



FILED

07/08/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0265

Brief for the Montana State Supreme Court

Case Title:

Sidney V. Walker v. Keenya Jamay Walker

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1. Introduction

This brief is submitted on behalf of Sidney V. Walker, the Appellant, appealing the summary judgment rendered by the Gallatin District Court in favor of the Appellee, Keenya Jamay walker, in a civil case concerning an alleged breach of a verbal agreement.

2. Statement of the Case

This case arises from a summary judgment in a civil case where the Appellee, Keenya Jamay Walker, sued the Appellant, Sidney V. walker for an alleged breach of a verbal agreement. The Appellant sought an extension of time to retain legal counsel and requested a waiver of the filing fee due to financial hardship, being on disability. Due to procedural errors, including incorrect communication by the court, the Appellant was not notified of the proceedings, resulting in an unjust summary judgment of \$30,000 in favor of the Appellee.

3. Statement of the Issues

1. Whether the Appellant's right to procedural due process was violated when the Gallatin District Court failed to notify him of the proceedings.
2. Whether the summary judgment in favor of the Appellee was improperly granted.
3. Whether the court erred in not addressing the Appellant's requests for an extension of time and a fee waiver.

4. Statement of the Facts

- The Appellee filed a civil lawsuit against the Appellant for an alleged breach of a verbal agreement.
- The Appellant responded and requested an extension of time to retain an attorney and a waiver of the filing fee due to being on disability.
- The court failed to notify the Appellant of the subsequent proceedings, sending communications to a non-existent email address despite having the correct email on file.
- The Appellant received no communication for over six months until receiving an email from the clerk's office informing him of a summary judgment in favor of the Appellee.
- Upon investigation, the clerk's office confirmed the error in communication.

5. Summary of Argument

The Appellant's due process rights were violated due to the court's failure to provide proper notification of the proceedings. The summary judgment was granted in error as the Appellant was not afforded an opportunity to present his defense or counterclaims. The court also did not address the Appellant's legitimate requests for an extension and a fee waiver, further compounding the procedural errors.

6. Argument

I. Procedural Due Process Violation

The fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner." (*Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)). The Appellant was deprived of this right due to the court's failure to let him know properly of the proceedings. The court's reliance on an incorrect email address, despite having the correct information, constitutes a significant procedural error warranting reversal of the summary judgment.

II. Error in Granting Summary Judgment

A summary judgment is only appropriate when there are no genuine disputes of material fact, and the moving party is entitled to judgment as a matter of law. (Rule 56, Mont. R. Civ. P.). The Appellant was not given the opportunity to present evidence or arguments in his

defense due to the lack of proper notification. The court's summary judgment was therefore premature and unjust.

III. Need for Attorney Representation and Fee Waiver

The Appellant's requests for an extension of time to retain legal counsel and for a fee waiver due to financial hardship were not addressed by the court. The Appellant, being on disability, had a legitimate need for these accommodations. The court's failure to consider these requests further denied the Appellant a fair opportunity to defend himself.

7. Conclusion


For the foregoing reasons, the Appellant respectfully requests that the Montana State Supreme Court reverse the summary judgment of the Gallatin District Court and remand the case for further proceedings, including proper notification and consideration of the Appellant's requests for an extension and fee waiver.

CERTIFICATE OF SERVICE

I hereby certify that I served true and accurate copies of the foregoing BRIEF..... by depositing said copies into the U.S. mail, postage prepaid, addressed to the following:

Attorney for Ms. KEENYA J. WAIKE R
(address)

DATED this 8 day of JULY, 2024


(signature)

FILED
3/25/2024
Sindy Erhard
CLERK

Gallatin County District Court
STATE OF MONTANA
BOWEN GREENWOOD
By: Amanda Michael
DV-16-2023-000049-BC
Case Number: A02540265
16.00

**MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT,
GALLATIN COUNTY**

KEENYA WALKER, an individual,

Plaintiff,

vs.

SIDNEY WALKER, an individual,

Defendant.

Cause No. DV-16-2023-649

Hon. Judge Andrew Breuner

DEFAULT JUDGMENT

The default of the Defendant, Sidney Walker, was entered for failure to answer the *Verified Complaint* within the time prescribed by the Montana Rules of Civil Procedure, after being served with the *Summons* and *Verified Complaint* on July 23, 2023.

The Court finds as follows:

1. That the Plaintiff is entitled to relief as demanded in the *Verified Complaint* and *Verified Application for Default Judgment*; and
2. That the Plaintiff's claims against the Defendant is for a sum certain or for a sum that can by computation be made certain.

THEREFORE, IT IS HEREBY ORDERED:

1. That the Plaintiff be given judgment against the Defendant for the total sum of \$ 30,165.91 ; and
2. That the Plaintiff recover from the Defendant the above total sum and accruing costs of this action, together with interest on the judgment at the rate of ten percent (10%) per annum.

ELECTRONICALLY SIGNED AND DATED BELOW

Electronically Signed By:
Hon. Judge Andrew Breuner
Mon, Mar 25 2024 01:40:59 PM