

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. DA-24-0646

TAYLOR KAI GROENKE,

Plaintiff and Appellee,

Cause No. DA-24-0646

v.

RYAN DEAN GABRIEL,

Defendant and Appellant,

APPELLEE’S MOTION FOR RULE 19 RELIEF AND BRIEF IN SUPPORT

Appealed from the Eleventh Judicial District of the
State of Montana, in and for the County of Flathead,
Taylor Kai Groenke, Plaintiff/Respondent, and
Ryan Dean Gabriel, Defendant/Appellant
Cause No. DR-24-510(B), District Judge Robert B. Allison

Plaintiff/Appellee

Kai Groenke, *pro se*
239 Second Street West
Kalispell, Montana 59901
Ph: 406.890.2999
kai@familylawflathead.com

Defendant/Appellant

Ryan Dean Gabriel, *pro se*
2000 Blacktail Road #1140
Lakeside, Montana 59922
Ph: 206.391.9886
rgabriel@zurccapital.com

COMES NOW Plaintiff/Appellee, Kai Groenke, and hereby moves this Court for relief under Rule 19(5) Mont. R. App. Proc., which provides for sanctions to the prevailing party in an appeal determined to be frivolous, vexatious, filed for purposes of harassment or delay, or taken without substantial or reasonable grounds. Sanctions may include costs, attorney fees, or such other monetary or non-monetary penalty as the supreme court deems proper under the circumstances.

Defendant/Appellant, Ryan Gabriel (“Gabriel”) has been declared a vexatious litigant by the Eleventh Judicial District Court, Flathead County, in Cause No. DV-2024-1197, styled *Ryan Dean Gabriel, Plaintiff v. Frederick “Fritz” Groenke/dba Montana Real Estate Group, Taylor Kai Groenke, Groenke Holdings, LLC, and Montana Regional MLS, LLC, Defendants*. A copy of the District Court’s Opinion and Order re Vexatious Litigant and Fees is filed contemporaneously herewith. The Court’s rationale and factual support for its conclusions and award of attorneys’ fees is contained in its 20-page detailed Order. The Order provides, “[t]his Order may be made of record in pending actions brought by [Ryan Gabriel] (whether in a court or before a professional organization or agency).”

Courts have the inherent power to levy sanctions to curb abusive litigation practices. *Hartsoe v. Tucker*, ¶ 14, 2013 MT 256, 371 Mont. 539, 309 P.3d 39, citing *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 765, 100 S. Ct. 2455, 2463, 65 L. Ed. 2d 488 (1980) and *Motta v. Granite County Comm'rs*, 2013 MT 172, ¶¶ 16-23, 370

Mont. 469, 304 P.3d 720. This Court has authority under Rule 19(5) to award sanctions to a prevailing party in an appeal determined to be filed for the purposes of harassment or taken without substantial or reasonable grounds. It is clear this appeal has been filed for the purpose of harassment.

As noted in the District Court's Order re Vexatious Litigant and Fees, Gabriel has been involved in harassing attorneys, his former domestic partner Jesse Olsen, and other individuals in 17 matters or claims initiated by Gabriel in Oregon and Montana, including this appeal. Order re Vexatious Litigant and Fees, pages 4-7 (Dec. 31, 2024). As noted by the Court, "Within the foregoing matters, Plaintiff has filed numerous motions and amendments or supplements to his pleadings not in compliance with procedural rules." Order, pg. 7. "Plaintiff's litigation history is at least as extensive and vexatious as the litigation history at issue in *Stokes*." Order, pgs. 7, 9. The Court further found Gabriel engaged in intimidation of Mr. Olsen's Oregon attorney (pg. 7); the realtor hired by Mr. Olsen (pg. 8); the Oregon Governor, Attorney General and Chief Justice of the Oregon Supreme Court (pg. 9); and other persons assisting or providing services to Mr. Olsen (pg. 9). The Court concluded Gabriel demonstrated the improper motive "of intimidating Jesse Olsen, his attorneys, and even persons providing services to Olsen related to the sale of the Lakeside Property to cease representing or assisting Olsen, withdraw pleadings, or settle on terms favorable to [Gabriel]." Order, pg. 10. The Court noted Gabriel "has

not prevailed in any of the seventeen actions or appeals detailed in the above chart.” Order, pg. 11. The Court found Gabriel’s filings and claims were improper, retaliatory, frivolous, and that Gabriel engaged in abuse of the legal system to cause harm. Order, pgs. 12-13.

