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Case Number: DA 23-0747

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Case No. DA 23-0747

APPELLANT'S REPLY BRIEF

**On Appeal from the Twentieth Judicial District Court, Lake County,
Montana**

Case No. DR-22-23: Stutzman

Hon. Deborah Kim Christopher, Presiding Judge

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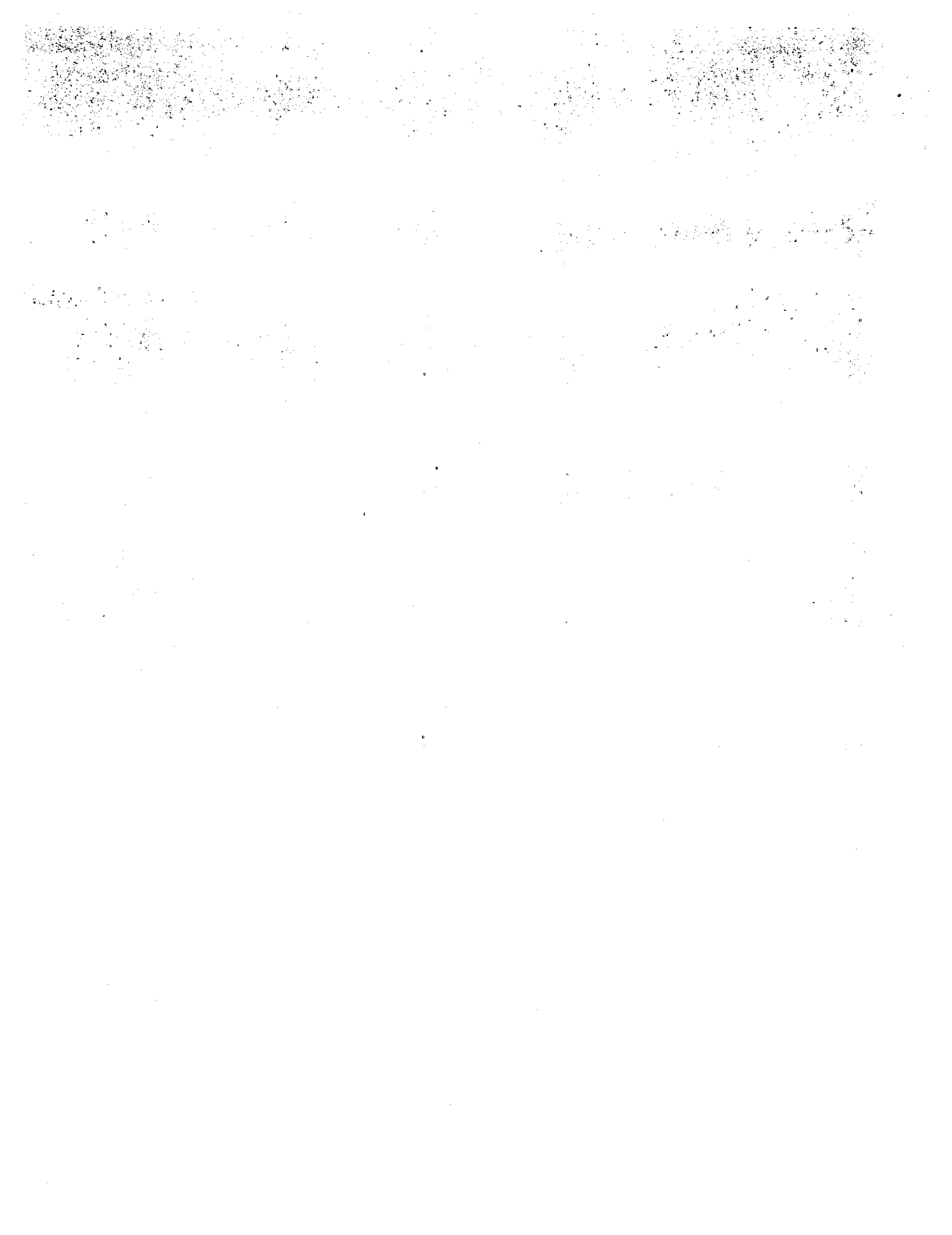
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Introduction

The appellant, Kris Stutzman, respectfully submits this reply brief to refute the appellee's arguments and reiterate the substantial procedural and substantive errors committed by the district court. These errors have resulted in severe injustices, including violations of due process rights, failure to consider the best interests of the children, and endorsement of the appellee's manipulative tactics. This brief will illustrate how the district court's denial of the appellant's motion for an extension of time, the granting of the emergency motion regarding the sale of the marital home, and the imposition of interest on the judgment were fundamentally flawed. The Marital and Property Settlement Agreement (MPSA) is unconscionable due to its terms and the duress under which it was signed. The appellant requests this Court to

vacate the district court's December 7, 2023 Order and remand for a new trial before an impartial judge.

