable grounds for this appeal, and Tyler's request for attorney's fees should be denied.

### **CONCLUSION**

The district Court did not adequately consider the best interests of all the children when formulating the Final Parenting Plan. The district court abused its discretion by not ruling on Brandy's post-trial motions. The district court abused its discretion when it denied Brandy's motion for parenting investigation and change of venue. The case should be remanded with instructions to the District Court to (a) grant the motion to change venue; (b) transfer the case to Yellowstone County; (c) Yellowstone County should order a parenting investigation; and (d) further proceedings should commence.


DATED: January 25, 2021.

By:   
\_\_\_\_\_  
Brandy J. Persoma

**CERTIFICATE OF SERVICE**

I hereby certify that on January 25, 2021 I served a true and accurate copy of the foregoing Opening Brief of Appellant to the address below by first class mail, postage prepaid:

Desi Seal  
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\_\_\_\_\_  
Brandy Persoma

### **CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this Appellant's Reply Brief is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is not more than 5,000 words, excluding the certificate of service and the certificate of compliance.

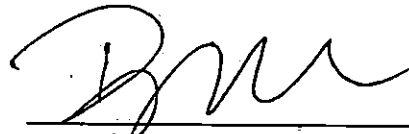
By:

  
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Brandy Persoma

**CERTIFICATE THAT DISKETTE HAS BEEN SCANNED AND IS VIRUS-  
FREE**

Pursuant to Rule 12(11) of the Montana Rules of Appellate Procedure, Appellant's Reply Brief was published to a pdf document so that it is searchable, and the DVD-R disc submitted to the Court is virus free.

By:

A handwritten signature in black ink, appearing to be 'Brandy Persoma', written over a horizontal line.

Brandy Persoma