



ORIGINAL

FILED

02/10/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0636

IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003

Supreme Court No. DA 24-0636

A.O.

Petitioner and Appellee,

and

FREDERICK J. KEITEL, III

Respondent and Appellant.

FILED

FEB 10 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

APPELLANT FREDERICK J. KEITEL, III'S SWORN AFFIDAVIT IN
SUPPORT OF MOTION FOR ADDITIONAL EXTENSION OF TIME TO
FILE INITIAL BRIEF FOR GOOD CAUSE

STATE OF FLORIDA

COUNTY OF SUMTER

BEFORE ME, the undersigned authority, this day, personally appeared, Frederick
J. Keitel, III, to be known to be the person herein, or who produced passport as
identification and who, after being duly sworn, deposes and states the following;

COMES NOW, Frederick J. Keitel, III, Respondent-Appellant ("Appellant"), pro se and after being first duly sworn, deposes and states:

1. My name is Frederick J. Keitel, III. I am over the age of 21 years, competent to make this sworn statement and I have personal knowledge of all the facts and opinions contained in herein and I have read the Motion herein and under penalty of perjury, I hereby state that the following statements are true to the best of my knowledge.

2. Appellant Frederick J. Keitel, III's Motion and Sworn Affidavit for Additional Extension of Time to File Initial Brief for Good Cause be granted for the following reasons as follows:

3. On January 24, 2025, this Court issued an Order extending the time to file Appellants' the initial brief until February 21, 2025, stating a "Failure to file the brief within that time will result in dismissal of this appeal with prejudice and without further notice".

4. I appreciate the Court's extension, however, there is a companion case in Yellowstone District Court that has been intentionally buried, which will render this case moot or if combined with this appeal will have material impact that this Courts needs to rule on.

5. The companion case, is the Appellant's initial appeal, Frederick J. Keitel, III's Motion to Disqualify Judge Shelia Kolar, Cause No. DV 56-2023-1231, filed November 28, 2023, over 16 months ago in Billings Municipal Court, Cause No. CV-925-2023-224-OP filed on Appeal before Judge Jessica Fehr, Chief Judge Yellowstone District Court that is critical to this appeal and will render this current appeal moot.

6. Jessica Fehr, Chief Judge, Yellowstone District Court, Cause No. DV 56-2023-1231, has refused to rule of the appeal (and any motions filed by Appellant for the last 10 months), knowing that Judge Kolar's action violated MCA 3-1-805, and violation of the Montana Judicial Code of Conduct, has a direct effect on whether this appeal needs to go forward, is moot and/or it would be a waste of judicial economy unless and until Judge Fehr rules.

7. Judge Fehr has intentionally and maliciously buried this case CV-925-2023-224-OP for 16 months to prejudice Appellant,

8. On October 30 & 31, 2023, Appellant was denied Due Process under the both the Montana Constitution Article II, Section 17 and U.S Constitutional in Cause No. CV-925-2023-224-OP before Judge Shelia Kolar, Billings Municipal Court.

9. Judge Kolar also violated Appellant's Civil Rights under the American Disabilities Act (ADA), on October 28, 30th and 31st, 2023 when she refused to grant Appellant a continuance while Appellant was recovering from multiple cancer operations, and she refused allow appellant to appear via ZOOM from Florida while recovering.

10. Instead, Judge Kolar and her clerk of court, Danelle Milligan engaged in over 30+ nefariously *ex parte* communications with the petitioner Avanlee Okragly and her lawyer Katie Heller (from September - October 31, 2023) prior to the scheduled October 31, 2023 hearing.

11. Petitioner Ms. Okragly and Ms. Heller (who was a candidate for Billings Municipal Court Judge election November 7, 2023, is a protégés of both Judge Donald Harris and Shelia Kolar) falsely stated in emails and phone calls, that Appellant was really in Montana hiding out to avoid service, despite Appellant's testimony to the Judge Harris, Yellowstone District Court, and respondent Ms. Okragly on September 25, 2023, that Appellant would be in the hospital undergoing surgery and unavailable to testify in October.

12. Judge Kolar, her clerk Ms. Milligan and respondent's lawyer all had personal knowledge of Appellants' cancer recovery, and pending medical appointments, including November 1, 2023 at Moffitt Cancer Center, Tampa Florida.

13. Appellant has stage four non treatable terminal cancer.

14. Judge Kolar and her clerk were aware that I was unable to travel from north Florida to Tampa Airport for a flight to Billings, Montana, that takes approximately 10-12 travelling time.

15. On October 30 & 31st, 2023 Appellant filed a Motion to Disqualify Judge Shelia Kolar, based on threats by Shelia Kolar and Katie Heller prior to Judge Kolar's appearance in this case.

15. Petitioner/Appellee Avanlee Okragly communicated the threats to me as retaliation for my July 2023 Criminal Complaint No. 23-715547 against Katie Heller and Ms. Okragly with the Yellowstone County Attorney and Yellowstone Sheriff's Office.

16. A hearing in violation of Appellants' due process and violation of Appellants' civil rights under the ADA was held October 31, 2023 without Appellant testimony or evidence after Judge Kolar refused to allow Appellant to appear via ZOOM.

17. At the time Ms. Heller was a candidate for Billing Municipal Court judge

20. The issue in the Motion to Disqualify Judge Kolar, filed October 30 & 31st, 2023 sixteen (16) months ago, is/was, whether Judge Kolar, Billings Municipal Court violated MCA -3-1-805, when she refused to disqualify herself immediately

October 30, 31st, 2023, transferred the case to another judge, and instead heard a hearing, ruled against appellant, in an effort to retaliate and discredit me as a material witness in a criminal complaint against Ms. Heller and Ms. Okragly.