I. Violation of Due Process Rights

A. Lack of Proper Evidentiary Hearing

The District Court denied Kris Stutzman a proper evidentiary hearing, thus violating her due process rights under the Montana Constitution (Art. II, § 17) and the U.S. Constitution (Amendments V and XIV). This denial critically impaired her ability to defend against the forced sale of the marital home and other pivotal decisions affecting her and her children. The issuance of an ex parte writ of eviction with only 24 hours' notice was not justified and blatantly disregarded the impact on the children's stability and welfare.

Due process fundamentally ensures that individuals are provided fair procedures when significant interests, such as property or parental rights, are at stake. The U.S. Supreme Court has consistently underscored that due process requires an opportunity to be heard "at a meaningful time and in a meaningful manner" (*Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)). The district court's failure to provide an evidentiary hearing deprived Kris Stutzman of a fair chance to contest

critical decisions, including the sale of the marital home, which directly impacted her and her children's lives.

The absence of a proper evidentiary hearing not only violated Kris Stutzman's due process rights but also severely undermined the integrity of the judicial process. This procedural deficiency denied her the chance to fully present her case, examine witnesses, and submit essential evidence, thus skewing the balance of justice in favor of the opposing party. The right to a fair hearing is a cornerstone of judicial fairness, and its denial here reflects a fundamental miscarriage of justice.

Moreover, the ex parte writ of eviction issued with only 24 hours' notice exemplifies the court's disregard for procedural fairness and the best interests of the children involved. Such drastic measures, undertaken without a proper hearing, ignore the significant disruptions caused to the children's living situation, directly contravening the principles enshrined in Mont. Code Ann. § 40-4-212(1), which mandate that children's best interests must be a primary consideration in such decisions.

The district court's actions effectively deprived Kris Stutzman of her property rights and parental rights without the essential procedural safeguards guaranteed under due process. This not only impacted her ability to contest the sale of the marital home but also set a dangerous precedent for future cases where due process might be similarly neglected.

In summary, the failure to provide a proper evidentiary hearing denied Kris Stutzman her fundamental right to due process, compromising the fairness and integrity of the judicial process. The court's actions necessitate a thorough review and rectification to ensure that justice is served and that the principles of due process are upheld.

B. Judicial Misconduct and Bias

Judge Deborah Kim Christopher's resignation following the Manywounds case, which substantiated allegations of misconduct, casts serious doubt on the impartiality of the judicial process. This undermines the integrity of the rulings against Kris Stutzman and necessitates a reassessment of her case.

Judicial impartiality is a fundamental principle underpinning a fair judicial process. The Montana Supreme Court in *State v. Akers* emphasized that even the appearance of bias warrants scrutiny (2017 MT 311, ¶ 13). Public confidence in the judiciary relies heavily on the perception and reality of impartiality. In this case, the allegations against Judge Christopher raise substantial concerns regarding the fairness of the proceedings.

The need for an impartial tribunal is particularly crucial in cases involving the welfare of children and significant property interests. The judicial system must

ensure that all decisions are made without bias to maintain the integrity of the legal process and uphold justice. The appellant contends that the potential for judicial bias in this case demands a comprehensive review of the district court's decisions and a new trial before an impartial judge.

The appearance of judicial impropriety or bias can severely erode trust in the legal system. In Kris Stutzman's case, Judge Christopher's resignation amid allegations of misconduct compromises the fairness of the judicial process. Such circumstances justify a meticulous examination of the rulings made under her purview.

The principles established in *Akers* mandate that any indication of judicial bias should be addressed to preserve the integrity of the judicial process. Given the significant impact of the court's decisions on Kris Stutzman's property and parental rights, it is imperative to reassess these decisions in light of potential judicial bias.

The appellant argues that the proceedings were tainted by the potential for bias, thereby denying her the fair trial guaranteed under the Montana Constitution (Art. II, § 17) and the U.S. Constitution (Amendments V and XIV). The district court's decisions, made under the shadow of potential judicial misconduct, should be vacated to restore fairness and integrity to the judicial process.

