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STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 20-0498(c)

THOMAS JAMES BICK,

Petitioner, Obligor, and Appellant,

v.

KATHLEEN JO JOHNSON,

Respondent, Obligee, and Appellee,

and

STATE OF MONTANA EX REL. MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, CHILD SUPPORT ENFORCEMENT DIVISION,

Respondent and Appellee.

REPLY BRIEF OF APPELLANT

On Consolidated Appeal from the Montana Thirteenth Judicial District Court, Yellowstone County, DR 16-1241 and DV 19-1188, The Honorable Rod Souza, Presiding

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Appellant respectfully submits the following Reply Brief to the Response Briefs filed by the Appellees.

INTRODUCTION

The Appellees object to Appellant's legal arguments on appeal, which Appellant Bick will address below. At the outset, however, Bick must address the misrepresentations and factual errors contained in Appellee Johnson's Response Brief. First, Bick is timely in his appeal of all five issues he has raised. While a dissolution judgment if deemed a final judgment from which the 30 day deadline to appeal begins to run, Bick's was not for the reasons discussed herein, and his appeal is therefore timely. This is especially true when the Court affords him the proper leniency due a self-represented litigant.

The District court issued its Findings of Fact, Conclusions of Law and Final Decree on December 31, 2018. Bick, after spending tens of thousands of dollars on legal fees and with pending college tuition due, made the decision to represent himself [Dkt. 45] to effectuate the division of the parties' assets. Bick's previous counsel (Jill LaRance Esq.) was adamant no back child support was owing as Bick, per her advice had been making child support payments since March 2017 even though Johnson argued there was *a pretty substantial child support arrearage* [TT 07/11/2018 page 85 at 13] of $20,000 plus dollars [TT 09/22/2020 page 17 at 1] owed.

Johnson filed Motion to Amend [Dkt. 52] (raising no issues concerning personal property) which resulted in the district court significantly altering the Findings of Fact, Conclusions of Law and Final Decree with its May 31, 2018 Order on Pending Motions and Requiring the Parties Mediate All Personal Property Issues by June 28, 2019 [Appendix B]. Specifically, the Findings of Fact, Conclusions of Law, Order and Decree of Dissolution held the parties to complying with an agreement on personal property negotiated during a multi-hour break from trial which both Bick and Johnson had agreed [TT 07/11/2018 page 83 at 17] and which was memorialized as Trial Exhibit. CC. The district court ordered the parties to comply with the personal property agreement [Appendix A page 9 at 43 and page 17 at 3]. Bick had complied with the Order and when Johnson did not, Bick filed a motion for contempt [Dkt. 55].

A motions hearing was held [Dkt. 61] April 25, 2019 presumably to address the three contempt motions brought by Bick for Johnson's failure to deliver Bick's personal property, an insurance check and tax check (Johnson was eventually held in contempt for both check issues). Instead, Johnson testified she wanted to return to the family home in Billings and take additional personal property [TT 04/25/2019 page 81 at 16]. Note, this was personal property that had not been retrieved the previous years, despite the fact that Johnson had a moving truck and pickup truck [TT 04/30/2018 page 60 at 3] move the household unilaterally and

without any discussion or agreement from Bick while he was at work June 14, 2016. This was also additional property Johnson wanted after a minimum of five additional trips to remove personal property from the Billings home [TT 04/30/2018 page 64 at 16]. And this personal property was in addition to the thirty-two items listed in Ex. CC Bick had given her per the December 31, 2018 Order. Rather than enforce the personal property order, the district court completely tossed it out and ruled:

> *Based on arguments made during the April 25, 2019 hearing, substantial issues remain regarding personal property that the parties previously settled. The parties are ordered to mediate all personal property issues by June 28, 2019.* [Appendix B page 10 at 11].

In throwing out the settlement reached by the parties, memorialized in the court record, approved by the parties and ordered by the court, this Court must conclude that no final judgment had issued in the divorce action, or if one had, it had been stricken, altered or amended by the district court's subsequent actions. This Court has so concluded in similar circumstances. *See e.g. Rorabaugh v. Zelenka*, 394 Mont. 389, 430 P.3d 528 (2018) (allowing additional time for appeal from dissolution decree). Here, the district court's order in this regard [Appendix B] was entered May 28, 2019. Bick's timely appeal with this Court followed on June 25, 2019. Such a conclusion is also justified by Bick's self-represented litigant status and this Court's leniency and consideration of the same.

