

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 21-0229

PETER C. GRIGG,)
Appellant,)
v.)
BEAVERHEAD EMS,)
Appellee.)

**OBJECTION TO
APPELLANT’S PETITION
FOR REHEARING**

On Appeal from the Montana Fifth Judicial District Court, Beaverhead County
Cause No. DV-21-14372
Honorable Jennifer Lint

APPEARANCES:

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Pro Se Appellant

OBJECTION TO APPELLANT'S PETITION FOR REHEARING

This Brief opposes Mr. Grigg's petition for rehearing. Mr. Grigg has provided no grounds upon which he would be entitled to a rehearing. He merely asserts that the Supreme Court erred in its Order affirming the decision of the District Court in dismissing for failure to respond.

ARGUMENT

I. The Court should deny Mr. Grigg's Petition for Rehearing as Mr. Grigg does not argue the existence of circumstances allowing for rehearing.

Montana Rule of Appellate Procedure 20(1)(a) provides as follows:

(a) the Supreme Court will consider a petition for rehearing presented only

upon the following grounds:

- (i) That it overlooked some fact material to the decision;
- (ii) That it overlooked some question presented by counsel that would have proven decisive to the case; or
- (iii) That its decision conflicts with a statute or controlling decision not addressed by the Supreme Court.

The Montana Supreme Court, in its March 8, 2022 Order, affirmed the District Court's dismissal, Judge Lint presiding, of Mr. Grigg's complaint against Beaverhead EMS, finding Mr. Grigg's arguments on appeal to be unclear and that the District Court properly decided Beaverhead EMS's Motion to Dismiss. In addition, in lieu of determining Mr. Grigg to be a vexatious litigant pursuant to

Montana Rule of Appellate Procedure 19(5), the Supreme Court awarded Beaverhead EMS its attorneys fees on appeal.

Mr. Grigg's Petition is asking the Supreme Court for a rehearing of its Order affirming the Fifth Judicial District Court's ruling dismissing the case for failure to state a claim on motion of Beaverhead EMS. The grounds for rehearing are strict. "Absent clearly demonstrated exceptional circumstances, the Court will not grant a petition for rehearing of its orders disposing of motions or petitions for extraordinary writs." Mont. R. App. Proc. 20(1)(d).

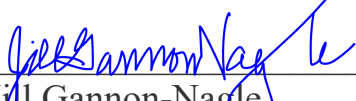
Mr. Grigg makes no mention of the specific Rule 20 standard he believes entitles him to a rehearing. Mr. Grigg clearly just disagrees with the Supreme Court's Order, while continuing to make indecipherable and circuitous arguments, unsupported by fact. "A petition for rehearing is not a forum in which to rehash arguments made in the briefs and considered by the Court." *State ex rel. Bullock v. Philip Morris, Inc.*, 2009 MT 261, ¶ 43, 352 Mont. 30, 217 P.3d 475. As Mr. Grigg provides no basis for a rehearing, and for the reasons cited in the Court's March 8, 2022 Opinion, Mr. Grigg's Petition for Rehearing should be denied.

CONCLUSION

Beaverhead EMS respectfully requests the Court deny Mr. Grigg's Petition for Rehearing.

RESPECTFULLY SUBMITTED this 30th day of March, 2022.

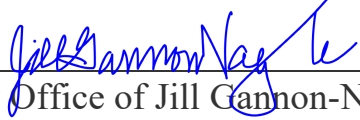
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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 20(3) of the Montana Rules of Appellate Procedure, I hereby certify that the foregoing *Objection to Appellee's Petition for Rehearing* brief is proportionally spaced typeface of Times New Roman 14 point font, is double spaced, is six (6) pages long with Certificates, and contains 662 words.

RESPECTFULLY SUBMITTED this 30th day of March, 2022.




Law Office of Jill Cannon-Nagle
Attorney for Beaverhead EMS

CERTIFICATE OF SERVICE

I hereby certify that I served true and accurate copies of the foregoing Appellee's Response Brief by depositing said copies into the U.S. mail, postage prepaid, or via electronic service, addressed to the following:

Peter C. Grigg
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DATED this 30th day of March, 2022.



CERTIFICATE OF SERVICE

I, Jill Gannon-Nagle, hereby certify that I have served true and accurate copies of the foregoing Notice - Other to the following on 03-30-2022:

Peter Grigg (Appellant)
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Service Method: Conventional

Electronically Signed By: Jill Gannon-Nagle
Dated: 03-30-2022