A new trial before an impartial judge is essential to ensure that Kris Stutzman's rights are upheld and that the judicial process is free from any taint of bias. This Court must act to correct these significant procedural deficiencies and restore public confidence in the judicial system by ensuring an unbiased and fair trial.

II. Unconscionable Property Settlement Agreement (MPSA)

A. Coercion and Duress

Kris Stutzman was coerced into signing the Marital Property Settlement Agreement (MPSA) under conditions of duress, rendering the agreement unconscionable. The terms of the MPSA imposed unreasonable burdens, such as requiring Kris to refinance the mortgage or face a forced sale of the marital home. This duress undermines the voluntariness required for a fair and equitable agreement.

Under Montana law, contracts entered into under duress are voidable (*Burt v. Burt*, 194 Mont. 157, 165, 634 P.2d 525 (1981)). The coercive circumstances surrounding Kris Stutzman's signing of the MPSA, which included threats and manipulative

tactics by the appellee, clearly satisfy the legal threshold for duress. Kris was not only pressured into accepting terms detrimental to her financial stability but was also deprived of the opportunity to make an informed, voluntary decision absent the Court's recognition of the ongoing and historical domestic violence.

The appellee employed intimidation and psychological pressure to force Kris into agreeing to the MPSA. These tactics included threats of legal repercussions and the manipulation of legal processes to create an urgent and distressing situation. Such conduct violates the principles of equity and fairness that are fundamental to contract law.

The district court's enforcement of the MPSA without thoroughly examining these coercive factors is fundamentally unjust. It failed to recognize the significant imbalance of power and the unfair advantage taken by the appellee. By ignoring the context in which the MPSA was signed, the court effectively endorsed an agreement that was not the result of a fair negotiation process.

The principles of equity demand that the court scrutinize agreements obtained under duress. In *Burt v. Burt*, the Montana Supreme Court emphasized that contracts resulting from undue pressure must be voided to uphold justice. The same standard should apply here, as the MPSA's terms were accepted under circumstances that deprived Kris of her free will.

Therefore, this Court should find the MPSA unconscionable and unenforceable due to the coercive tactics used to obtain Kris's agreement. This will ensure that agreements reflect genuine consent and equitable treatment, upholding the integrity of the judicial process.

B. Procedural Failures

The procedural handling of the Marital Property Settlement Agreement (MPSA) was fraught with failures that deprived Kris Stutzman of a fair opportunity to negotiate or contest its terms. The lack of adequate legal representation, combined with the district court's failure to ensure procedural fairness, resulted in a one-sided and oppressive agreement that disproportionately favored the appellee.

Procedural fairness requires that parties to a legal proceeding have a reasonable opportunity to present their case and advocate for their interests. In *Iwen v. U.S. West* (1999 MT 63), the Montana Supreme Court emphasized the necessity of procedural fairness in contract enforcement. This principle is particularly critical in family law cases where power imbalances and emotional distress can significantly impact the negotiation process.

Kris Stutzman was effectively denied a fair process to negotiate the MPSA. She lacked adequate legal representation, which is crucial in navigating complex legal

agreements and ensuring that her rights and interests were adequately protected. This lack of representation left her vulnerable to accepting terms that were unjust and heavily skewed in favor of the appellee.

Furthermore, the district court failed to provide Kris with a meaningful opportunity to contest the MPSA's terms. The court did not thoroughly examine whether the agreement was fair and equitable under the circumstances. This oversight is a significant procedural deficiency, as it allowed an unconscionable agreement to be enforced without proper scrutiny.

The procedural deficiencies in this case are akin to those identified in *Iwen v. U.S. West*, where the court held that procedural fairness is essential to ensure just outcomes in contractual disputes. The district court's failure to uphold these standards deprived Kris of her right to a fair process and resulted in an agreement that does not reflect her genuine consent or equitable treatment.

Therefore, this Court should recognize the significant procedural failures that marred the handling of the MPSA. By doing so, it should void the agreement to uphold the principles of fairness and justice that underpin Montana's legal system.