The December Order and Decree [Appendix A] also was incomplete with the necessary details to ascertain the monthly child support that Bick was liable for; not back child support but *all* child support due to the length of this case, one child becoming an adult, changing healthcare insurance premium amounts and credits the court gave Bick towards child support. Because of this and the CSED refusing to credit Bick as ordered by the court, Bick had to petition the court for judicial review in order to have a workable order. And because of the child support obligation and judgement against Bick on record in this case, Bick was unable to pay Johnson the equalization payment ordered by the court until the court figured out Bick's credits and the Child Support Enforcement Division was able to show Bick had no child support obligation owing. Because of these facts, it is neither fair nor equitable for Bick to be charged post-judgement interest on the equity buyout as there was not an enforceable judgement. The December 2018 Order and Decree [Appendix A] was not written with appropriate detail regarding child credits and therefore, this provides an additional reason final judgement was not issued and Bick's appeal is timely as to all issues raised.

With this accurate background in mind, Bick now addresses the substantive arguments on appeal.

SUMMARY OF ARGUMENT

As established above, Bick's appeal of all five issues is properly before the Court on appeal. And, as established below, the district court erred in each of its final decisions in the consolidated cases. It erred in its valuation of marital property and erred in ordering Bick to pay interests and costs. It also made errors attendant to taxes and child support. Bick requests the Court to review these errors and reverse the district court's erroneous decisions.

ARGUMENT

I. THE DISTRICT COURT ERRED IN USING OCTOBER 24, 2016, TO VALUE THE MARITAL PROPERTY.

Per the Child Support Enforcement Division (CSED) Response Brief, this issue was outside the scope and authority of the CSED and was not addressed. As such, only the arguments raised by Appellee Johnson are addressed below.

District courts are afforded significant leeway in the valuation of a marital estate to deal with unique circumstances and permit exceptions when the date of dissolution is not fair or equitable. Indeed, this Court grants such discretion because it recognizes the variety of valuation issues which arise when a marriage ends. These variances exist for logical reasons and, in this action, there are several overwhelming reasons to use the date of separation when valuing the marital estate to be fair and equitable.

Here, the district court erred in using October 24, 2016, as the date of valuation. First, without specific rationale, the court did not follow the general rule to value the parties' marital property at the time of dissolution. Rather, it used the date of Johnson's filing of the Petition for Dissolution which has no precedent as a date of valuation. Moreover, the district court offered no supporting rationale and wholly ignored the facts from trial that Johnson had spent months, if not years, premeditating her unilateral decision to divorce Bick and deprive him of marital property.

Johnson had retained an attorney and drawn up dissolution paperwork months before even telling Bick she was leaving. Johnson had signed the dissolution paperwork before moving. Johnson had been taking adult education classes in anticipation of looking for a job. Johnson had gone through a three-month interview process prior to accepting employment with Eddie Bauer Co. Johnson (she was solely in charge of the household finances) had opened a bank account with Stockman Bank, unknown to Bick with a $3,400.00 balance on the May 2016 statement; it was never determined when the account had been opened. Johnson had signed a lease with an option to buy a house in Bozeman Montana prior to her leaving Bick on June 14, 2016. Johnson continued to use the joint bank accounts until Bick closed them on advice of his counsel in early March 2017. Bick continued depositing his paycheck into the joint accounts, continued funding

his retirement without change, continued the family health insurance coverage, continued the upkeep and being the sole payer of the mortgage and taxes on the family home.

The law authorizing leeway for determining the date of valuation exists precisely for situations like this. Yet, the district court ignored this authority and chose an arbitrary date, which is neither fair, nor equitable. In addition, the district court inexplicably ignored a 2015 appraisal from a certified appraiser and without any evidence of Billings real estate market trends calculated a value for the house as of the October 24, 2016 date of valuation to provide Johnson additional equity in the family home [Appendix A page 4 at 21.]. Bick paid 100 percent of the refinancing costs as well. Nor is it fair that Johnson received Bick's unchanged continued contributions and capital gains to his retirement after Johnson ended the relationship while making the conscious decision to not fund her own retirement.

Further the district court denied the Rule 59 motion to value the family home on July 11, 2018 because Bick "*generated a sizable mortgage interest deduction benefiting only Bick*" [Appendix B, page 4] which further supports valuing the marital estate on the date of separation. Using the district court's logic, why should Johnson share in any house equity or additional retirement after she moved from Billings? Bick is entitled to an equitable division and the district court's decision not to consider Bick's request was in error.

