

FILED

04/27/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 21-0157

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

Cause No. DA 21-0157

360 RECLAIM, LLC, a Montana limited liability company,
Plaintiff,

vs.

WILLIAM M. RUSSELL, an individual and Appellant, and
MOUNTAIN VIEW INVESTMENTS, L.C., an Idaho limited liability company,
Defendants.

WILLIAM M. RUSSELL,
Plaintiff and Appellant,

vs.

360 RECLAIM, LLC, a Montana limited liability company,
Defendant, Counter-Plaintiff
and Third-Party Plaintiff,

vs.

WILLIAM M. RUSSELL
Counter-Defendant and Appellant, and

U.S. TREASURY by and through the INTERNAL REVENUE SERVICE,
Third-Party Defendants.

FILED

APR 26 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

**ON APPEAL FROM THE MONTANA
ELEVENTH JUDICIAL DISTRICT COURT,
FLATHEAD COUNTY,
THE HONORABLE:
JUDGE ROBERT B. ALLISON, Presiding**

DV 19305B

Council of Record:

Kristin L. Omvig and/or Bruce A.
Fredrickson
Rocky Mountain Law Partners, PC
PO Box 1758
Kalispell, MT 59903-1758
Fax: 406-314-6012
kristin@rmtlawp.com
bruce@rmtlawp.com
Council for 360 Reclaim, LLC

And

Nicholas J. Lofing
GARLINGTON, LOHN & ROBINSON,
PLLP
350 Ryman Street * PO Box 7909
Missoula, MT 59807-7909
Fax: 406-523-2595
njlofing@garlington.com
Council for Mountain View Investments,
LC.

Pro Se:

William Merrill Russell

PO Box 234
Dubois, ID 83423
Telephone: 406-309-5862

Email:
midnightmopper@gmail.com

Pro Se
Appellant

1 William M. Russell
2 PO Box 234
3 Dubois, ID 83423
4 Phone: (406) 309-5862
5 Email: midnightmopper@gmail.com
6 Pro Se Appellant
7

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

9
10 **DA 21-0157**
11
12

360 RECLAIM, LLC, a Montana limited
liability company,

Plaintiff,

vs.

WILLIAM M. RUSSELL, an individual and
Appellant, and
MOUNTAIN VIEW INVESTMENTS, L.C.,
an Idaho limited liability company,
Defendants.

WILLIAM M. RUSSELL,
Plaintiff and Appellant,
vs.

360 RECLAIM, LLC, a Montana limited
liability company,
Defendant, Counter-
Plaintiff
and Third-Party
Plaintiff,

vs.

WILLIAM M. RUSSELL
Counter-Defendant and
Appellant, and

U.S. TREASURY by and through the
INTERNAL REVENUE SERVICE,
Third-Party Defendants.

FILED

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

**NOTICE OF ERRATA [with
CORRECTED CERTIFICATE OF
SERVICE] TO CORRECT THE
CERTIFICATE OF SERVICE
ORIGINALLY INCLUDED & FILED
WITH APPELLANT'S NOTICE OF
APPEAL
(submitted March 26, 2021)**

Council of Record:
Kristin L. Omvig and/or Bruce A.
Fredrickson
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PO Box 1758
Kalispell, MT 59903-1758
Fax: 406-314-6012
kristin@rmtlawp.com
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And

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350 Ryman Street * PO Box 7909
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Council for Mountain View Investments, LC

Pro Se:
William Merrill Russell
PO Box 234
Dubois, ID 83423
Telephone: 406-309-5862
Email: midnightmopper@gmail.com

Pro Se
Appellant

TO THE COURT AND ALL PARTIES TO THIS ACTION:

PLEASE BE IT NOTICED, that William M. Russell, Appellant/Defendant
pro se, hereby provides THIS notice of errata as follows:

On March 26, 2021, Appellant faxed its "Notice of Appeal" to this Court
which included a certificate of service indicating that Councils for both 360
Reclaim, LLC and for Mountain View Investments, L.C. were concurrently being
mailed a copy of said Notice of Appeal. However, and despite Appellant having
immediately afterwards, deposited (physical copies of) such Notice(s) into the mail
receptacle located at the post office on "E" Street in Idaho Falls on that same date,

1 it was brought to Appellant's attention yesterday afternoon (April 19, 2021) by Mr.
2 Lofing, Counsel for Mountain View Investments, L.C., that neither himself nor
3 Ms. Omvig (Counsel for 360 Reclaim, LLC.) has, to date, received a copy of such
4 notice. For this reason, on this date, April 20, 2021, electronic copies of said
5 Notice have been emailed to each identified person of Counsel, along with an E-
6 Mail including the following declaration:

7 "Note: this email is being sent on behalf of and at the request of Mr. William M. Russell, and re:
8 DV-19-305B (Flathead County).
9

10 Concerning the above-titled Cause; a Notice of Appeal was filed (via fax) with the Montana
11 Supreme Court and (via physical mail) to the 11th Judicial District Court on the date stated on the
12 Notice; and physical copies of such notice were placed in a mail receptacle in Idaho Falls
13 addressed to: the Clerk of the 11th Judicial District Court/Flathead County in Montana, Ms.
14 Omvig and Mr. Lofing on that same date, immediately after faxing such Notice to the MT
15 Supreme Court. Additionally Mr. Tom Sapp, Court Reporter for the 11th Judicial District Court
16 was also given notice.
17