III. Neglect of Parens Patriae Obligations

A. Best Interests of the Children Ignored

The district court's rulings consistently ignored the best interests of the children, a paramount consideration in family law proceedings under Montana law (Mont. Code Ann. § 40-4-212(1)). The court's decisions, including the forced sale of the marital home, destabilized the children's living situation and failed to prioritize their welfare. This failure is a fundamental oversight, considering the substantial impact that the stability of their home environment has on their overall well-being and development.

In *In re Marriage of Funk* (2012 MT 14), the Montana Supreme Court emphasized the necessity of considering children's stability and welfare in custody and property decisions. The court recognized that maintaining consistency in a child's living situation is crucial for their emotional and psychological health. However, the district court's decisions in Kris Stutzman's case blatantly disregarded this principle, resulting in actions that significantly disrupted the children's lives.

The forced sale of the marital home is a prime example of the court's failure to consider the best interests of the children. This decision not only uprooted the children from their familiar environment but also subjected them to unnecessary stress and instability. The home represents a place of security and continuity, essential elements for the children's sense of normalcy and well-being. By ordering the sale without adequately weighing these factors, the court neglected its duty to protect the children's interests.

Moreover, the court's focus appeared to be disproportionately on financial expediency rather than the children's needs. This approach is contrary to the directives provided by Montana law, which mandates that the children's best interests should be the foremost consideration in any judicial decision affecting their lives. The district court's rulings failed to reflect this critical priority, thereby compromising the children's welfare.

In light of these significant oversights, it is imperative that this Court reexamines the district court's decisions concerning the children's living situation. Ensuring that their best interests are prioritized is not only a legal obligation but a moral imperative to safeguard their future well-being.

B. Guardian ad Litem's (GAL) Inadequate and Inactive in Best Interest When

Appealed to by Mother

The Guardian ad Litem (GAL) appointed in this case failed to fulfill their primary duty to represent the best interests of the children. The GAL's investigation and subsequent recommendations exhibited clear bias, favoring the appellee's interests over the children's safety and well-being. This partiality resulted in recommendations that were not aligned with the children's best interests, thereby placing the children and Kris in continued danger and undermining the GAL's role and responsibilities.

The GAL's investigation was marked by significant inadequacies. Despite the mother's appeals and expressed concerns, supported by evidence of ongoing domestic violence, the GAL did not conduct a thorough and impartial investigation into the children's living conditions and overall welfare. Instead, the GAL appeared to disregard crucial evidence presented by the mother, which highlighted the potential risks and negative impacts on the children if they were placed under the appellee's care. This lack of due diligence is a grave violation of the GAL's duty to act in the best interests of the children.

A GAL is entrusted with the critical responsibility of being an unbiased advocate for the children's welfare, as highlighted in *In re Marriage of Wolf*, 2021 MT 127, where the Montana Supreme Court stressed the importance of the GAL's objectivity and thorough investigation. The GAL's failure to perform these duties effectively in this case raises serious concerns about the validity of their recommendations and the fairness of the subsequent court decisions based on those recommendations.

The district court's reliance on the flawed and biased recommendations of the GAL further underscores the need for a comprehensive review of the proceedings. The court's decisions, influenced by the GAL's inadequate investigation, did not reflect a genuine consideration of the children's best interests. This oversight necessitates a

re-evaluation to ensure that the children's welfare is genuinely prioritized, free from bias, and based on thorough and impartial investigations.

In conclusion, the GAL's inadequate performance and biased recommendations have significantly compromised the integrity of the judicial process in this case. It is imperative that the court re-examines the GAL's findings and recommendations to rectify these oversights and ensure that the children's best interests are genuinely represented and protected.

IV. Questionable Emergency Order for Sale and Writ of Eviction

A. Lack of Justifiable Emergency

The district court's grant of the appellee's emergency motion for the sale of the marital home and the subsequent writ of eviction was predicated on unsubstantiated claims of financial hardship, even though the appellant has been solely paying for and caring for the house since 2021. This constitutes a clear abuse of discretion. The appellee's allegations of financial distress were not supported by adequate evidence, rendering the emergency motion baseless. The U.S. Supreme Court in *North Georgia Finishing, Inc. v. Di-Chem, Inc.* (419 U.S. 601, 606 (1975)) emphasized the necessity of due process, particularly the requirement for adequate notice and the opportunity to be heard when significant property interests are at stake. The district

court's acceptance of the appellee's unverified claims without proper scrutiny and the issuance of an emergency order without substantial evidence of a true emergency exemplifies judicial overreach and a disregard for due process principles.

