

ORIGINAL

FILED

07/12/2021

FILED

Bowen Greenwood  
Clerk of the Supreme Court  
State of Montana

Case Number: DA 21-0150

JUL 12 2021

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

NO. DA 21-0150

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STATE OF MONTANA

Appellee

Vs

PAMELA JO POLEJEWSKI

Appellant

RULE 19 MRAP request for  
Sanction against representation  
Who uses the court forum for the  
purpose of harassing and character  
Assination of the opposing party

Leave of Court Request to refile  
Request for Sanction under MRAP 19(5)

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Pursuant to the Montana Rules of Appellant Procedure Rule 19 parties who submit pleadings for an improper purpose or contain frivolous arguments or arguments that have no evidentiary support are grounds for sanctions being imposed against the violating party. An assertion of a false statement soberly presented from a person in a position to know the truth or know differently should be abhorrent to the judicial process. Arguments that have no evidentiary support are used for the purpose of harassing, not in good faith, and is a form of verbal abuse.

Verbal abuse consists of

- 1.) name calling
- 2.) berating others
- 3.) condescending comments
- 4.) degrading
- 5.) manipulating
- 6.) blame
- 7.) accusatory

8.) withhold factual information

9.) isolate in this case from using the proper forum which is in the way  
Pleadings

In contrast ethical and professional conduct would consist of arguments made in

a.) good faith

b.) are truthful

c.) supported by law

d.) submitted for the appropriate purpose

I move this court to penalize the offending party or attorney for making baseless claims in a civil litigation. I find Attorney James Zadick filings in this court "bullying", unfairly exercising his power as an "attorney" to manipulate the Appellant and the Court for the purpose of exerting undue influence to see the Appellant in a bad light. This maneuver to use false claims and be accusatory of the Appellant is a means to intimidate in order to obtain an advantage in a civil action.

It is one facet to argue any procedural violations but it is another matter to address the issues in the manner presented to this Court by this Attorney.

In his Objection to My Motion for Reconsideration are "harassing, improper, and should be denied." (page 2 ) Further, Appellant should be prohibited from further engaging in serially unlawful filings with the Supreme Court according to Zadick. I believe this is an attempt to silence my right to use this Court as a proper forum to place all my arguments before it.

Previously I have filed a Stay of Judgement in the District Court and with the Montana Supreme Court while the judgement is being appealed. I have argued my animals are being ruthlessly murdered while in the midst of this custody battle so my argument to have a stay , protection and oversight is not without a constitutional basis.

This Senate Bill 320 has only recently been created by Legislatures on a hypothetical theory of law that in application is unworkable . Zadick is arguing that unequal protection under the law should have been identified and addressed in the five days the Court gave to appear and

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prepare for an Animal Welfare Hearing prepared by the State while my petition for an Animal Welfare Hearing was rendered moot without a Court Order. When does the time limit for constitutional arguments or arguments for reasonableness under the law become inappropriate and extinct?

The Appellant is finding the dismissal of my constitutional claims for one procedural argument after another is an attempt to silence me in the judicial system. I find the Judicial System dysfunction , incoherent and operates under Color of Law.

Ironically Zadick argues well she didn't argue when she should have but now it is too late so this is nothing short of playing "wacky mole" with a pro se litigant who didn't even receive any court orders notifying her of decisions made in her case that were rendered on November 20th, 2020. I also assert I had grounds to file a new set of issues based off erroneous district court rulings from May 26th, 2020 which I did in December, 2020. This was based on discovery that came to light in November, 2020 that the animals were not surviving in State custody.

Therefore, to assert this is a straightforward case where all facts pertinent to the case are immediately known is a fallacy.

This court also previously appointed a court ordered Appellant Attorney so a request for another one in this case scenario is not improper. This further the arguments why is the Legislature creating civil forfeiture processes a non represented litigant cannot fight against in the Judicial System. My briefs are for the purpose of educating grass roots constitutional conservatives to the dilemma the citizens of Montana are facing with Senate Bill 320.

The Motions for Reconsideration before this Court are regarding a Stay of Judgement and for an Appellant Attorney both previously granted by this Court.

Appellant demonstrated that my constitutional arguments keep getting dismissed by the Courts as not being argued in the District Courts but how can I argue constitutional arguments

when , when I do raise them in the District Court they are dismissed as "moot." Insanity.

I already argued a Motion never ruled on in the district Court is a case dismissed without prejudice and it would be improper for this Court to paint a broad brush and say they upheld a district Court Order because I never raised the constitutional arguments in District Court but I demonstrate I did and it was never ruled on. Zadick also accuses "Polejewski previously appealed from the June 5th, 2020, Order and decided to oppose that order on appeal by improperly raising constitutional arguments that were not presented to the district court. P 4 I have every right to raise constitutional arguments in any Court , that keep getting dismissed as not being raised without being belittled for my attempts as a pro se litigant. I disagree that my pro se litigant attempts should be dismissed as improper, unimportant and unprovided for. How can I as a pro se litigant petition for a rehearing from an Order I was never notified as being rendered in November 20th, 2020. Does this Court think for a minute I would not have petitioned for a rehearing when an attorney is arguing my filings are serial and excessive.

