

Jeffery J. Lout, AO#45407
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT. 59722

ORIGINAL

IN THE SUPREME COURT FOR

THE STATE OF MONTANA.

CAUSE: _____.

Jeffery J. Lout, Pro Se;

Plaintiff/ Appellant;

Vs.;

STATE OF MONTANA, et., al.;

Defendants/Appellee's.

FILED

MAY 17 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

PETITION FOR A WRIT OF

SUPERVISORY CONTROL

PUSUANT TO M.R.APP.P. RULE 14(1),

(3), (a), (4) and (6).

APPEARANCES:

Jeffery J. Lout, AO#45407
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

FOR THE PAINTIFF.

Austin Knudsen-Montana Atty. General
Montana Attorney General's Office
215 North Sanders, P.O. Box 201401
Helena, MT 59620-1401

Wesley Somogy - Spec.Asst. Atty. Gen.
Department of Corrections/Legal Bureau
5 South Last Chance Gulch, P.O. Box 201301
Helena, MT 59620-1301

Michael King - Spec. Asst. Atty. Gen.
Department of Administration, Risk
Management and Tort Division
1625 11th Ave., P.O. Box 200124
Helena, MT 59620-0124

FOR THE DEFENSE.

JURISDICTION

Jurisdiction is adequate and Proper pursuant to (M.R.APP.P.) Montana Rules of Appellate Procedure, Rule 14 (1) ; which is empowered by Article VII Sections (1) and (2) of the Montana Constitution, In which to hear and Determine such original and Remedial Writs as may be necessary or Proper to the Complete exercise of it's Jurisdiction.

Jurisdiction is further appropriate under M.R.App.P. Rule 14 (3) (a):

"The Other Court, In this Proceeding, being the Third Judicial District Court, Powell County, Montana Presiding before Hon. Raymond J. Dayton, Is Proceeding under [MISTAKE OF LAW] which is causing a Gross Injustice..

PARTIES

PLAINTIFF:

Jeffery J. Lout, Pro Se Plaintiff;

DEFENDANTS:

STATE OF MONTANA; DEPARTMENT OF ADMINISTRATION, RISK MANAGEMENT AND TORT DIVISION; DEPARTMENT OF CORRECTIONS - CYNTHIA WOLKEN, DEPUTY DIRECTOR; BRIAN GOOTEN - NEW DIRECTOR; COLLEEN AMBROSE - CHIEF COUNSEL FOR DEPARTMENT OF CORRECTIONS; JEFF CROWE - CHIEF INVESTIGATOR FOR DEPARTMENT OF CORRECTIONS; JIM SALMONSEN - NEW WARDEN OF MONTANA STATE PRISON; KRISTY COBBAN - ADMINISTRATIVE SERVICES BUREAU CHIEF; BILLIE REICH - TECHNICAL CORRECTIONS SERVICES BUREAU CHIEF; CARLA STRUTZEL - UNIT MANAGER; MAYNARD GWIN - UNIT SERGEANT AND MILLINA LULY - UNIT SERGEANT.

INTRODUCTIONARY STATEMENT

1) This matter comes through Pro Se Plaintiff; Jeffery J. Lout, Hereby Seeks A WRIT OF SUPERVISORY CONTROL FROM THE THIRD JUDICIAL DISTRICT COURT TO THE HIGH COURT TO RENDER A MATTER OF CLEARLY ESTABLISHED LAWS IN WHICH TO PLEAD OR OTHERWISE DEFEND WITHIN THE MANDATED 42 DAY TIME LINE, Thereby rendering the State's Failure to Plead or otherwise defend as "WELL TAKEN" Thereby Conceding the action.

STATEMENT OF FACTS.

2) Lout hereby Contends that He hereby In GOOD FAITH Gives the Third Judicial District Court a DIRECT AND CONSTRUCTIVE NOTICE OF FILING FOR SUPERVISORY CONROL TO THE MONTANA SUPREME COUT, AS A DIRECT RESULT OF THE THIRD JUDICIAL DISTRICT COURTS FAILURE TO ADEQUATELY AND PROPERLY ENTER A DEFAULT JUDGEMENT AGAINST THE DEFENDANTS FOR THE STATE'S FAILURE TO PLEAD OR OTHERWISE DEFEND AS IS REQUIRED PURSUANT TO CLEARLY ESTABLISHED LAWS AND AS WAS INDICATED ON THE SUMMONS UPON THE DEFENDANTS.

3) On October 20, 2020: The Department of Administration, Chief Counsel: michael Manion was Served by Lewis and Clark Sheriff's process Server, Ms. Smith; thereby making the 42 Day Deadline in which to respond to Lout's Verified SUPPLEMENTAL COMPLAINT AND PLEADINGS DUE BY DECEMBER 3 or 4, 2020. Other then the Department of Administration NO OTHER PARTY, The State of Montana nor the Department of Corrections Has made or even attempted to make an OFFICIAL NOTICE OF APPEARANCE or to Defend or Otherwise Plead the Case.

4) On December 14, 2020 Lout In GOOD FAITH filed a Motion for ENTRY OF DEFAULT JUDGEMENT against the Defendants for their Failure to Plead or otherwise Defend the Complaint and Pleadings.