By using the October 24, 2016 date of valuation, the district court essentially rewarded Johnson for her strategic scheming and penalized Bick for his innocent ignorance of the same. This Court should therefore determine that the district court erred in failing to evaluate the marital assets so as to equitably divide the parties' marital property. The district court should have considered Johnson's pre-filing actions and selected June 14, 2016 as the date of valuation as a more fair and equitable date.

Overwhelming evidence and testimony in the record establish that Johnson premeditated her divorce and June 14, 2016 was just the last step in a long-planned exit. This Court should reverse on the basis that the district court's valuation date was in error, unfair, inequitable, and prejudiced Bick. It should declare June 14, 2016, the date Johnson moved to Bozeman, as the more appropriate valuation date and remand to the district court to reevaluate its division.

II. THE DISTRICT COURT ERRED IN AWARDING INTEREST ON THE EQUALIZATION PAYMENT.

Per the CSED's Response Brief, this issue was outside the scope and authority of the CSED and was not addressed. As such, only those arguments raised by Appellee Johnson are addressed below.

When the district court entered the Decree [Appendix A] on December 31, 2018 Bick immediately had a recorded judgement against him. Bick had to provide a certified copy of the decree to lenders since the refinancing was an equity buyout

to remove Johnson's name from the house title. That judgement was not cleared, and Bick was unable to refinance the family home (the only asset Bick had of sufficient value) until the CSED issued a certified debt computation worksheet on September 21, 2020 [09/22/2020 Hearing Ex. D and 09/22/2020 TT, page 21] [09/22/2020 TT, page 38 through 45 and Respondents Ex A, B, C, D, E and F] [Diss. Dkt. 86].

Bick kept both Johnson and the district court appraised of his inability to secure refinancing starting March 8, 2019 at a meeting in chambers. And he again made the court and parties aware during a telephonic status conference in December 2019 and at a January 2020 status hearing held in Judge Souza's court with Bick, his counsel Linda Harris Esq., Andrew Betson Esq. via telephone representing CSED and Judge Souza. Johnson's counsel Mr. Waller failed to appear and after the hearing was held, Judge Souza vacated his order for the status hearing [CS Dkt. 10 and 11]. Bick also provided notification via court filing [Diss. Dkt. 98]. Bick diligently shopped for mortgages from multiple lenders but was unable to incur $600.00 appraisal expenses from each one before a mortgage application process could proceed to the point of revealing a judgement against him blocking refinancing [Diss. TT 09/22/2020 page 24 at 15].

Bick filed Petition for Judicial Review [CS Dkt. 1] August 30, 2019. Between that date and the courts issuance of Order Affirming Administrative Law

Judge Order On Remand [Appendix G] on September 14, 2020 (381 days that interest accrued to Bick because the original decree was defective and the CSED had not award Bick credits *infra*), Johnson's counsel Robert Waller wrote Judge Souza at least two letters and Bick wrote Judge Souza one letter asking to expedite a ruling with both parties offering any assistance they could to secure an order.

Obviously, Bick would have vehemently objected to Judge Souza's request for an additional 60 days to rule on Johnson's Rule 59 motion [Diss. TT 04/25/2019 page 90 at 8] had he known that approximately $1,451interest would accrue during that 60-day period. Regardless of whether the interest rate is statutory, or whether Bick sufficiently objected at the district court level, the end result that Bick should pay Johnson $11,676.59 in interest is wholly unfair and inequitable. Bick is only seeking from this Court what the district court should have afforded him in the first instance—an equitable division of marital property.

Indeed, this Court has recognized that "appellate courts have a duty to determine whether the parties before them have been denied substantial justice by the trial court, and when that has occurred we can, within our sound discretion, consider whether the trial court has deprived a litigant of a fair and impartial trial, even though no objection was made to the conduct during the trial." *Halldorson v. Halldorson*, 175 Mont. 170, 174, 573 P.2d 169, 172 (1977).

III. THE DISTRICT COURT ERRED ON ISSUES OF TAXATION.

Per the CSED's Response Brief, this issue was outside the scope and authority of the CSED and was not addressed. As such, only those arguments raised by Appellee Johnson are addressed below.

