

Tiffany B. Lonnevik
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Appellate Mediator

IN THE SUPREME COURT OF THE STATE OF MONTANA
DA-22-0332

.....

In re the Marriage of

ATHENA ROSE HAYES FAUSKE,

Petitioner,

and

MEDIATOR'S REPORT

SHAWN STEVEN FAUSKE,

Respondent.

.....

TAMMY S. SPRING,

Plaintiff-Appellant,

v.

ATHENA ROSE FAUSKE,

Defendant-Appellee.

.....

COMES NOW the undersigned Court-appointed appellate mediator and notifies the Court that the appellate mediation herein set for September 27, 2022, was canceled due to the failure of Appellant to submit a Statement of Position or make any contact whatsoever with this Mediator despite multiple requests that she do so as reflected in the attached e-mail string. This Mediator did exchange communications with counsel for the two other parties.

DATED this 14th day of September, 2022.

LONNEVIK LAW FIRM, P.C.

By: *Tiffany B. Lonnevik*
Tiffany B. Lonnevik
Appellate Mediator

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served upon the following in the manner indicated below on this 14th day of September, 2022.

- U.S. Mail
- Federal Express
- Hand Delivery
- Facsimile Transmission
- Electronic Transmission

wTammy S. Spring
P.O. Box 565
Plains, MT 59859
Nanamt63@gmail.com
Appellant Pro Se

Katherine Maxwell
MAXWELL LAW, PLLC
226 3RD Ave East
Kalispell, MT 59901-4532
info@maxwelllawpllc.com
Attorney for Appellee

Lindsay Abernethy
Attorney at Law
343 3rd Avenue East
Kalispell, MT 59901
Lca84@hotmail.com
Attorney for Respondent

Dale Schowengerdt
John M. Semmens
Dimitrois Tsolakidis
CROWLEY FLECK PLLP
P.O. Box 797
Helena, MT 59624
dschowengerdt@crowleyfleck.com
jsemmens@crowleyfleck.com
dtsolakidis@crowleyfleck.com
Attorneys for Appellee

LONNEVIK LAW FIRM, P.C.

By: *Tiffany B. Lonnevik*
Tiffany B. Lonnevik

From: [Tiffany Lonnevik](#)
To: [John M. Semmens](#)
Cc: [Dimitrios Tsolakidis](#); [lca84@hotmail.com](#); [Maxwell Law, PLLC](#); [Nanamt63@gmail.com](#); [Dale Schowengerdt](#); [LLF Team](#)
Subject: Re: DA 22-0332- In Re the Marriage of Athena Rose Hayes Fauske
Date: Tuesday, September 13, 2022 1:23:23 PM
Attachments: [image001.png](#)
[image001.png](#)
[image001.png](#)
[image001.png](#)

Confirmed on both counts. I will send something to the Sup Ct accordingly.

Sent from Tiffany's iPhone while mobile so please excuse typos and shorthand.

On Sep 13, 2022, at 12:17 PM, John M. Semmens <jsemmens@crowleyfleck.com> wrote:

Hi Tiffany,

Thank you for your email. We did not receive Ms. Spring's mediation statement of position by yesterday's 5pm deadline. Would you please confirm that: (i) you did not receive the statement of position either; and (ii) the mediation scheduled for September 27 is officially cancelled?

On behalf of Athena, we want to thank you for your efforts to try and facilitate the mediation process required by the Montana Rules of Appellate Procedure.

Best regards,

John

JOHN M. SEMMENS

900 North Last Chance Gulch, Suite 200
Helena, MT 59601
Main: 406.449.4165 | Fax: 406.449.5149
Direct: 406.457.2015



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From: Tiffany Lonnevik <tiffany@lonneviklaw.com>

Sent: Sunday, September 4, 2022 5:25 PM

To: Dimitrios Tsolakidis <dtsolakidis@crowleyfleck.com>; lca84@hotmail.com; Maxwell Law, PLLC <info@maxwelllawpllc.com>; nanamt63@gmail.com

Cc: Dale Schowengerdt <DSchowengerdt@crowleyfleck.com>; John M. Semmens <jsemmens@crowleyfleck.com>; LLF Team <LLFTeam@lonneviklaw.com>

Subject: RE: DA 22-0332- In Re the Marriage of Athena Rose Hayes Fauske

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Everyone:

I have not heard back from either Tammy or Ms. Abernethy (on behalf of Shawn Faulkse) as to their availability for mandatory appellate mediation (or at all, actually). Nor have I received Tammy's Statement of Position.

I will set aside 9/27/22 starting at 9:30am for the appellate mediation since Athena's counsel has confirmed their and their client's availability that day.

Considering Athena gets 7 days to respond to Tammy's Statement of Position, if I have not received Tammy's Statement by 5pm MST on Mon, 9/12/22, I will cancel the mediation and notify the Supreme Court of the circumstances of my withdrawing as appellate mediator.

Happy Labor Day,

Tiffany B. Lonnevik, Esq.