5) On January 11, 2021: Special Asst. Attorney General: Michael King, For the Department of Administration, Risk Management and Tort Division filed His and ONLY HIS ANSWER BRIEF seeking the Court Not to Grant Lout's Motion for Default Judgement. Neither the STATE OF MONTANA, Attorney general's Office, Nor the Department of Corrections, Filed any form of Answer Brief or Opposition to Lout's motion for Default Judgement.

6) Lout therefore has concluded as stated in his Motion for Default Judgement that the State of Montana and Department of Corrections' Failure or Refusal to Properly File an Answer brief or Motion under rule 12 of the M.R.CIV.P., thereby Must be Constituted as "WELL TAKEN" in accordance to M.R.D.C. Rule 2, thereby CONCEEDING the Action in which Lout has Plead.

7) Lout further Offers and has priviously stated in his initial Motion for Default GREESON v. STATE: The State's Failure to Plead or Otherwise Defend is Sufficient Ground for the Default Judgement against the State of Montana, as such Refusal must be Taken as WELL PLEAD and the Action must be Rendered in favor of Lout.

REQUEST FOR SUPERVISORY CONTROL

8) Lout has given Clearly established Laws and Supporting Case law by this very Court in GREESON, which Mandates that the State District Court Must Enter JUDGEMENT FOR DEFAULT JUDGEMENT AGAINST THE DEFENDANTS, in Cause DV:20-19 For their FAILURE to Plead or Otherwise Defend this case. The Defendats have Lapsed in time, Lout has thusfar IN GOOD FAITH given an EXTRA 150 plus Days for the State of montana and Department of Corrections to Respond, to which they have failed to do, Thereby CONCEEDING THIS CASE to Lout.

REQUEST FOR ENTERY OF DEFAULT JUDGEMENT

9) Lout Hereby Seeks this High Court to Enter Default Judgement against the State of Montana and Department of Corrections in this above titled matter for the relief Demanded in the Compalaint including but not limited to the Money Damages of \$23,927.00/ and the Entery of the INJUNCTIVE REIF'S and DECLATORY INJUCTIONS AS SO REQUESTED BY LOUT in his initial Filings and those in his SUPPLEMENTAL COMPLAINT AND PLEADINGS.

OATH AND DECLARATION

This is being Submitted, Signed and Sworn to before the Undersigned Authority
IN GOOD FAITH and Not For Delay or any other Reason then to have Clearly Established
laws Followed and Adhered to especially given that this High Court in and of It's
Self has Set precedence under GREESON for the State's Failure to Plead or Other-
wise Defend.

Dated this 11th Day of May, 2021.

In the County of: Powell;

In the State Of: Montana.


Jeffery J. Lout, Pro Se Plaintiff.

ACKNOWLEDGEMENT OF NOTARY

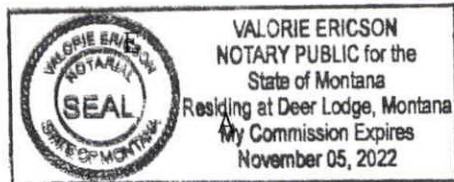
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME ON THIS 11th DAY OF May,
2021.

IN THE STATE OF: Montana;

S

IN THE COUNTY OF: Powell.


Notary for the State of Montana.



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11/5/22
COMMISSION EXPIRES

CERTIFICATE OF SERVICE

This Certifies that I have Served the Following Individuals Below a True and Correct Copy of the Above Foregoing: NOTICE OF SUPERVISORY CONTROL....; First Class prepaid postage in the U.S. Postal Service on this 19th Day of May, 2021.

Hon. Raymond J. Dayton
Third Judicial District Court
409 Missouri Ave.
Deer Lodge, MT 59722

Bowen Greenwood-Clrk Crt.
Montana Supreme Court
215 North Sanders, P.O. Box 203003
Helena, MT. 59620-3003

Austin Knudsen - MT.ATTY.GEN.
Montana Attorney General's Office
215 North Sanders, P.O. Box 201401
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Michael King - Spec.Asst.Atty.Gen.
Departemnt of Administration
Risk Management and Tort Division
1625 11th Ave., P.O. Box 200124
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Wesley Somogy - Spec.Asst.Atty.Gen.
Department of Corrections/Legal Bureau
5 South Last Chance Gulch
P.O. Box 201301
Helena, MT 59620-1301

BY: 
Jeffery J. Lout/ Pro Se Plaintiff.

TABLE OF APPENDIX'S

APPENDIX A: LOUT'S DECEMBER 14, 2020: MOTION FOR DEFAULT JUDGEMENT,
WITH SUPPROTING EXHIBITS. (EXHIBITS IN CASE FILES)

APPENDIX B: JANUARY 11, 2021: DEFENDANTS' ANSWER BRIEF OPPOSING LOUT'S
MOTION FOR DEFAULT JUDGEMENT.

APPENDIX C: JANUARY 15, 2021: LOUT'S RESPONSE TO THE DEFENDANTS'
REPLY/RESPONSE BRIEF.

APPENDIX D: FEBRUARY 16, 2021: LOUT'S MOTION SEEKING CONFIRMATION OF RECEIVING
LOUT'S RESPONSE TO DEFENDANTS' JANUARY 11, 2021 ANSWER BRIEF.

APPENDIX E: APRIL 9, 2021: LOUT'S MOTION SEEKING JUDGEMENT TO BE RENDERED AND
ENTERED FOR THE DECEMBER 14, 2020 MOTION FOR DEFAULT JUDGEMENT....