Mr. Zadick falsely accused Appellant "failure to order relevant hearing transcripts" as I have made arrangements with Anne Perron about transcripts starting back in April, 2021. I cannot control her being out of her office until June, 2021. Page 7 "Polejewski claimed, but failed, to order (transcripts)" is blatantly false for the purpose of discrediting Appellant.

Montana title 25 civil Procedure Address findings and conclusions by the Court, Judgement on partial findings Rule 59 (g) Rule 52 (a) Rule 56 Rule 12 Procedurally correct the Appellant and argue errors without accusations and belittling format.

What would be the purpose of Zadick bringing up a slander and defamation civil lawsuit lodge in 2011 as being relevant in this case's pleadings ? page 8 Zdick then goes on to state "In a 2011 decision stemming from Polejewski's LONG -RUNNING MISTREATMENT OF ANIMALS

AND THE LEGAL PROCESS" is where I take issue the most and move the Court to penalize this attorney for making this baseless claim that is not supported by fact or evidence. I have only received one count of a nolo contendere plea that I immediately appealed as being made under misrepresentation and duress. There is no evidentiary support for making a baseless claim but it is an attempt at character assassination in order to influence the court to rule against the

Appellant. See Polejewski vs. Metzger 2011 MT

Zadick continues his unfounded accusations that "Polejewski continues to abuse the legal process here by filing serial, improper motions, and this is despite clear direction from the Supreme Court regarding the impropriety of these motions." " Polejewski should be prospectively confined to seeking appellate relief, if at all" " Polejewski should not be permitted to file serial "motions for reconsideration" that intermix issues considered and determined by this Court's November 10, 2020, Opinion. The Opinion of November 20th, 2020 was never sent to me and it never addressed the constitutional issues I raised but were never ruled on under My Motion for an Animal Welfare Hearing.

Zadickd continues with his endless brow beating " Polejewski has repeatedly failed to do this, despite considerable leeway from the district courts and Supreme Court. What leeway when the Courts repeatedly dismiss my constitutional claims as moot and erroneously state they were not initially made at the district court level?

Zadick continues with his character assassinations "Polejewski has routinely flouted Montana's procedural rules, before district courts and the Supreme Court, IN A DECADES-LONG LEGAL BATTLES REGARDING POLEJEWSKI'S SERIAL MISTREATMENT OF ANIMALS." This is false, defamation of character and libel by an attorney soberly presented from a position of authority that would know that it is not supported by any evidence. Cascade

County Officials and their representatives have continually supplemented the record with these defamatory statements in the hope that if they say it enough it will be regarded as fact. The same defamatory comments made by Metzger that led to the civil action taken against her. Then the Courts and opposing attorneys argue pro se litigants abuse procedural rules and should not be allowed the judicial process to correct the records and defend themselves against false allegations in a court of law operating under COLOR OF LAW.

According to Zadick "Polejewski should be prohibited from further improper filings, improper in his view only."

The Courts have never ruled in my favor except for the Stay of Judgment Order rendered June 11th, 2020. I have no doubt the Court will go along with this character assassination by this unethical and unprofessional attorney because "justice" is "just us" implying the elitist status quo who want to assert their tyrannical authoritarian processes and statutes on the common citizen and make fun of "their meager attempts to improperly argue" in their attempts to clear their good name.

Wearing a suit does not cover up this behavior that is an attempt to have thug like qualities to bully and demean a pro se litigant. All under the disguise of "giving Polejewski too much leeway that would prejudice his client." Montana Legislature keep creating laws that condone this unlimited govt. Power by creating laws that do not give the citizens of Montana

Constitutional protections allowed under criminal statutes. Quote from Theodore Rossevelt "an educated man in mind without ethics is to educate a menace to society.

The Court in all good conscience should Order to strike all character assassination claims by the opposing party's attorney that are not substantiated by supporting evidence but according to slander, allegations and opinions only.

Dated July 7th, 2021

  
Submitted by Pamela Jo Polejewski pro se litigant

CERTIFICATE OF SERVICE

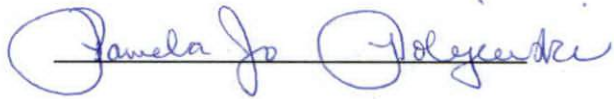
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I certify that on July 8th, 2021 , a true and accurate copy of this foregoing LEAVE OF COURT  
TO REFILE REQUEST FOR SANCTION UNDER MRAP 19 was served to the following;

Montana Supreme Court  
215 North Sanders  
PO Box 203003  
Helena, MT 59620-3003

James Zadick Attorney for Cascade County  
2 Railroad Square Suite B  
Great Falls, MT 59401

Montana Attorney General Office  
215 North Sanders Third Floor  
PO Box 201401  
Helena, MT 59620-1401

A handwritten signature in blue ink, reading "Pamela Jo Doleganski", is written over a horizontal line.