Moreover, the district court's decision to issue a writ of eviction with only 24 hours' notice during the Christmas holiday and in below-freezing weather failed to consider the severe disruption this would cause to the appellant and her children. The appellant had been cooperating with the realtor and attorney throughout the process, making the sudden eviction even more unjustified. The lack of a genuine emergency to justify such drastic measures demonstrates a significant lapse in judicial prudence. The court's actions deprived Kris Stutzman of her right to a fair hearing, essential for defending against the sale of her home and ensuring her children's stability. This failure to adhere to due process requirements not only violated Kris's legal rights but also severely impacted the welfare of her children, highlighting the court's misapplication of emergency protocols.

The forced eviction during a time of significant personal and seasonal hardship illustrates the court's disregard for the appellant's circumstances and the well-being of her children. The principles of due process demand that emergency orders be based on solid evidence and genuine necessity, neither of which were present in this case. By not providing Kris with an adequate opportunity to contest the claims or

prepare for the eviction, the court fundamentally compromised the fairness of the proceedings.

The district court's decision lacked the necessary justifications for such an extreme measure, resulting in undue harm to the appellant and her children. This Court must recognize the gravity of these procedural failures and the profound impact they have had, and act to correct this misuse of judicial authority by vacating the emergency order and remanding for a proper, fair hearing.

B. Consequences of Procedural Shortcomings

The procedural deficiencies in this case critically undermined Kris Stutzman's property and parental rights, depriving her of adequate notice and the opportunity to contest the sale of the marital home. The lack of a fair hearing and proper notice constitutes a blatant violation of due process, which mandates that individuals be given a meaningful opportunity to be heard before being deprived of their property. As underscored in Lassiter v. Department of Social Services, 452 U.S. 18 (1981), due process requires a meaningful hearing in cases involving significant deprivations of rights.

The district court's actions have had profound and far-reaching consequences for Kris and her children. The procedural shortcomings, including the inadequate notice

and lack of a proper hearing, deprived Kris of her fundamental right to due process, resulting in significant harm. The forced sale of the marital home disrupted the children's living situation, causing instability and distress. This procedural failure not only violated Kris's rights but also disregarded the best interests of the children, who were adversely affected by the sudden upheaval.

The district court's failure to provide Kris with a fair opportunity to contest the sale and eviction has had devastating effects, both personally and financially. This oversight underscores the necessity for stringent adherence to procedural safeguards to protect individuals' rights and ensure just outcomes in judicial proceedings. The lack of due process in this instance demands a thorough review and rectification to restore justice and uphold the integrity of the legal system.

C. Judicial Misconduct and Bias

Judge Deborah Kim Christopher's resignation amid allegations of misconduct casts a long shadow over the fairness and impartiality of the judicial process in this case. Judicial bias and misconduct can significantly undermine the legitimacy of legal proceedings, as evidenced by the serious founded allegations against Judge Christopher cited in *ManyWounds v. 20th Judicial District Court*. The appearance of bias, coupled with the potential for actual misconduct, warrants an exhaustive review of the district court's decisions to ensure that justice is served impartially.

Judicial impartiality is a fundamental cornerstone of a fair legal system, as highlighted by the Montana Supreme Court in *State v. Akers*, 2017 MT 311. The allegations against Judge Christopher suggest a considerable risk of bias, which could have influenced the outcomes of the proceedings. Such bias, whether perceived or actual, erodes public confidence in the judiciary and compromises the integrity of judicial decisions.

In this case, the potential for judicial misconduct necessitates a thorough reconsideration of the decisions made under Judge Christopher's purview. The appellant asserts that the apparent bias and misconduct in this case severely compromised the fairness of the proceedings, particularly affecting decisions critical to her and her children's welfare. The need for a new trial before an impartial judge is imperative to ensure that justice is not only done but also seen to be done, maintaining the integrity of the judicial process and upholding public confidence in the legal system.

D. Appellee's Interference and Contemptuous Conduct

The appellee has persistently engaged in conduct aimed at undermining Kris Stutzman's efforts to comply with court orders, demonstrating a pattern of contemptuous behavior. This conduct includes obstructing the mortgage assumption process by withholding necessary documentation and refusing to cooperate, failing

to comply with court-ordered financial obligations, and abusing the legal process through frivolous motions and baseless accusations.

