

ORIGINAL

FILED

05/04/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 21-0150

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 21-0150

FILED

MAY 04 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STATE OF MONTANA

MOTION FOR RECONSIDERATION

Petitioner and Appellee

MONTANA SUPREME COURT ERRED
WHEN IT USED A JUNE 4th, 2020 ORDER AS BEING
FULLY LITIGATED IN REGARD TO CONSTITUTIONALITY
ISSUES NOT BEING RAISED IN THE DISTRICT COURT

Vs

CONSTITUTIONALITY ISSUES WERE RAISED AND
NEVER RULED ON SO APPELLANT RAISES THEM
AGAIN ON APPEAL AND A SECOND CAUSE OF ACTION

PAMELA JO POLEJEWSKI

Respondent and Appellant

Appellant is entitled to have her Motion to Hold Animal Welfare Hearings On My Animals heard Instead of having the District Court dismiss it without an Order. The Appellant under the Senate Bill Statute 320 MCA -1-434 was to receive 2. (d) a petition/citation must contain an evaluation that supports an animal's disease, injury, suffering from a licensed veterinarian WITH EXPERIENCE IN TREATING THE TYPE OF ANIMAL IN QUESTION as well as an accompanying report from a Livestock Inspector. This was never done in my case.

Also provided in the Statute is a provision where either party can petition for an Animal Welfare Hearing that Judge Levine falsely proclaimed in her Order does not exist in the Statute.

MCA 27-1-434 6. (d) The respondent may request a hearing..... I submitted a Motion for a hearing May 18th, 2020 the Courts have all refused to acknowledge. In the Motion for a Hearing I argued it was unconstitutional to have a law that fails to provide an animal owner the right to contest seizures, detentions, and terms of release prior to a final course of action.

The search warrant is listed in the Motion to Hold Animal Welfare Hearing on My Animals as unconstitutional resulting in a whole list of Constitutional Right Violations as designated.

I addressed unconstitutional arguments in the Motion dated May 18th, 2020 filed in the Montana Eighth Judicial District Court. EXHIBIT 1.

It is factually inaccurate to state in the May 26th, 2020 Hearing constitutional arguments were not initially raised when Tyler Fries argued the "unreasonableness" of the whole process and it puts undue leverage on a Defendant (without a criminal conviction) with extensive cost of caring fines abhorrent to the Montana Constitution Section 22.

A Complaint was also filed under ADV-20-274 stating gross Constitutional Violations occurring in my case scenario. EXHIBIT 2.

Judge Pinski verbally stated the Motion was "moot" but he never rendered an Order so that leaves the Appellant the free will to bring another suit based on the same grounds. Either way for the Courts to keep dismissing my constitutional arguments as "moot", as not being argued in the District Court and or barred by res judicata when the Courts are refusing to acknowledge their very existence is a gross miscarriage of justice. I as an Appellant take the erroneous "moot" stance of the District Court a violation of my Freedom of Speech, violation of my due process rights and the unconstitutional destruction of my animals violating my property rights.

The Motion to Hold Animal Welfare Hearing is dismissed without an Order therefore I take the

stance I have a right to be heard on my Motion as a case dismissed without prejudice thus can be reopened in a second cause of action which I have argued in the District Court in front of Judge Levine. I appealed her Order rendered March 26th, 2021. A new case can be reopened without a Defendant weakening her position. I do not want to be a witness against myself but I want my constitutional violation arguments to be heard in the proper forum which is now the Montana Supreme Court.

I have been on an insanity merry-go-round of District Courts arguing my constitutional arguments are moot and close my file and when I try to raise this injustice in a court of appeal I am told "this Court does not raise issues about the Constitutionality of this Statute not first raised in the District Court. I do not believe the Courts can have it both ways. Basically, if a pro se litigant tries raising arguments in the Courts she has her voice silenced but if the State raises any issue against the Defendant she is ruled against.

I have every right to an Appellant Process afforded me in the Civil Rules of Appellate Procedure. My arguments were first raised in the Eighth Judicial District Court but never ruled on. I have every procedural and Statutory right to relitigate my constitutional arguments by reopening it in a second lawsuit. This second cause of action is not barred by res judicata as it raises constitutional issues not litigated broadly enough in the first cause of action. It also raises new issues not litigated in the first Hearing of May 26th, 2020 . Rule 41 Dismissal of Actions (B) Effect. Unless the notice of stipulation states otherwise, the dismissal is without prejudice.
EXHIBIT 3.

