

**IN THE SUPREME COURT OF THE STATE OF MONTANA
DA 23-0138**

IN RE THE MARRIAGE OF:)
)
JACQUELINE STEINMANN N/K/A)
GAYLE,)
)
 Petitioner/Appellee,)
and)
)
BRETT STEINMANN,)
)
 Respondent/Appellant.)
)

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

Appeal from the Montana Eighteenth Judicial District Court, Gallatin County
Cause No. DR-2020-336A
The Honorable Peter Ohman, Presiding

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Statutes

M. R. App. P. 20

COMES NOW, the Appellee, Jacqueline Steinman n/k/a Gayle (hereinafter “Jackie”), and respectfully submits this response in opposition to Appellant’s *Petition for Rehearing* (Appellant’s “Petition”) dated February 8, 2024. Jackie objects to the relief requested by Appellant, Brett Steinmann (hereinafter “Brett”), and urges the Court to deny his Petition.

Statement of Issue Presented

Do grounds exist for rehearing of Brett’s appeal of the District Court’s determination of the amount of credit Brett is to receive for his alleged premarital contributions to the parties’ real property interests?

Summary

Appellant’s Petition simply rehashes the same arguments made at trial and on appeal and should be denied. Specifically, Brett asserts that the Court overlooked evidence of an investment of \$200,000¹ of his own funds to build the Shadow Circle Property and evidence of Brett utilizing \$35,000 of a \$200,000 loan

¹ Brett raised the issue of his alleged investment of \$200,000 of “his” funds in building the house on the Shadow Circle property for the first time in his Reply Brief, which, among other new arguments, resulted in Appellee’s *Motion to Strike*. Further, his testimony at trial was vague and unpersuasive:

Q. Okay. So after Jackie and you moved into Shadow Circle, do you have a ballpark or an estimate of how much money you put into improving the property?

A. How much money did I put into improving the property?

Q. Correct.

A. Probably \$200,000.

Q. To finish it?

A. Yes. Yes, because it was building an entire new home.

Q. Okay. But that was done before you moved into it?

A. Correct, yes.

Brett provided no documentation of his “ballpark estimate” at trial.

to finish building the home. The Court did not overlook any material fact or argument presented by Brett at trial or on appeal. To the contrary, the Court simply rejected Brett's argument and his interpretation of the record and addressed the issue entirely in its Opinion.

Statement of Case

This matter went to trial over a period of five days between September 2021 and December 2021. On July 19, 2022, Standing Master Bowen issued her *Findings of Fact, Conclusions of Law and Final Decree of Dissolution* ("Decree"). Thereafter, Appellant, Brett filed his *Notice of Appeal of Standing Master's Findings of Fact, Conclusions of Law and Order*. A hearing on Brett's objections to the Decree was held on September 21, 2022. On January 6, 2023, Judge Ohman entered his final order affirming the Standing Master's division of the marital estate with exception of a minor deduction from Petitioner's equity not relevant to the proceedings before this Court. On February 24, 2023, Brett filed his *Notice of Appeal*, and this Court issued its Opinion affirming the decision of the District Court on January 1, 2024.

At trial and on appeal, and now in his *Petition for Rehearing*, Brett asserts that the District Court incorrectly discounted the value of his contributions to Shadow Circle when it divided the marital estate. Specifically, he argues that the District Court did not credit him for his alleged \$200,000 in personal financial

contributions towards building the property or for the \$35,000 of a loan to finishing the home build. These are the same arguments he raised in his appeal.

Argument

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.*, 217 P.3d 475, 486, 2009 Mont. LEXIS 443. “Absent clearly demonstrated exceptional circumstances, the supreme court will not grant petitions for rehearing of its orders disposing of motions.” M. R. App. P. 20(1)(d).

Brett’s primary complaint in his objections to the Standing Master’s Findings, on appeal, and now in his Petition for Rehearing is that he was not adequately credited for his premarital interest in and contributions to the Shadow Circle property. While the District Court could have credited Brett for these alleged premarital contributions, it was not obligated to under § 40-4-202(1), MCA. Brett’s plain assertion that this Court “overlooked the impact” of the District Court’s decision to credit him \$70,000 instead of a higher amount does not warrant a rehearing under M. R. App. P. 20.

Conclusion and Request for Relief

For the foregoing reasons, Appellee respectfully requests that this Court Deny Appellant’s Petition for Rehearing.

DATED this 1st day of March, 2024.

THE LAW OFFICE OF CHRISTOPHER J. GILLETTE

By: 

CHRISTOPHER J. GILLETTE

Attorney for Jacqueline Gayle, Petitioner/Appellee

Certificate of Compliance

Pursuant to Rule 11(4)(e) of the Montana Rules of Appellate Procedure, I certify that this brief is printed with proportionally spaced Times New Roman typeface of 14 points; is double spaced (excluding any footnotes and long quotations, which are single spaced); has left, right, top, and bottom margins at one inch; and has a word count of 711 words, as calculated by Microsoft Word, excluding the Table of Contents, Table of Authorities, and Certificate of Compliance, which does not exceed the 2,500 word limit as provided in Rule 20(3) of the Montana Rules of Appellate Procedure.

DATED this 1st day of March, 2024.

THE LAW OFFICE OF CHRISTOPHER J. GILLETTE

By: 

CHRISTOPHER J. GILLETTE

Attorney for Jacqueline Gayle, Petitioner/Appellee

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing
OBJECTION TO APPELLANT'S PETITION FOR REHEARING with the Clerk
of the Montana Supreme Court; and that I have served a true and accurate copy of
the same as follows:

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SONIA MUNDEN

CERTIFICATE OF SERVICE

I, Christopher J. Gillette, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Objection to Petition for Rehearing to the following on 03-01-2024:

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Electronically Signed By: Christopher J. Gillette
Dated: 03-01-2024