The appellee's deliberate interference has significantly impeded Kris's ability to protect her interests and comply with court directives. This pattern of contemptuous conduct should be taken into account in evaluating the appellee's claims and the overall equities between the parties. The appellee's actions have not only hindered Kris's ability to fulfill her obligations but have also exacerbated the financial and emotional strain on her and her children, further justifying a thorough judicial review and rectification of the district court's orders.

E. Economic Misconduct and Dissipation of Marital Assets

The appellee has engaged in economic misconduct by dissipating marital assets and failing to meet his financial obligations, actions that should have been weighed against him in the property distribution. His conduct includes draining joint accounts, misusing marital funds for personal expenses, and failing to pay court-ordered support, which has placed undue financial burdens on Kris and deprived her and the children of necessary resources.

Economic misconduct and the dissipation of marital assets are serious violations that impact the fairness of the property settlement. Under Montana law, such behavior

warrants a reconsideration of the property distribution to ensure equity and fairness. The appellee's actions have not only undermined the financial stability of Kris and her children but have also highlighted the need for a re-evaluation of the district court's orders to address these inequities. The court must ensure that the property distribution reflects the appellee's misconduct and the resultant financial hardship inflicted on Kris and her children.

The appellee's economic misconduct, part of a broader pattern of coercive control, has further exacerbated the financial inequities in this case. This context is highly relevant in evaluating the fairness of the property distribution and underscores the need for a reconsideration of the court's orders.

F. Unconscionable Property Settlement Agreement (MPSA)

The Marital and Property Settlement Agreement (MPSA) imposed by the district court should be deemed unconscionable and unenforceable due to the coercive circumstances under which it was executed. Kris Stutzman signed the MPSA under duress and coercion, driven by threats from the appellee and his counsel. This pressure deprived her of the ability to freely consent to the terms of the agreement. Additionally, the appellee failed to fully disclose all assets and liabilities, thereby misrepresenting key financial information crucial for an equitable settlement.

The MPSA's terms are substantively unconscionable, imposing severe financial hardship on Kris while unjustly enriching the appellee. Such one-sided terms are inherently unfair and oppressive. Under Montana law, contracts that are both procedurally and substantively unconscionable are voidable (Mont. Code Ann. § 30-2-302; *Iwen v. U.S. West*, 1999 MT 63). The combination of coercion, inadequate disclosure, and the resultant financial imbalance renders the MPSA fundamentally unjust and unenforceable.

Given these significant deficiencies, the court must recognize the MPSA as unconscionable and provide Kris Stutzman the relief necessary to rectify this inequitable situation, ensuring fairness and justice in the final settlement.

Montana Code Annotated § 40-4-253 further supports the appellant's position. If a party fails to disclose an asset or liability, the court can award the undisclosed asset to the opposing party or assign the undisclosed liability to the noncomplying party. This legal framework is designed to ensure transparency and fairness in the division of marital property.

In *In re the Marriage of Phillips*, the court held Bucknum in contempt for failing to abide by its previous orders relating to the distribution of assets and duties under the MPSA. Therefore, if Shawn were to lie about the value of his company or fail to comply with court orders, Kris could potentially be awarded 100% of the

undisclosed or noncompliant assets, rather than just a portion. This legal framework is designed to ensure transparency and fairness in the division of marital property.

G. Preservation of Appellate Arguments

The appellee incorrectly asserts that the appellant is barred from challenging any issues beyond the narrow scope of the District Court's December 7, 2023 Order. This restrictive view overlooks the interconnected nature of the errors in the proceedings. The denial of more time to refinance, the emergency motion to force the home sale and eviction, and the award of interest on the judgment are linked to broader due process violations, gender bias, and disregard for domestic abuse.

Under Montana law, this Court may review unpreserved errors under the plain error doctrine to prevent a manifest miscarriage of justice, particularly when fundamental rights are at stake (*State v. Akers*, 2017 MT 311, ¶ 13, 389 Mont. 531, 408 P.3d 142).

The cumulative effect of the District Court's rulings deprived the appellant of a fair hearing and jeopardized her parental rights, issues involving the welfare of her children and the judicial process's integrity. Therefore, this Court should exercise its supervisory power to correct these injustices, even if not perfectly preserved by the pro se appellant.