I am requesting a Motion for a Reconsideration of the Montana Supreme Court Order of April 20th, 2021. The Constitution and the Courts provide for due process rights and not Judge-stitution which is basically just repeating what one Judge said so another Judge rules the

same which another Judge affirms.

I am respectfully requesting this Court to reconsider my Motions I have already placed before the Montana Supreme Court based on this new information.

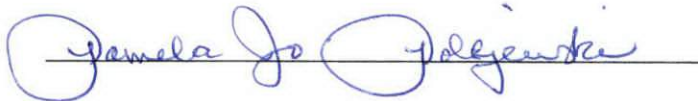
Reconsider Emergent Plea for Preliminary Injunction in Order to Prevent the Unconstitutional Murder and Destruction Of Defendant's Property While New Issues Regarding Constitutional Arguments are Indispute

Reconsider Motion for Reconsideration and Motion to File Exhibits In Order to Establish a Record for Appeal first requested in District Court not ruled on in District Court by Judge Michelle Levine.

Reconsider Motion for this Court to Order an Appellant Attorney since I am not taken seriously as a pro se litigant raising constitutional arguments.

The Attorney for the State is under the misunderstanding the Attorney General's Office has not been Notified of this Appeal but a Notice of Appeal was submitted to his office as well as the above referenced Motions.

Respectfully submitted,



Pamela Jo Polejewski pro se litigant

Dated April 30th, 2012

77 Wexford Lane, Great Falls, MT 59404

Pamela Jo Polejewski
77 Wexford Lane
Great Falls, MT 59404
406-403-9511 406-217-3176
Plaintiff pro se

CLERK OF DISTRICT COURT
TINA HEFFNER

2020 MAY 18 AM 10:30

FILED
BY K. MORAN
DEPUTY

MONTANA EIGHTH JUDICIAL DISTRICT COURT
CASCADE COUNTY

PAMELA JO POLEJEWSKI
Plaintiff

HONORABLE GREGORY G. PINSKI
ADV-20-0274

MOTION TO HOLD ANIMAL WELFARE
HEARINGS ON PLAINTIFF'S
ANIMALS

Vs.

CASCADE COUNTY

JOHN AND JANE DOE (to be named later)

Defendants

COMES NOW the Plaintiff Pamela Jo Polejewski respectfully submits a motion before the Court to regularly hold Animal Welfare Hearings in order to secure the safety and welfare of animals seized by Cascade County officials and their affiliates. Plaintiff has already voiced her concern before the Court that Cascade County will hold community members accountable to animal ownership laws but do not hold themselves unaccountable to the very same laws.

EXHIBIT ONE

10

27-1-434 Amended Montana Senate Bill 320 Revised Animal Welfare Hearings

2. (d) a petition must contain an evaluation that supports an animal's disease, injury, suffering from a licensed veterinarian WITH EXPERIENCE IN TREATING THE TYPE OF ANIMAL IN QUESTION. And I would add would have knowledge concerning the specific ailment in question.

3. the petitioner (which would be Cascade County in this case scenario) shall serve a copy of the petition upon the respondent (which would be Plaintiff). Upon receipt of petition the court shall set a hearing not more than 10 days after the petition was filed with the clerk of court. The court shall notify the respondent in writing of the date and location of the hearing within 5 days of the hearing. If the name and address of respondent are not available and not included in petition the notice must be conspicuously posted by law enforcement officer at the premises where the animal was seized.

Plaintiff in this case scenario did not even receive proof of a search warrant until a week after the fact that is timed for four hours after Plaintiff was evicted from the property.

5. At the hearing the court shall consider the extent of the animal's disease, injury or suffering and after the hearing shall determine whether animal will be:

No notice or hearing was ever held on behalf of a dog the Cascade County Officials killed on May 7th, 2020 on Plaintiff's property. Plaintiff informed the Sheriff Dept. officer NavaJo was under veterinary care. NavaJo and Plaintiff had the right to have their own veterinarian secure her and get a second opinion.