18 For reasons unknown, it has been brought to attention that said Notices' were never received
19 by Ms. Omvig or Mr. Lofing. It has been confirmed however, that Mr. Sapp did receive said
20 Notice.
21

22 Mr. Russell intends to file an affidavit of the afore-mentioned, and wishes to express that while
23 he has no explanation for his Notice not being received by Mr. Lofing or Ms. Omvig, there
24 definitely was no maliciousness, prejudice, or mal intent intended in any failed delivery of such
25 Notice.
26

27 Accordingly, a copy of said Notice is being sent as an "attachment" to this email; and with all
28 sincerity, any due apologies are included with this email.
29

30 (for and on behalf of) William M. Russell
31 phone: (406) 309-5862
32 email: midnightmopper@gmail.com"
33
34

35 - 04/20/2021 Email Sent (on behalf of Appellant, W. M. Russell) to
36 Council(s) for: 360 Reclaim, LLC and for Mountain View Investments, LC.
37 w/attachment containing a copy of Appellant's Notice of Appeal [*faxed on*
38 *March 26, 2021*]

1
2 The foregoing being so, Appellant with respect, moves this Court to permit
3 under Rule 10(h)(ii), M. R. App.P.[re: non-conforming documents], an acceptance
4 of the included, "Corrected Certificate of Service" in place of the original
5 Certificate of Service which Appellant submitted to this and the 11th District Court,
6 as part of its Notice of Appeal, on March 26, 2021.

7 This Notice of Errata is hereby being respectfully submitted to both Courts,
8 as well as all involved or affected parties, without intention of doing so
9 unnecessarily, unduly, nor without any intent of delaying (nor prolonging) matters,
10 nor prejudicing, nor inconveniencing any party involved in the above-entitled
11 matter. The Notice of Appeal submitted by Appellant on March 26, 2021, presents
12 Appellant's true, intention of appealing to this Court matters still ongoing in the
13 Eleventh Judicial District Court in Flathead County, under Cause No.: DV-19-
14 305B/473C.

15 Although for failed-delivery reasons unbeknownst, the original Certificate of
16 Service may now be proved to be inaccurate as stated; Appellant prays this Court
17 will accept the included, and corrected Certificate of Service which Appellant
18 intends for being impartially considered part and portion of its originally submitted
19 Notice of Appeal which was faxed to the Montana Supreme Court and mailed to
20 the 11th Judicial District Court on March 26, 2021.

1 Respectfully being Submitted,

2 Date: April 22, 2021



3 William M. Russell, Appellant pro se

4
5 CERTIFICATE OF SERVICE

6 (of this NOTICE OF ERRATA)

7 I hereby certify that a true and correct copy of the foregoing Notice of Errata and
8 following Corrected Certificate of Service was served by the method indicated below on day 20
9 of April, 2021 (with the exception of any *, but as otherwise noted) to all counsel or parties of
10 record listed below.

11 Signed



12
13 /s/ William Russell

14 William M. Russell pro se

15 Kristin L. Omvig and/or Bruce A. Fredrickson
16 Rocky Mountain Law Partners, PC
17 PO Box 1758
18 Kalispell, MT 59903-1758
19 Fax: 406-314-6012
20 kristin@rmtlawp.com
21 bruce@rmtlawp.com
22 Council for 360 Reclaim, LLC

* *EMAIL* 4/22/21
Method: email

23 Nicholas J. Lofing
24 GARLINGTON, LOHN & ROBINSON, PLLP
25 350 Ryman Street * PO Box 7909
26 Missoula, MT 59807-7909
27 Fax: 406-523-2595
28 njlofing@garlington.com
29 Council for Mountain View Investments, LC.

* *EMAIL* 4/22/21
Method: Email

Appellant's Notice of Errata for Correction of Certificate of Service (Concerning Russell's Notice of
Appeal filed March 26, 2021)

(CORRECTED)
CERTIFICATE OF SERVICE
[CONCERNING APPELLANT'S NOTICE OF APPEAL /
submitted originally on March 26, 2021]

I hereby correct the original "certification" that a true and correct copy of the Appellant's Notice of Appeal was (attempted to be re-) served by the method indicated below on day 20 of April, 2021 (with the exception of *) to all counsel or parties of record as and in the manner listed below.

Signed,



/s/: William Russell

William M. Russell pro se

Kristin L. Omgig and/or Bruce A. Fredrickson
Rocky Mountain Law Partners, PC
PO Box 1758
Kalispell, MT 59903-1758
Fax: 406-314-6012
kristin@rmtlawp.com
bruce@rmtlawp.com
Council for 360 Reclaim, LLC

* *MAIL 4/22/21*

Method: email (kristin@rmtlawp.com)

Nicholas J. Lofing
GARLINGTON, LOHN & ROBINSON, PLLP
350 Ryman Street * PO Box 7909
Missoula, MT 59807-7909
Fax: 406-523-2595
njlofing@garlington.com
Council for Mountain View Investments, LC.

* *MAIL 4/22/21*

Method: Email

~~U.S. Treasury
Third-Party Defendants (on 04/___/21-again) by US Mail Standard Delivery~~

*Tom Sapp/ Flathead County District Court Reporter
Email: tsapp@mt.gov (on 04/05/2021) Method: email

1 *Clerk of 11th Judicial District Court/Flathead County/Montana
2 920 S. Main St. #300
3 Kalispell, MT 59901 on: 04/22/21 post-mark date) Method: USPS Standard Mail