The Court concluded, “Regardless of whether the Orders of Protection against Plaintiff are affirmed by the Montana Supreme Court, and regardless of whether Plaintiff is convicted of criminal charges against him, Plaintiff’s email communications, which he does not deny, show intimidating, threatening, harassing, and even vicious communications in connection with his filings.” Order, pg. 12. The Court found that without question, Gabriel’s vexatious conduct “has placed an unacceptable burden on Defendant Kai Groenke, other parties, and the courts.” Order, pg. 15.

To demonstrate the necessity of sanctions in this case, on December 30, 2024, Gabriel sent an email to Susan Ridgeway, the attorney hired by the undersigned to defend against the lawsuit filed by Gabriel in the District Court as Cause No. DV-2024-1197¹. In his email, Gabriel states, “Please do note that a complaint has already been sent to the Montana State Bar Association and American Bar Association re: Taylor ‘Kai’ Groenke, dated December 29, 2024.” He also claims to have “invited” Attorney General Austin Knudsen to file an Amicus Brief in the

¹ Cause No. DV-2024-1197 is listed as one of the seventeen vexatious actions taken by Gabriel in the Order declaring him a vexatious litigant, at page 6.

case, “along with a similar invitation to Jesse Laslovich, US attorney for the District of Montana, to do the same.” Gabriel further claims to have written an “evidentiary letter” addressed to Pam Bondi, a potential Attorney General appointee of incoming President Donald Trump, and claims to have filed reports with FinCEN and the FBI’s financial crimes unit “documenting the fraudulent listing and unlawful attempted sale of my home at 2000 Blacktail Rd. in Lakeside, MT.” According to the email, “[a]ll of the foregoing were dated December 29, 2024, and have already been dispatched.” A true and correct copy of the email referenced in this paragraph is attached hereto as **Exhibit A**.

In *Marriage of West*, this Court assessed fees and costs on appeal against a father who repeatedly took the mother of their children to court on parenting plan amendments under false or frivolous pretenses, or “on charges that were so lacking that they were abandoned at trial.” *In re Marriage of West*, 233 Mont. 47, 53, P.2d 282, 286 (1988). The Court concluded, “This is a meritless appeal designed to put the mother to the expense again of protecting her right to joint custody. We will have none of that.” *Id.*

In *Guill v. Guill*, this Court found the appellant to be a vexatious litigant and awarded the appellee her attorneys’ fees and costs. *Guill v. Guill*, ¶ 21, 2014 MT 316, 377 Mont. 216, 339 P.3d 81. In reviewing the facts of *Guill*, this Court will find similarities in that a former spouse went to great lengths and abused the court

system to undermine the other spouse's ability to execute on judgments entered in her favor. *Guill*, ¶ 21.

In *Jonas v. Jonas*, a former spouse also went to great lengths, including multiple appeals and actions filed in multiple states, for the purpose of delaying and interfering with his former wife's ability to enforce a judgment entered by the State of New Jersey and registered in Montana. *Jonas v. Jonas*, ¶ 24, 2013 MT 202, 371 Mont. 113, 308 P.3d 37. This Court concluded the appeal was vexatious and filed for an improper purpose. *Jonas*, ¶ 25. The Court imposed fees and costs against the appellant pursuant to Rule 19(5). *Id.*

An award of fees and costs, including the undersigned's fees incurred for self-representation at my current hourly rate, should be awarded against Gabriel as a sanction. Gabriel has demonstrated intent to continue harassment and vexatious action. An award of fees and costs may discourage Gabriel from future frivolous and vexatious appeals.

DATED this 3rd day of January, 2025.

LAW OFFICE OF KAI GROENKE, P.C.

By: /s/ Kai Groenke
239 Second Street West
Kalispell, Montana 59901

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 27, M.R.App.P., I certify that this Motion is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double spaced; and the word count calculated by Word, is not more than 1,250 words, not averaging more than 280 words per page, excluding certificate of service and certificate of compliance.

DATED this ___ day of January, 2025.

/s/ Kai Groenke
Kalispell, Montana 59901

CERTIFICATE OF SERVICE

I, Taylor Kai Groenke, hereby certify that I have served true and accurate copies of the foregoing Motion - Opposed to the following on 01-06-2025:

Ryan Dean Gabriel (Appellant)
2000 Blacktail Road, #1140
Lakeside MT 59922
Service Method: Conventional

Electronically Signed By: Taylor Kai Groenke
Dated: 01-06-2025