7. (b) Respondent means owner of the animal seized by law enforcement upon alleged violation of 45-8-211 or 45-8-217

It is unconstitutional if any action or law fails to provide an animal owner the right to contest seizures, detentions and terms of release on their animals prior to a final action. Cascade County Officials do not abide by Montana Statutes in the fact no hearing or court order was ever obtained before murdering an innocent dog powerless to defend its life against them. The hypocrisy of Cascade County Officials to kill an animal without due process and then turn around and accuse Plaintiff of animal cruelty because she chose to develop a plan of care for the dog other than to kill her. The dog being discussed as euthanized by Cascade County Officials was under veterinary care and was informed that she was.

The Plaintiff has already tried to forewarn the court this is Cascade County's mode of operation regarding animals it seizes legally or illegally. This is a violation of Plaintiff's to legally respond to any and all allegations of animal neglect or cruelty before the destruction of any animal. Plaintiff has confirmation that Cascade County murdered NavaJo mentioned in my court documents.

Since filing my Complaint against Cascade County Officials they have retaliated now accusing Plaintiff of insanely bizarre allegations of abuse which was to be expected by them. The

opposing party has made their counter attacks. I am again asserting my rights to the due process of law guaranteed under Montana State Laws and the Constitution of the United States.

In any criminal or civil litigation the Plaintiff has the right to due process under the 14th Amendment which also entail the 4th, 5th, 6th and 8th Amendments. Plaintiff has to right to face her accusers, deliver evidence in my defense, be in front of a fair and impartial jury and or Judge, cross examine witnesses, and obtain discovery. This is not being done when Cascade County is allowed to destroy other people's animals without their actions being questioned in a court of law.

42 USC 1983 Under Color of Law Civil Action for deprivation of rights

Every person who under color of any statute, ordinance, regulation, custom, usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other proper proceeding for redress, that any action brought against a judicial officer for an act of omission taken in such officials judicial capacity.

The search warrant did not follow a legal process nor was the destruction of Plaintiff's dog. The fact the Cascade County Officials only filed charges against Plaintiff after she filed her Complaint indicates Retaliation.

42 USC 1985 Conspiracy to interfere with civil rights.

Plaintiff since being evicted from her property and all her animals have disappeared has no idea where her animals are nor anything about their health and welfare. Is Cascade County Officials giving the six puppies confiscated their next series of puppy vaccines? If the puppies are not given their proper vaccines it will make the puppies susceptible to the corona parvovirus.

Plaintiff is confident she will be cleared of all her charges. Plaintiff requests the Court oversee the animals care and further protect them from Cascade County's path of destruction until Plaintiff can petition for their immediate return. This can be obtained with regularly scheduled Animal Welfare Hearings.

USC 1988 (a) Applicability of statutory and common law

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13,24, and 70 of the revised statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient to the provisions necessary to furnish suitable remedies and punish offenses against law, the common

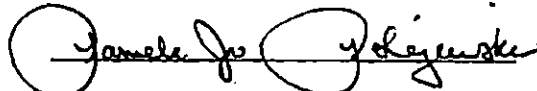
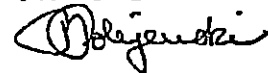
law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause.....punishment on the party found guilty.

Laws, due process rules, hearings and trials are meant to protect persons not from deprivation, but from the mistaken and unjustified deprivation of life, liberty or property. Therefore, the required elements of due process that "minimize substantively unfair deprivations" is by enabling persons to contest the basis upon which a state proposes to deprive them of protected interests. The core of these requirements is a notice, a petition, and a hearing before an impartial tribunal. That a decision be made based on the record.

Plaintiff respectfully requests the court hold regularly scheduled Animal Welfare Hearings regarding her animals before any decisions are made regarding their health and safety.

Refer to Exhibit A. This is what Cascade County officials and their affiliates due to debase and marginalize Plaintiff in the community before Plaintiff even gets in a Court room.

