

ORIGINAL

DA 21-0559

FILED

DEC 10 2021

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

FILED

12/10/2021

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 21-0559

Brief; Revised

On the issue for review of Sergio Valdez Salas Pro SE V. Arby's, Renee Vialpando Pro Se under abuse of discretion.

As an employee, I went to work and did not violate Carisch personal work conduct code as a statement of the case.

Statement of the facts are as documents attached as exhibits A through G. For page numbers you can reference to the index page, table of authorities.

Standard of review under abuse of discretion given the circumstances.

As a summary of the argument I, Sergio Valdez Salas had already appeared in district court which I was told that I did not have to reply to the matter[s].

The argument of being insubordinate for not throwing out the trash is not true, the trash was thrown out. Giving a debunked argument of being fired under insubordination because I had supposedly not thrown out the trash which was false.

In reference to; Hoyt V. Target Stores: Retaliation. "Susan Hoyt worked for Target in Colorado for more than 13 years in a clerical capacity. During her employment, she received excellent performance reviews until a new supervisor begin downgrading her. The dispute leading to the lawsuit arose from a claim for travel time that the supervisor denied Hoyt, allegedly violating store policies. She then filed a claim under the Colorado Wage Claim Act after the store fired her, alleging that she had falsified her timecards to include the denied travel time. A

Joint Appendix ;(a) In reference to Fed. P. Rule 11(4). Hogt V. Target Stores: Retaliation. Section 8-4-117, C.R.S 1998

jury agreed with Hoyt that her employer had directed her to perform an illegal act, awarding her \$ 200,000 in compensatory damages and \$35,000 in punitive damages for the wrongful discharge in violation of public policy.”(a)

I stand my statement as pursuant to M.R. App. 12(1)(a), M.R. App. P. 12 (1)(c), M.R. App. P. 12(1)(d), M.R. App. P. 12(1)(e), M.R. App P. (1)(f), M.R. App. P. 12(1), M.R. App. P.(1)(b)-(h), the request of additional App. P. 12(1)(d), M.R. App. P. 12(1)(a), and 12(1)(i) is not required. In compliance I have included such in revised brief. I have complied with M.R. App.P. 10(4). M.R. App. P. 13. In conclusion, my statement of the alleged violations of Carisch personal work conduct code are false. I order in forma pauperis the court to uphold the default pursuant to Mont. R. Civ. P. Rule 55(a), Mont. R. Civ. P. Rule 60(b). In violation of public policy pursuant to Mont. Code. Ann. § 25.10.711. Pursuant to Mont. Code Ann. 50-1-103(1)(2). The defendant needs to pay \$73,000 dollars of relief in monetarily damages to Sergio Valdez Salas in a form of a check mailed to P.O Box 22722, Billings Montana 59104-2722.

M.R. App. P. 12(1)(b) In compliance with, however here is a section for review if presented;

Joint Appendix ;(a) In reference to Fed. P. Rule 11(4). Hogt V. Target Stores: Retaliation. Section 8-4-117, C.R.S 1998

ORIGINAL

Form 11(6)(b)

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 21-0559  
[to be assigned by Clerk of Supreme Court]

Sergio Valdez Salas,

Pro SE /Appellant,

[Designation of Party in District Court]

v.

Arby's; Renee Uialpando,

Pro SE /Appellee.

[Designation of Party in District Court]

FILED

NOV 12 2021

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

APPELLANT'S BRIEF

[or name of document being filed]

Re - FILED

NOV 23 2021

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

On appeal from the Montana 13<sup>th</sup> Judicial District Court,  
County of Yellowstone,

Cause No. DV 21-0595, [District Court Cause No.]

Honorable Gregory R. Todd Presiding [District Court Judge's name]

Appearances:

Sergio Valdez Salas

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Attorney for Appellees

Supreme Court of Montana

Case Number on appeal:

Appellant's Brief Cover Sheet

Complaint

Arby's

Sergio Valdez Salas; Plaintiff Pro SE

V.