For the district court to have not abused its discretion and not acted arbitrarily in ordering the parties to file 2017 federal and state taxes married filing separately, the court needed accurate information. Attorneys for the parties held two discussion with Judge Souza [Diss. TT 10/01/2018 page 2 at 11] and were unable to come to an agreement. This was because Mr. Waller, prior to 2016 taxes being filed, had threated to turn Bick into the IRS and Montana Department of Revenue in a letter to Bick's attorney Jill LaRance if he proceeded in filing 2016 state and federal taxes as married filing single and claiming both minor children a dependents. Bick had every legal right to do so as the children lived with him in excess of the six month tax filing rules for 2016. Bick agreed to file married and jointly and split the 2016 tax refund equally with Johnson [CS Dkt. 101 State's Ex. 11 page 1 (2016 joint tax return)] subsidizing Johnson's inadequate 2016 withholding amount with his over withholding to minimizing overall tax liability.

At the district court's advice, the parties each prepared multiple 2017 tax scenarios for an October 1, 2018 hearing held to address tax issues [Diss. Dkt. 38 and 39]. Judge Souza based his ruling on inaccurate, if not false, information

presented by Johnson. Johnson presented to the court a married filing single senecio resulting in a refund of $4,405.00 [Appendix B, page 9] while Johnson's actual 2017 tax return [Diss. Dkt. 101 State's Ex. 17, page 3 (2017 Johnson tax return)] shows Johnson true refund was $5,757.00.

Judge Souza also stated that [Diss. 10/01/2018 TT, page 4] Bick's liability would likely be recouped via the equity buyout; but, as illustrated, it definitely was not. [Appendix A page 10]. It was impossible for the 2017 tax year ruling to be fair and equitable when it was based on false information supplied by Johnson. The actual refund Johnson received paled in comparison to the additional tax liability incurred by Bick.

The parties' children have many various interests, extra-curricular activities, and are otherwise regularly active [Diss. TT 04/30/2018 page 9]. Bick tried to minimize the already heavy impact on them being ripped from their home by allowing and encouraging them to continue participation in their respective activities. Bick would not agree to a traditional parenting plan of alternating weekends and summers specifically so the children could continue with their activities [Diss. 04/230/2018 pages 137 through 139]. The district court agreed:

> *"At the same time, a traditional structured parenting plan would not be in K.B.'s best interests as it could prevent her active participation in school activities."*

[Appendix A page 11 at 52.]

Had a traditional parenting plan with the children alternating weekends and spending summers with Bick been put in place, it would have made it impossible for the children to continue with their activities and exacerbated the already paramount amount of stress placed on them. This was substantiated by Judge Souza [Appendix B page 7 at 5] where he stated this case was unique and a traditional parenting plan as described above could not occur. However, had Bick done so he would have been in compliance with A.R.M 37.62.124 [Appendix A page 16 at 8.]. Putting the children first in this case should not have translated into Johnson claiming the dependent tax deduction each tax year from 2017 through 2021 (the youngest child graduated high school 2021) while Bick received no child deduction [Appendix A page 10 at 47.]. The district court unfairly and inequitably penalized him by not allowing an alternating child dependent for tax purposes.

This 2017 tax issue would not have arisen had Johnson's attorney Mr. Waller not canceled one trial (the district court canceled two other trials, all three canceled the afternoon prior to trial date) [Diss. Dkt. 20, 22, 25] and had Mr. Waller and Johnson not made themselves unavailable for trail the last three months of 2017 [Diss. TT 07/11/2018, pages 80 – 81].

This Court should rectify this inequitable situation by remanding and ordering the district court to revisit 2017 taxes and allow Bick to claim K.B. alternating years for tax purposes.

IV. THE DISTRICT COURT ERRED IN CREDITING CHILD SUPPORT PAYMENTS.

Prior to addressing the arguments raised in CSED Response Brief, it is relevant to note that Johnson did not open a case until March 15, 2019 as her attorney (after Bick had gone pro se and after Johnson filed a Rule 59 motion to amend) spent time browbeating Bick into believing he owed more than $20,000 in child support arrearages *supra*. Judge Souza was aware of this as he made it very clear he wanted his calendar cleared of this action and called for settlement talks. Mr. Waller copied him (via email) when he was proposing the ludicrous and fictitious settlement amount that would be a "*really good deal*" for Bick. Bick, on February 28, 2019 had his first closing canceled by his lender because no CSED case had yet been opened by Johnson [Diss. Dkt. 98].