Respectfully submitted,



Pamela Jo Polejewski, Plaintiff pro se

Dated May 18th 2020

CERTIFICATE OF SERVICE

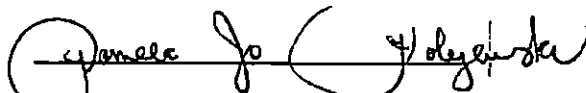
I Pamela Jo Polejewski swear under oath that I served a copy of the attached Motion for Animal Welfare Hearings upon Cascade County on May 18th, 2020 by mailing a correct copy with postage prepaid and addressed as follows;

Cascade County Commissioners

Courthouse Annex

325 2nd Avenue North

Great Falls MT 59401



Pamela Jo Polejewski Plaintiff pro se

Pamela Jo Polejewski
77 Wexford Lane
Great Falls, MT 59404
406-403-9511 406-217-3176

MONTANA EIGHTH JUDICIAL DISTRICT COURT
CASCADE COUNTY

PAMELA JO POLEJEWSKI
Plaintiff

HONORABLE GREGORY G. PINSKI

Vs.

ORDER GRANTING MOTION FOR
ANIMAL WELFARE HEARINGS

CASCADE COUNTY
JOHN AND JANE DOE (TO BE NAMED)
Defendants

EIGHTH JUDICIAL DISTRICT COURT JUDGE GREGORY G. PINSKI

AFFIDAVIT

State of Montana)

:SS

County of Cascade)

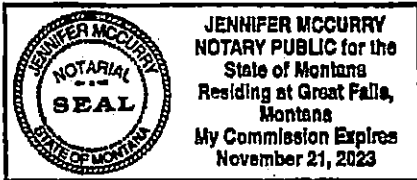
I Pamela Jo Polejewski, being first duly sworn, upon oath, deposes and says as follows:

I am the Plaintiff in the foregoing Motion for Animal Welfare Hearings. I have read the foregoing Motion and the facts of the matter contained herein are true, correct and complete to the best of my knowledge and belief

Pamela Jo Polejewski
Plaintiff

Signed and sworn to (or affirmed) before me this 18th day of May, 2020

Jennifer McCurry
Signature of notary



Printed name of notary public

Notary public for the state of _____

Residing at: _____

My commission expires _____

Pamela Jo Polejewski
77 Wexford Lane
Great Falls, MT 59404
406-403-9511 406-403-9966
Plaintiff Pro Se

CLERK OF DISTRICT COURT
TINA HENRY

2020 MAY 14 AM 11:07

FILED

BY K. MORRIS
DEPUTY

MONTANA EIGHTH JUDICIAL DISTRICT COURT,
CASCADE COUNTY

ADV - 20 - 0274

Gregory G. Pinski

PAMELA JO POLEJEWSKI
Plaintiff

-) COMPLAINT
-) Trespassing, Color of State Law, Malicious
-) Prosecution, Unreasonable Search and Seizure,
-) Due Process Violations, Excessive Force, Equal
-) Protection Violations, Free Speech Violations,
-) Excessive Force, Religious Liberty Violations,
-) Cruel and Unusual Punishment, Conspiracy,
-) Interference with Human and Animal Rights,
-) Municipal Liability, Warrantless Entry to
-) Property not Justified under Emergency *Exception*
-) Retaliation, *Exception*, 4th Amendment
-) Violation, and, Violation of Constitutional Rights

VS

CASCADE COUNTY)
JOHN AND JANE DOE (to be named later))
Defendants)

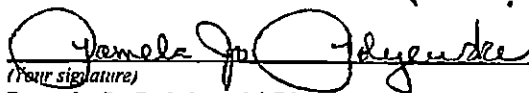
COMES NOW the Plaintiff, Pamela Jo Polejewski, respectfully states the following: 1.) Refer to Exhibit A. 2.) We the people of the United States in order to form a more perfect Union, must establish justice, insure domestic tranquility, provide for common defense, promote the general welfare and secure blessings of liberty to ourselves and our posterity, therefore ordain and establish the Constitution of the United States of America. Therefore, Plaintiff states her rights as listed in this complaint have been horrendously violated resulting in this civil law suit.