Renee Vialpando; Defendant Pro SE

Montana 13<sup>th</sup> Judicial District Court

Judge Gregory R Todd

Appearances;

Sergio Valdez Salas

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### Instructions;

Please write in the case number by the supreme court in brief under [to be assigned by Clerk of Supreme Court] and "Case number on appeal on cover page under Case Number on appeal:"

## Table of Authorities

### Cases

Hoyt V. Target Stores; Section 8-4-117, C.R.S.1998.

### Statutes;

Mont. Code. Ann. § 25.10.711

Mont. Code. Ann § 50-1-103(1)(2)

### Regulation/ Rules

Mont. R. Civ. P. Rule 55(a)

Mont. R. Civ. P. Rule 60(b)

Other rules and regulations listed on Brief checklist on page 5

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H;	Z;
I; Index not numbered, Instructions not numbered	

Supreme Court of Montana

Case Number on appeal:

Appellant's Brief Cover Sheet

Complaint

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Sergio Valdez Salas; Plaintiff Pro SE

V.

Renee Vialpando; Defendant Pro SE

Montana 13<sup>th</sup> Judicial District Court

Judge Gregory R Todd

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IN THE SUPREME COURT OF THE STATE OF MONTANA <sup>1</sup>Case No. \_\_\_\_\_  
[to be assigned by Clerk of Supreme Court]Sergio Valder Salas,Pro SE /Appellant,

[Designation of Party in District Court]

v.

APPELLANT'S BRIEF.  
[or name of document being filed]Arby's, Renee Vialpando,Pro SE /Appellee.

[Designation of Party in District Court]

On appeal from the Montana 13<sup>th</sup> Judicial District Court,  
County of Yellowstone,Cause No. DV 21-0595, [District Court Cause No.]Honorable Gregory R. Todd Presiding [District Court Judge's name]

## Appearances:

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Attorney for Appellees

Brief;

On the issue of Sergio Valdez Salas V. Arby's, Renee Vialpando Pro Se. As an employee, I went to work and did not violate Carisch personal work conduct code. Documents attached as exhibits A through G. For page numbers you can reference to the index page, table of authorities.

In reference to; Hoyt V. Target Stores: Retaliation. "Susan Hoyt worked for Target in Colorado for more than 13 years in a clerical capacity. During her employment, she received excellent performance reviews until a new supervisor begin downgrading her. The dispute leading to the lawsuit arose from a claim for travel time that the supervisor denied Hoyt, allegedly violating store policies. She then filed a claim under the Colorado Wage Claim Act after the store fired her, alleging that she had falsified her timecards to include the denied travel time. A jury agreed with Hoyt that her employer had directed her to perform an illegal act, awarding her \$ 200,000 in compensatory damages and \$35,000 in punitive damages for the wrongful discharge in violation of public policy."(a)

Overall, in conclusion the alleged violations of Carisch personal work conduct code are false. I order the court to uphold the default pursuant to Mont. R. Civ. P. Rule 55(a), Mont. R. Civ. P. Rule 60(b). In violation of public policy pursuant to Mont. Code. Ann. § 25.10.711. Pursuant to Mont. Code Ann. 50-1-103(1)(2). The defendant needs to pay \$73,000 dollars in monetarily damages to Sergio Valdez Salas in a form of a check mailed to P.O Box 22722, Billings Montana 59104-2722.

Joint Appendix; (a) In reference to Fed. P. Rule 11(4). Hoyt V. Target Stores: Retaliation. Section 8-4-117, C.R.S 1998

**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing brief is proportionally spaced typeface of 14 points and does not exceed 10,000 words.

Sergio V. Vardas Selas  
[Signature]



**CERTIFICATE OF SERVICE**

I certify that I filed this

☐ Petition

☐ Motion

☒ Other Appellant's Brief, supporting documents  
[Name of document]

with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

Arby's  
[Name of opposing counsel]

1507 Main St Billings 59105  
[Address]

Counsel for Renee Ucalpando

\_\_\_\_\_  
[Other party representing himself or herself]

1507 Main St Billings 59105  
[Address]

DATED this 10 day of November, 2021.

Sergio Valdez Salas  
[Signature]

Sergio Valdez Salas  
[Print name]





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