V. Continued Disregard for the Best Interests of the Children

A. Systemic Failure by All Parties

The District Court, the appellee, and the Guardian ad Litem (GAL) all failed to prioritize the welfare of the children, resulting in significant instability and harm to their well-being. The court's decisions, particularly the forced sale of the marital home, have destabilized the children's living situation, which is contrary to the paramount consideration of their best interests as required by Mont. Code Ann. § 40-4-212(1). The appellee's manipulation of the legal process and consistent non-compliance with court-ordered obligations further exacerbated the children's distress and insecurity.

This systemic failure is not only a dereliction of duty but also a clear violation of the children's rights to stability and continuity in their living environment. The court's and the GAL's inability to ensure that decisions were made with the children's best interests in mind has led to outcomes that severely disadvantage the children, prioritizing procedural expediency and the appellee's interests over their fundamental needs for security and stability.

B. Opposing Counsel's Role in Facilitating Manipulative Tactics

The appellee's counsel played a significant role in enabling the appellee's manipulative tactics, exploiting procedural technicalities to the detriment of Kris and

her children. By leveraging procedural loopholes and fostering a contentious legal environment, the appellee's counsel undermined the integrity of the judicial process and contributed to the ongoing harm to the children's welfare.

The conduct of the appellee's counsel, including the pursuit of baseless motions and fostering unnecessary legal conflict, has directly impeded Kris's ability to meet court-ordered obligations and maintain a stable environment for her children. This behavior necessitates a thorough judicial review to ensure that the legal process is not used as a tool of harassment and manipulation, but rather as a means to uphold justice and prioritize the best interests of the children.

C. Evidence of Neglecting Children's Welfare

The appellee's response has failed to demonstrate any genuine consideration for the children's welfare, highlighting a broader systemic failure to prioritize their best interests. The District Court's decisions, including the emergency order for the sale of the marital home, have led to significant disruption in the children's lives, undermining their stability and well-being.

The principles enshrined in Mont. Code Ann. § 40-4-212(1) mandate that the children's best interests be the primary consideration in all custody and property decisions. However, the court's actions in this case have consistently neglected this

principle, resulting in decisions that place the children at a severe disadvantage. The appellee's persistent disregard for the children's needs, coupled with the court's failure to rectify this neglect, underscores the necessity for appellate intervention to ensure that future decisions are made with the paramount goal of protecting and promoting the welfare of the children.

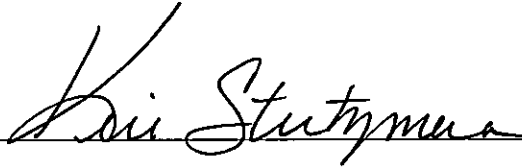
Conclusion

In light of the foregoing, the appellant respectfully urges this Court to vacate the district court's December 7, 2023 Order and remand the case for a new hearing. The procedural and substantive errors outlined demonstrate a clear failure to uphold due process and protect the best interests of the children. The district court's decisions, influenced by judicial misconduct and bias, have resulted in significant injustice.

Additionally, the Marital and Property Settlement Agreement (MPSA) must be reconsidered under principles of equity and fairness. The MPSA, signed under duress and coercion, lacks the fundamental fairness required for enforceable agreements. The appellee's manipulative tactics and economic misconduct further underscore the necessity for a thorough review.

This Court's intervention is essential to rectify these injustices and ensure that future proceedings are conducted impartially and with due regard for the appellant's rights and the welfare of the children. The legal precedent and evidence presented overwhelmingly support the appellant's position. It is imperative that this Court act to restore justice and uphold the integrity of the judicial process.

The appellant's due process rights and the children's best interests must be the foremost considerations. By vacating the December 7, 2023 Order and remanding for a new hearing, this Court can ensure that justice is served and that the principles of fairness and equity are upheld.



Respectfully submitted this 28th day of May, 2024.

Kris Stutzman, Appellant Pro Se

Certificate of Service

I, Kris Stutzman, hereby certify that I have served true and accurate copies of the foregoing Reply Brief to the following on May 28, 2024:

Casey L. Emerson

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Attorney for Appellee

Service Method: Electronic & Mail

Kris Stutzman, Appellant, Pro Se

CERTIFICATE OF SERVICE

I certify that I filed this

- Petition
- Motion
- Other Appellant's Reply Brief

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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:

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DATED this 28th day of May, 2024.

Kris Stutzman

[Signature]

Kris Stutzman

[Print name]



CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing reply brief is proportionally spaced typeface of 14 points and does not exceed 5,000 words.

Kris Stutzman

[Signature]