3.) It is unconstitutional if any action and or law fails to provide an animal owner the right to contest seizures, detentions and terms of release on their animals prior to a final action. 4.) It is illegal to confine animals inappropriately related to size, age and physical frailties according to Title 6 6.8.080 Montana Animal Laws. The average citizen is policed for this statute and Cascade County employees and their affiliates need to be governed under those same set of laws. 42 USC 1983, 42 USC 1985, 42 USC 1988. 5.) Refer to Exhibit B. 6.) Plaintiff has not been given any say in the actions regarding the illegal seizure of her animals, their whereabouts or how they are being treated by Cascade County officials and their affiliates. This is a violation of the Right to Animal Welfare Hearings MCA 27-1-434 (1), MCA 27-1-434 (3) , 27-1-434 (4) , 27-1-434 (5) (c) (d) and cruelty to animal offenses sustained by the animals while in their detention 45-8-211 and 45-8-217 aggravated animal cruelty collection and resultant euthanization. Montana 45 crimes Title 8. 6.) Refer to Exhibit C 7.) Refer to Exhibit D.

JURISDICTION is appropriate for this civil action which is filed in the Eighth Judicial District Court because the amount of damages being asked by Plaintiff exceeds that allowed in Justice Court . It will be in excess of \$10,000 to \$12,000.00 allowed in Justice Court rulings.

THEREFORE the Plaintiff respectfully asks this court to grant the following: 1.) The IMMEDIATE return of ALL animals seized from Pamela Jo Polejewski at her place of residence 77 Wexford Lane, Great Falls, MT. shortly after a horrific fire and inclement weather that had occurred. The animals must be returned IMMEDIATELY before any more trauma, injuries, or euthanization has taking place. 2.) MONETARY RELIEF to be discussed with the court but in excess of \$10,000.00-\$12,000.00. 3.) COMPENSATORY RELIEF reimbursement for any damage to Plaintiff's property or for any theft that occurred while she was banned from the premises and unable to protect her belongings/possessions. Medical for

Plaintiff and the animals once it is identified after the animals have been scrutinized while in Cascade County's detention facilities. GENERAL RELIEF Grief counseling expenses due to the trauma sustained by the Plaintiff and the animals after going through a horrific fire and then having them seized away from their owner of 10-20 years in most cases. Plaintiff has been traumatized not only by a fire but by the actions of Cascade County employees and their affiliates. Plaintiff is a senior citizen currently on a disability pension related to immunosuppressed health conditions. Post-traumatic stress syndrome and emotional, financial, physical and spiritual injuries to be identified after going through this horrific case scenario. PUNITIVE DAMAGES Cascade County officials and their affiliates are not to harass, marginalize or retaliate against Plaintiff and her supporters because of this civil action. Friends and supporters have reported being interrogated and followed by the Cascade County Sherriff Department while attempting to offer support to the Plaintiff.


(Your signature)

Pamela Jo Polejewski Plaintiff pro se

5/14/2020

(Date)

EXHIBIT A

Friday, May 8th, 2020 (*hand delivered*)

Mr. Joshua A. Racki, County Attorney
121 4th Street North #2A
Great Falls, MT 59401
406-454-6915

Sheriff Jesse Slaughter
3800 Ulm North Frontage Road
Great Falls, MT 59404
406-454-6820

Dear Sirs:

My name is Pam Polejewski and I live at 77 Wexford Lane in Cascade. On the evening of Wednesday May 7th one of my older mobile homes that was converted to a barn caught fire. The origin of the fire is unknown but is under investigation by the Fire Marshall's office. The Fire Department responded but the structure was a complete loss. I lost my cell phone while trying to get animals out of the barn during the fire.

I operate an animal rescue and rehabilitation operation at my property under a tax-exempt IRS 501.c.3 registration. The next morning following the fire on Thursday morning, May 7th, Cascade County Sheriff's deputy Jacob Tri informed me that the County had issued a search warrant and had seized my property as part of an investigation of cruelty to animals. I was evicted from my property and not even allowed to retrieve my purse with my driver's license and money nor any clothes. All that I was able to depart with was the wet clothes that I was wearing.

I have many dogs, cats, goats, horses and other animals. Many of these animals were neglected when I adopted them. Many are aged and fragile. I have many people, including veterinarians, that can attest to my diligent care for these animals. I love my animals and have committed my life and all my resources to caring for them. Many people, out of the goodness of their hearts, help support me financially in the care of these animals. I need access to my property to care for these animals. Several of my dogs, including an aged Chihuahua named "Little Boo", are very fragile and will not survive outside in the rain and cool/cold weather. They sleep inside my trailer house with me at night to be protected from the elements.