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Kalispell, MT 59903

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Thank you. Lonnevik Law Firm, PC

From: Dimitrios Tsolakidis <dtsolakidis@crowleyfleck.com>
Sent: Thursday, September 1, 2022 1:50 PM
To: Tiffany Lonnevik <tiffany@lonneviklaw.com>; lca84@hotmail.com; Maxwell Law, PLLC <info@maxwelllawpllc.com>; nanamt63@gmail.com
Cc: Dale Schowengerdt <DSchowengerdt@crowleyfleck.com>; John M. Semmens <jsemmens@crowleyfleck.com>; LLF Team <LLFTeam@lonneviklaw.com>
Subject: RE: DA 22-0332- In Re the Marriage of Athena Rose Hayes Fauske

Hi Tiffany,

Thank you for the email. We look forward to working with you on this matter. Crowley Fleck is representing Athena on appeal.

Athena is happy to participate in the process required by Rule 7. Because Athena is the appellee, she does need to receive Ms. Spring's opening statement of position before we can draft Athena's responsive mediation position statement or engage in a mediation conference.

Ms. Spring's original deadline to submit that statement was August 3rd. As a courtesy, Athena did not oppose Ms. Spring's request for an extension to that deadline. Per the Montana Supreme Court order you attached and dated August 3rd, "Ms. Spring's Statement of Position [was] now due on or before August 24, 2022." As you noted in your email dated August 31, Ms. Spring still has not served her statement of position on the mediator or the parties, as required by Rule 7(5)(d) and the order.

We have blocked out September 23rd and 27th on our calendars as potential mediation dates. Those dates work for us as of now. We do not want to waste your time (or Athena's limited resources) by setting a mediation conference on this procedural record, however. Ms. Spring first needs to comply with Rule 7 and submit her position statement. Per Rule 7(5)(d), Athena would then have "7 days to submit a responsive statement of position." It is frankly unclear whether the parties (or you as the mediator) will be able to complete appellate mediation by September 28 given this background, but Athena will continue to engage in this process in good faith. And Athena reserves her right to seek relief pursuant to Rule 7(8) if necessary.

Please let us know if you have any questions or concerns.

Have a great weekend,

Dimitrios

DIMITRIOS TSOLAKIDIS

Associate

900 North Last Chance Gulch, Suite 200

Helena, MT 59601

Main: 406.449.4165

Direct: 406.457.2029



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From: Tiffany Lonnevik <tiffany@lonneviklaw.com>

Sent: Wednesday, August 31, 2022 3:32 PM

To: lca84@hotmail.com; Maxwell Law, PLLC <info@maxwelllawpllc.com>; nanamt63@gmail.com

Cc: Dimitrios Tsolakidis <dtsolakidis@crowleyfleck.com>; Dale Schowengerdt <DSchowengerdt@crowleyfleck.com>; John M. Semmens <jsemmens@crowleyfleck.com>; LLF Team <LLFTeam@lonneviklaw.com>

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Counsel & Ms. Spring:

I'm having a hell of a time figuring out who's on first here w/all the moving parts and substitutions, so am seeking clarification:

- ATHENA FAUSKE was represented by Katherine Maxwell but is now represented by 3 attys at Crowley Fleck?
- SHAWN FAUSKE is represented by Lindsay Abernethy?

TAMMY SPRING was represented by Buckwalter, then Tom Hollo, and is now pro se?

Once I get confirmation I will have my paralegal reach out to schedule a date for appellate mediation, the deadline for which is stated in the attached Order as being 9/28/22. Obviously there's no chance of setting this before Labor Day on 9/5/22; then I am out of town 9/8-9/14. It is looking like my only possible available dates (as of now) are Sept 20, 23, 26, 27 or 28 (with my preference being the 23rd or 27th).

However, I have not received anything (by way of a Statement of Position which was due 8/24/22 or otherwise) from Ms. Spring; does that impact how we proceed as far as opposing counsel is concerned?

Thank you,

Tiffany B. Lonnevik, Esq.



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Thank you. Lonnevik Law Firm, PC

From: Renee' Franks <rfranks@crowleyfleck.com>

Sent: Wednesday, August 31, 2022 2:20 PM

To: Tiffany Lonnevik <tiffany@lonneviklaw.com>; nanamt63@gmail.com

Cc: Dimitrios Tsolakidis <dtsolakidis@crowleyfleck.com>; Dale Schowengerdt <DSchowengerdt@crowleyfleck.com>; John M. Semmens <jsemmens@crowleyfleck.com>

Subject: DA 22-0332- In Re the Marriage of Athena Rose Hayes Fauske

Hello,

Attached to this email is our Notice of Appearance in the above referenced matter. A courtesy copy has been placed in the mail for your convenience.

RENEE' FRANKS

Administrative Assistant

900 North Last Chance Gulch, Suite 200

Helena, MT 59601

Main: 406.449.4165

Direct: 406.457.2011

Assistant to: Kiely Keane, Brett Clark and Dimitrios Tsolakidis



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