

ORIGINAL

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11/12/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 21-0343

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FILED

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. DA 21-0343

Ian Elliot,

Appellant

v.

**APPELLANT'S OBJECTION
TO APPELLEE'S MOTION
FOR A 30 DAY EXTESION**

Joseph Womack and Cindy Elliot,

Appellees.

Appellant Ian Elliot (Ian) respectfully submits his objection to Appellee Joseph Womack's motion for a 30 day extension to file his answer brief, but will not object to a 10 day extension.

REASON FOR OBJECTION OF 30 DAYS

Ian understands that it's this Court's discretion to give the extension and Ian could have given his opponent full courtesy and not object Womack's request. However, Ian feels the need to let this Court know that Womack has not treated Ian with courtesy despite Womack's not objecting to Ian's extension request this time.

When Womack asked Ian whether Ian would object to his motion for an

extension of 30 days, he did not give any reason why he needed a 30 day extension.

Ian agreed a 10 day extension as the courtesy. Now, Womack has listed 3 reasons.

1. The first reason Womack stated is that he did not object to Ian's request for extension and that this is Womack's first request for extension.

Ian feels the need to put into record that except for Ian's appeal brief extension when Ian informed Womack that Ian had a health issue, Womack has almost never agreed to give Ian courtesy when Ian asked for an extension. This includes the partnership meeting Womack and Cindy Elliot's counsel Joseph Soueidi planned for 6/20/2019, to appoint Womack as Starfire's Liquidating Partner. Ian declined to attend. Womack then pressed Ian to attend the meeting despite Ian's asking for additional time to consult and retain an attorney right after Womack took Ian's counsel David A. Duke. The meeting date was extended to 7/8/2019 because there was a national holiday on 7/4/2019 and Cindy had a problem with travel to Billings prior to 7/4/2019 as well.

The District Court record also indicates that every time when Ian asked for extension, Womack attacked Ian for delaying the case, though he and Cindy had delayed his accounting for more than a year.

During the time Ian informed Womack of Ian's appeal, Womack has given Ian no courtesy in the first 30 days. Every few days, Womack would send Ian notices, including his warning notice that Ian shall not intervene with any of his actions or

Ian would face severe punishment for contempt of the Court. This also includes Womack's selling one house after another, and even the selling of Ian's late Uncle and Grandma's personal properties. Womack also pressed for the mediation to happen during Ian's brief preparation time so that Ian would be pressured to arrange a flight back to Billings and attend the mediation instead of concentrating on preparing his appeal brief. The resulting tension and pressure contributed to Ian's having high blood pressure for more than 2 weeks while Ian tried to navigate how to deal with the situation Womack created.

In addition, Womack's other counsel started to file multiple motions in the case DV 21-811 while Ian was preparing the appeal brief. When Ian asked Womack's other counsel to give Ian an extension to respond to Womack's motions after the 10/25/21 appeal brief deadline, Womack had his other counsel reject Ian's request with a rude and insulting comment and manner. Ian had to work overnight without sleep to meet the deadline for Womack's other motion the day before Ian filed his appeal brief.

Therefore, Ian believes he has given sufficient courtesy to Womack by suggesting a 10 day extension considering how Womack has treated Ian.

2. Womack's 2nd reason is that his counsel had to travel for other cases. Womack currently has at least two law firms and several counsels. Womack himself is also an attorney. There is no reason three law firms together could not file a timely

answer brief, since they already knew all of Ian's arguments several months prior to Ian's appeal brief and none of the facts are new to them either. They are experienced attorneys and they have had adequate time and could have scheduled their brief preparation not to be in conflict with their other cases.

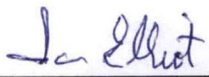
3. Womack's 3rd reason is that he needs time to review the records. This is not a good faith excuse. Womack has been involved with this case for more than 2 years and he is aware of the facts and records. Womack stated to the District Court that he was familiar with the case so he should not be removed.

Womack and his counsel drafted District Court's 19 pages conclusion of law and fact-findings order with lengthy details. In the 4/22/21 District Court hearing, Womack answered his Counsel's approximate 181 fact-finding questions under oath. As Womack has stated in his objection to Ian's motion to stay the selling of Starfire's \$1.5 million properties to pay Womack's "expenses", Ian had almost no chance to prevail in the appeal because the District Court would be given great deference in its fact-findings for the appeal. Therefore, there is no reason now for Womack and his counsels' needing additional time to review the records since they could have done this prior to inserting their version of fact-findings into the District Court order they drafted.

DECLARATION

I declare under penalty of perjury that the information I set forth herein is true and correct to the best of my knowledge.

DATED: 11/8/2021



Ian Elliot, Appellant in Pro Se

CERTIFICATE OF COMPLIANCE

I certify that this document comply with Rule 16(3) of the Montana Rules of Appellate Procedure, the word count by WPS Write is 921 which does not exceed 1,250 words, excluding certificate of service, and certificate of compliance.

DATED: 10/8/2021



Ian Elliot, Appellant in Pro Se

AFFIDAVIT OF SERVICE

I certify that on the 8th day of November, 2021, I served a true copy of this document, via Email or USPS First Class Mail, addressed to:

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Ian Elliot, Appellant in Pro Se