I'm asking you: how do I gain access to my personal property to continue to care for my animals? I can be reached thru my friends from church (Corpus Christi Catholic Parish) Billy & Margi Ross at 215 38th Ave. NW, Great Falls, MT 59404 530-304-6915

Thank you in advance for your expedited response to this plea for help so that I can return to my property and continue to care for my animals.

Sincerely,


Pam Polejewski

RECEIVED

MAY 08 2020

CCSO WARRANT

EXHIBIT C

ANIMALS improperly seized by Cascade County and affiliates are as follows;

DOGS;

Windy red heeler spade

Libby heeler spade

Player red heeler male

Speckles blue heeler male

Velvet black lab mix spade

Mariah auburn mix spade

CoCo Bean brown Airedale mix male

Kiowa black and tan mix spade

Booker blue heeler spade

Spice red heeler spade

Shep male Corgi appearing mix

Reb heeler mix male

Kootenai lab mix spade

Starlight blue heeler spade

Biscuit red heeler mix male

Digger blue heeler mix male

Sadie Hawkins terrier mix spade

Stuff long hair Chihuahua

Yodie Chihuahua neutered

Racy long haired grey and white Chihuahua spayed

#4 mix bred puppies

Johnny dauchsand appearing

#2 male Chihuahuas

Sabo and Boscoe

Tinkerbelle 2 lb Chihuahua

Lil Boo Chihuahua spayed 10+ years old

Shanty 3 lb Chihuahua spayed

Redford red heeler male has ID tags on 10+ years old

Curly male Australian Shepard puppy 3 months old

JoBelle female German Shepard mix 4 months old

Bird older female blue heeler mix spade

Cheyenne older red heeler mix spade

Kujo 15 plus year old Chihuahua mix blind in one eye

Turbo mix breed male

Faith white medium coat terrier mix spade

Muffy red Pomeranian mix spade

Muffin blonde Pomeranian mix spade

Ruff miniature blonde Pomeranian mix male

Grace grey terrier mix spade

Punky mix bred black spayed

Navajo red heeler spayed has drainage

Bugsy very fat blue heeler spayed

Breezy long haired red mix spayed

Davey Crockett red mix male

Moose black lab mix male 15 years old

Tucker Airedale appearing male

Crook heeler mix male crooked tail

Ebony med coat black mix breed spayed

Honey Bee golden colored mix breed slick coat spayed

Rider old male hound mix 15+ years old

CATS ON PROPERTY

Vision blind

Momma Kitty in my trailer calico spayed Long hair

Lester pure black long haired neutered golden colored eyes collared

Batty black and white

RED TRAILER

Ms Grey spayed 15+ years old

White long haired

Grey with white bib

IN ENCLOSURE OUTSIDE WITH ADJOINING ENCLOSURE

Calico

Long haired white

Tiger stripe fragile

SEEN RUNNING LOOSE ON PROPERTY

Siamese

China fragile black and white young collared

Black and white long hair male??

Black and white mother of kittens ^{#6} saved from fire short hair

Large yellow

Grey striped one larger than the other short hair

Calico long hair

Long haired black and white

BIRDS

Cockatiel in my home trailer older bird

#2 parakeets in my home trailer

#4 baby ducks in my home trailer with heat lamp

Rooster top hat in my home trailer while it is raining then can go back out to a coop

Sm blk kitten

Three various chickens and one guinea fowl in enclosure next to my home trailer

Turkey and 15 other chickens in red trailer with run to outside enclosure

Enclosure of 4 chickens adjoining

Enclosure with one rooster adjoining

Four ducks in enclosure close to fire but saw they were ok

Old chicken coop has one turkey, two geese female goose sitting on nest of eggs and turkey also setting

Three ducks to the left (one is white and two are black)

Two ducks to the right of coop (one is black and the other is black & white)

Two ducks in back of coop are multi colored in their winter enclosure

GREY SHED

Two young chickens one speckled brown the other speckled black

POLE BARN AREA

2 ducks in a run

3 chickens and 3 ducks in their winter enclosure

RABBITS

7 rabbits in hutches surrounding red trailer = 3 holland lop, 2 black and white mix bred, 2 grey