21. Appellant was denied a 1–2-week continuance and denied request to appear via ZOOM, because Judge Kolar wanted to retaliation and discredit Appellant for filing criminal charges.

18. Judge Fehr has refused to hold a hearing or issue an order on Appellants' Appeal Cause NO. DV-56-2023-1231, and Motion to Disqualify Judge Shelia Kolar for violation of MCA 3-1-805, knowing that it is a critical and material to the underlying Appeal in this case, Cause No. DA 24-0636, especially since Cause Judge Donald Harris (named in criminal complaint no. 23-175547) ruled against Appellant without reviewing any evidence in the case Cause DR-56-2023-1224

Judicial Economy

19. Appellant has filed multiple motions (greater than 10), requests for Judge Fehr to hold a hearing or file an Order in the Motion to Disqualify, so Appellant can either move to vacate, dismiss or combine the appeals in this case to protect Appellant and for judicial economy.

20. Upon information and belief, Judge Kolar refuses to rule or issue an order that (1) Judge Kolar violated the rules of Judicial Conduct and MCA 3-1-805, (2) should have recused herself immediately under MCA 3-1-805 for cause and (3) should have assigned Cause No. CV-925-2023-224-OP Billings Municipal Court, order of protection to another judge.

21. Judge Fehr knows that if she issues an order disqualifying Judge Kolar under Montana law, that Judge Kolar's October order(s) against Appellant will be vacated, reversed, dismissed based on fraud and perjury, or there is no need for the appeal or a new hearing set.

22. Judge Fehr, Judge Harris and other judges that received uncontroverted audio recordings, emails, court testimony proving beyond a reasonable doubt that Ms. Okragly, Ms. Heller (now a Billings Municipal Court judge) and others including Frontier law firm lawyers, conspired with each other and others including Shelia Kolar prior to and after she became judge in the underlying case, Cause No. CV-925-2023-224-OP, on September 12, 2023 to retaliation against me, my son and his fiancée.

23. If Judge Fehr rules in Appellants' favor, the underlying case, now on appeal, Cause No. 56-2023-1224 in Yellowstone District Court should be vacated and dismissed.

24. Appellant has exercised diligence and there is substantial need for the extension and that the brief will be filed within 30 days of Judge Fehr's ruling on Appeal for Motion to Disqualify.

25. If this court refuses to order Judge Jessica Fehr Chief, Yellowstone District Court to issue an Order on Appellant's Motion to Disqualify Judge Shelia Kolar, filed October 30 and 31st, 2023, pending before Yellowstone District Court, Cause No. DV 23-1231, I will against be denied due process, since Judge Harris false claim that I never responded to the appeal.

26. The extension of time is made in good faith, not for delay and there will be no prejudice to Appellee.

27. Appellant has reached out to Respondent/Appellee's counsel, but has not received an answer to this motion for extension as of 5:00 PM, EST.

WHEREFORE, Appellant respectfully requests this court (1) order Judge Jessica Fehr Chief, Yellowstone District Court to issue an Order on Appellant's Motion to Disqualify Judge Shelia Kolar, filed October 30 and 31st, 2023 (2) grant an extension until January 15, 2025 to file the initial brief and for any other relief deemed appropriate by this court.

Submitted this 7th day of February 2025.

/s/Frederick J. Keitel, III

Frederick J. Keitel, pro se

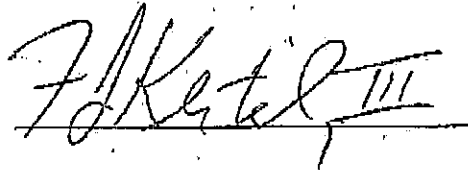
P.O. Box 3243

Palm Beach, Florida 33480

PRO SE Appellant Ph: (561) 310-6864,

Email: rickkeitel@aol.com

Fax n/a



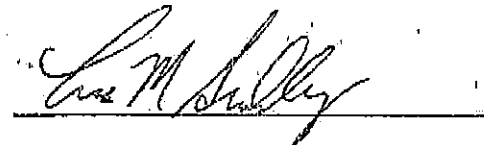
FREDERICK J. KEITEL, III

STATE OF FLORIDA

COUNTY OF SUMTER

Before me, the undersigned authority, personally appeared Frederick J. Keitel, III, who produced a passport as identification and who being duly sworn deposes and says that the Affidavit hereto is true and correct to the best of my knowledge, information and belief.

SWORN TO AND SUBSCRIBED before me this 7 day of February 2025.



NOTARY PUBLIC, State of Florida

At Large



LISAM GRADDY
Commission # HH 084439
Expires February 17, 2025
Bonded Thru Budget Notary Services

Lisa M. Graddy

Print Name

#H094439

Commission No.

My Commission expires:



LISA M. GRADDY
Commission #HH 094439
Expires February 17, 2025
Bonded Thru Budget Notary Services

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day February 7, 2025, a true and correct copy of the attached Motion for Extension of Time to File Initial Brief was faxed via (406) 444-5705 to Office of the Clerk of Court, Montana Supreme Court, Room 323 Justice Building, 215 N. Sanders, P.O. Box , Helena Montana, and filed with the Yellowstone County Clerk of the Court, 13th District Court, 217 N. 27th Street, 6th Floor, Billings, Montana 59107 and all parties.

/s/Frederick J. Keitel, III