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FILED

08/02/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 22-0153

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 22-0153

FILED

AUG 02 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN RE THE MARRIAGE OF

NIKKI FAYE WAITE,

Petitioner and Appellant,
and

ORDER

BRYCE ELLIS WAITE,

Respondent and Appellee.

Through counsel, Appellee Bryce Ellis Waite (Bryce) has filed a Motion to Dismiss Appeal. Self-represented Appellant Nikki Faye Waite (Nikki) has not filed a response.

Bryce argues Nikki's instant appeal is barred by the doctrines of res judicata and collateral estoppel because this Court has decided this same issue previously—Bryce's maintenance obligation—and affirmed the judgment. *See Marriage of Waite*, No. DA 21-0103, 2021 MT 272N, ¶ 14, 2021 Mont. LEXIS 835 (*Waite I*). However, Bryce explains that Nikki filed a pleading, titled "PETITION TO ORDER \$50,000.00 ARREARS Request to remove fraud/reinstate Permanent Support Order due to no written Judges' false law and CSSD Record must be removed," with the District Court. (Emphasis in original.) Bryce argues this motion adjudicates the same issue between the parties as earlier resolved, and explains the District Court issued an Order denying Nikki's pleading and declaring her a vexatious litigant. He concludes that dismissal is appropriate because the current appeal involves the same parties in the same action that was determined by this Court in *Waite I*. *Baltrusch v. Baltrusch*, 2006 MT 51, ¶ 16, 331 Mont. 281, 130 P.3d 1267. Bryce further moves this Court to extend the District Court's pre-filing Order to all courts in Montana.

Upon review, we conclude that Bryce's motion is well taken. We, however, decline to extend the District Court's pre-filing Order to all courts in Montana based upon the record before us here. Therefore,

IT IS ORDERED that Bryce's Motion to Dismiss Appeal is GRANTED and this appeal is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Bryce's Motion to Extend Pre-Filing Order is DENIED.

The Clerk is directed to provide a copy of this Order to counsel of record and to Nikki Faye Waite personally.

DATED this 2nd day of August, 2022.



Chief Justice









Justices