Addressing the CSED Response Brief:

After Johnson finally opened a case with the CSED on March 15, 2019 the CSED issued Notice of Order Concerning Child Support (April 23, 2019) and failed to include the court ordered variance of $100.00 per month [Appendix A page 14 at 64.]. On May 14, 2019 CSED issued Amended Notice and Order Concerning Child Support. This order included Bick's court ordered variance but did not allow for *any* credits ordered by the district court. By doing so CSED did not comply with A.R.M. 37.62.142(2) which clearly reads when a court orders it, the CSED can allow credits for:

(2) Gifts, clothing, food, payment of expenses, etc., in lieu of dollars will not be allowed as a credit for payment of a child support obligation except by court or administrative order.

The original decree [Appendix A] and Order on Pending Motions [Appendix B] must be looked at cumulatively regarding child support credits and then the remand order [Appendix F] needs to be included as the case proceeded chronologically to appropriately credit Bick. It is unambiguous and clearly allowed under the above administrative rule yet the CSED refused to credit Bick as ordered. Had the CSED provided Bick credit as ordered by the district court and allowed under the administrative rule as it should have, the interest payment would have been moot.

For Bick to receive the ordered credits, he had no choice but to request a hearing before the administrative law judge, David Evans Esq. Bick provided copious amounts of documentation timely for this hearing [CS Dkt. 1 and Diss. Dkt. 101] and again Bick was rebuffed in receiving any credits awarded by the court and found to have a child support arrearage of $3,680.00 sans credits.

Bick had no choice but to seek clarification to the original decree child support credits and petition the district court for judicial review [CS Dkt. 1].

The district court took away credits previously provided to Bick and remanded to CSED and a second hearing was held before ALJ Robin Hall. The scope of the remand was specifically to address uninsured medical expenses. Here,

the CSED and ALJ Robin Hall errored by overruling Bick's objections to (1) Johnson submitting a dental billing statement with no proof of payment and (2) Johnson receiving credit for the uninsured portion of out-of-network medical expenses. Crediting Johnson for these expenses and overruling Bick's objections effectively inflated Johnson's payments thus reducing Bick's and hence eliminating additional credits to child support due Bick [CS Dkt. 24 page 6].

This was not fair as Bick is required by the court to provide health insurance for his children. It is unfair for Johnson to use out-of-network care for convenience when in-network options were and are readily available and then receive her 38 percent credit for these expenditures when Bick pays the insurance premiums. This causes Bick to pay more than his legally obligated fair share when the medical care could have easily been provided by an in-network provider. Additionally, dental coverage is provided by Bick as part of his healthcare coverage for the children. ALJ Robin Hall allowing a mere dental statement to be submitted and included in Johnson's meager summation of payment of uninsured medical expenses is not fair nor does it comply with § 40-5-601(4), MCA, which Bick is held to by the district court [Appendix E, page 7]. The district court errored by allowing the ALJ order to stand [Appendix G] without modifications which resulted in Bick not receiving the child support credit he should have.

Bick now addresses Johnson's Response Brief.

The district court specifically provided credit for cell phone bills paid in the original decree and Rule 59 order [Appendix A page 13 at 56 and Appendix B page 5 at 1]. Upon remand, the district court then made the determination that only cell phone bills paid from April 1, 2017 to July 11, 2018 would be credited to Bick against child support and that Johnson's cell phone and cell phone service would not be eligible for credit to Bick's child support even though the first two orders were clearly written to include *all* cell phone bills paid. The court also stated credits were for bills paid when evidence ended at the July 11, 2018 trial date. This implies the court could not see into the future yet at the same time the court had 20/20 vision regarding the monthly cell phone and car insurance premium Bick had been paying for Johnson's phone, phone service and car insurance for years during this action restrained from doing anything about it [Diss. Dkt. 1].

If Bick was ineligible to receive child support credits after the July 11, 2018 trial date, it is not fair that Bick had to continue paying Johnson's cell phone, cell phone service and car insurance till March 2019. Bick is particularly aggrieved by Johnson and her attorney's actions after the divorce was finalized December 31, 2018 when Johnson threatened legal action against Bick's insurance agent and impersonated Bick to create an online account at Verizon Wireless. The actions condoned by Mr. Waller prompted Bick's then counsel Jill LaRance to write a letter threatening criminal action against Johnson. Bick should have been credited

for Johnson's cell phone service, cell phone and car insurance he paid between July 11, 2018 and March 2019.