ONE LAND TURTLE

ONE VERY ELDERLY FERRET 8+ YEARS OLD

PIGS

Two baby pot bellied pigs

One 15 year old grey and white spotted pig neutered in a nicely structured house by himself

Two old larger pigs down in a steel structure also shared with horses white in color

GOATS

Three baby female goats in horse trailer because their shed caught fire one brown, one white and grey, one white

Two miniature goats loose on property but have an enclosure Nigerian dwarf and white (George & Live Wire

Jigs in enclosure next to building on fire

Three female goats next to Jigs white, brown and Boer breed long haired

Four goats in enclosure at the bottom of the property Nigerian, mini lamancha, white, cream colored

HORSES

Miniature pony Dakota

Older horse Fanny

Older horse Arnie Arrowtop

Danny black and brown

Bronze speckled

Older gelding Rusty

Brown called Milo

Copper on 10 acres

Legend appy colored on the 10 acres

Miracle Whip on the 10 acres

Oh No

Colt Sunday

Black pony BV

FISH

Two bettas

2 frogs

Gold fish

Tropical fish

AFFIDAVIT

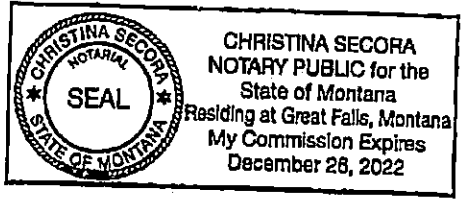
State of Montana

County of Cascade : ss

Pamela Jo Polejewski, being first duly sworn, upon oath, deposes and says as follows:
I am the Plaintiff in the foregoing Complaint. I have read the foregoing Complaint and the facts of the matter contained herein are true, correct and complete to the best of my knowledge and belief.

Pamela Jo Polejewski
Plaintiff

Signed and sworn to (or affirmed) before me this 14th day of May, 2020.



Christina Secora
(Signature of notary)

Christina Secora
(Printed name of notary public)

Notary public for the state of Montana

Residing at: Great Falls

My commission expires: 12-28-2022

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and accurate copy(ies) of the attached COMPLAINT was hand delivered to the Eighth Judicial District Court on May 14th, 2020.

Pamela Jo Polejewski
Pamela Jo Polejewski pro se litigant

Montana Code Annotated 2019

TITLE 25. CIVIL PROCEDURE
CHAPTER 20. RULES OF CIVIL PROCEDURE
VI. Trials

Dismissal Of Actions

Rule 41. Dismissal of Actions.

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable state statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) Effect. Unless the notice or stipulation states otherwise, the dismissal is without prejudice.

(2) By Court Order; Effect. Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper. If a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication. Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.

(b) Involuntary Dismissal; Effect. If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule -- except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19 -- operates as an adjudication on the merits.

(c) Dismissing a Counterclaim, Crossclaim, or Third-Party Claim. This rule applies to a dismissal of any counterclaim, crossclaim, or third-party claim. A claimant's voluntary dismissal under Rule 41(a)(1)(A)(i) must be made:

(1) before a responsive pleading is served; or

(2) if there is no responsive pleading, before evidence is introduced at a hearing or trial.

(d) Costs of a Previously Dismissed Action. If a plaintiff who previously dismissed an action in any court files an action based on or including the same claim against the same defendant, the court:

(1) may order the plaintiff to pay all or part of the costs of that previous action; and

(2) may stay the proceedings until the plaintiff has complied.

EXHIBIT THREE

CERTIFICATE OF SERVICE

I, Pamela Jo Polejewski, hereby certify that I have served a true and accurate copy of the foregoing paperwork to

Cascade County Attorney Office
Susan Weber Attorney for the State
121 4th St No
Great Falls, MT 59401

Montana Attorney General Office
215 North Sanders
P.O. Box 201401
Helena, Montana 59620-1401

Dated May 2nd, 2021

Pamela Jo Polejewski
Pamela Jo Polejewski pro se litigant
May 2nd, 2021

AFFIDAVIT

I hereby swear that the Statements I made were to the best of my ability to be true and accurate.

Pamela Jo Polejewski
Pamela Jo Polejewski pro se litigant
May 2nd, 2021