The district court specifically stated that overnight trips were vital to his [Bick's] children's best interests [Appendix B page 7]. The court also stated in [Appendix A page 13] that Bick would not receive credit for hotel stays to watch K.B. play soccer. Bick did in fact incur hotel expenses to watch K.B. play high school soccer but because of the clear language cited above, Bick did not submit any of those expenses for credit to either the July 2019 ALJ hearing before David Evans or in the petition for judicial review. The motel expenses that Bick did submit for credit were not to watch K.B. play soccer but rather for taking K.B. as the sole parent so she could participate in club soccer tournaments. There is a clear distinction, and these expenses were directly related to Bick supporting and enabling his daughter being able to attend tournament soccer play. This was clear both from the information submitted by Bick for the July 2019 CSED hearing before ALJ David Evans and was called out in Bick's petition for judicial review:

> *Obligor has also made 5 additional trips to take K.B. to soccer (did not go to watch but was the parent that took her and incurred all expenses -the Judge states that overnight trips are needed in Order on Motions.*

[CS Dkt. 1 page 3].

The motel expenses were direct child support and Bick should have credited for them and Bick should not have to pay for Johnson's phone and insurance. This Court accordingly should remand to the district court for resolution and credit.

V. THE DISTRICT COURT ERRED IN MAKING BICK PAY 100 PERCENT OF THE COSTS TO DIVIDE HIS RETIREMENT ACCOUNTS.

Per the CSED Response Brief, this issue was outside the scope and authority of the CSED and was not addressed. As such, only those arguments raised by Appellee Johnson are addressed below.

The district court should have considered the costs associated with the division of the marital property consisting of real estate and the costs associated with the division of retirement assets, but it did not do so when it signed the two Qualified Domestic Relation Orders. Such failure is not fair or equitable. Further, the court did not even know what Bick's retirement plans charged for the review of the domestic relations orders when it signed the QDRO's making Bick responsible for 100 percent of the expense [Appendix C page 18 and Appendix D page 19]. It is not equitable for Bick to bear the entirety of this expense and the district court should have inquired and included such consideration before reaching its decision.

Johnson Response Brief states that "Bick's Issue No. 5 had never been raised before it appeared in his appellate brief" and "[t]he first mention of this issue in this case occurred when it appeared in Bick's Brief. This Court can review

all the other various Orders listed in Bick's Appendix and will find no mention of this issue."

These statements are incorrect and mispresent the record. This issue was raised with the district court [Dkt. 94]. Ironically, the court, having made all earlier decisions regarding fairness and equitability of splitting the party's marital assets, suddenly decided Bick should provide input and chose to do nothing regarding the QDRO expenses [Appendix E, page 6].

Regardless, a party is not required to raise the precise issue before the district court so long the argument encompasses its overall theory. *Becker v. Rosebud Operating Servs.*, 2008 MT 285, ¶ 18, 345 Mont. 368, 191 P.3d 435 ("[w]hile some specific arguments Becker offers on appeal were not offered in the District Court, we cannot conclude [the] overall theory or claim has significantly changed"); *Whitehorn v. Whitehorn Farms, Inc.*, 2008 MT 361, ¶ 23, 346 Mont. 394, 195 P.3d 836 ("we conclude that Brian's appellate argument, while clearly a change in emphasis, is not an entirely new theory, and that excluding consideration of his arguments would be an unduly harsh application of the rule"); *Sleath v. West Mont Home Health Services*, 2000 MT 381, ¶ 35, 304 Mont. 1, 16 P.3d 1042 (party did "not raise an issue for the first time on appeal or raise a new theory of liability. It simply represent[ed] further legal support for [an] issue").

And, as already asserted, Bick should be afforded some leniency as a self-represented litigant. Accordingly, Bick's argument in this regard is proper for consideration on appeal and the Court should remand for modification.

CONCLUSION

As established by the above arguments and authorities, the district court did not divide equitably the parties' marital property and erred in making various child support, taxation, interest and retirement account determinations, which unfairly prejudiced Bick. Accordingly, he respectfully requests the Court to reverse in both causes, and either remand with instruction to the district court to correct its errors, or issue judgment in favor of Bick with the relief he requested above.

Respectfully submitted this 8th day of July 2021.

Thomas J Bick

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Opening Brief of Appellant to be mailed to:

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DATED: July 8, 2021 Thomas J Buck

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this 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 certificate of service and certificate of compliance.

Thomas J Bick 7/8/2021