

FILED

DA 25-0144(2)

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 25-0144

Jessica Zimmermann

Name

414 Daisy Dean Rd

Wilsall MT 59086

City

State

Zip

acelittiesongbird@gmail.com

[e-mail address]

Appellant

[Designation of Party]

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 25-0144

[to be assigned by Clerk of Supreme Court]

FILED

FEB 18 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

Jessica Zimmermann

Appellant,

v.

NOTICE OF APPEAL

Megan Merker

Appellee.

Notice is given that Jessica Zimmermann, the Appellant

[Name]

named above and who is the Appellant in

[Designation of party]

the cause of action filed in the District? 6th Judicial District, in

[Judicial district]

Park County as Cause No. DV-34-2024-0000076-BC

[District Court Cause No.]

appeals to the Supreme Court of the State of Montana from the final written

judgment or order entered in the District Court on the 5 day of



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NOTICE OF APPEAL  
PAGE 1 OF 4

FEB, 2025.  
[Date final judgment was entered]

**I CERTIFY:** [Check one]

☐ This appeal is subject to the mediation process required by M. R. App. P. 7, or

☐ This appeal is not subject to the mediation process required in M. R. App. P. 7.

**I CERTIFY:** [Check one]

☒ This appeal is NOT an appeal from an order certified as final under M. R. Civ. P. 54(b), or

☐ This appeal is an appeal from an order CERTIFIED as final under the M. R. Civ. P. 54(b). A true copy of the District Court's "CERTIFICATION ORDER" is attached as exhibit "A."

**I FURTHER CERTIFY:** [Check one]

☒ All relevant transcripts of the proceedings in this cause have been ordered from the court reporter, or

☐ I have complied with the provisions of M. R. App. P. 8(3).

**INCLUDED WITH THIS NOTICE IS:** [Check one]

☒ A copy of the order or judgment from which I am appealing, or



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NOTICE OF APPEAL  
PAGE 2 OF 4

☒ I will file a copy of the order or judgment from which I am appealing as soon as possible. I have requested a copy of the order or judgment from the Clerk of District Court.

[Check one of the following]

☐ the filing fee of \$100.00.

☒ a Motion to Proceed Without Payment of Filing Fee.

Respectfully submitted this 11 day of Feb, 2025.

[Signature]  
Jessica Zimmermann  
[Printed name]  
Appellant

### CERTIFICATE OF SERVICE

I certify that I have filed this **Notice of Appeal** with the Clerk of the Montana Supreme Court; and that I have ~~mailed~~ or hand delivered copies to the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript has been ordered, and any party not represented by counsel as follows:

emailed to  
[Clerk of the District Court]  
parladcc@mt.gov &  
mjhartwig@montana.net

[Address]

[Court Reporter]



\_\_\_\_\_  
\_\_\_\_\_  
[Address]

\_\_\_\_\_  
[Name of opposing counsel]

\_\_\_\_\_  
[Address]

Counsel for \_\_\_\_\_

\_\_\_\_\_  
[Party representing himself or herself]

\_\_\_\_\_  
[Address]

DATED this 11 day of FEB, 20 25

  
[Signature]

Jessica Zimmermann  
[Print name]



# **IN THE SUPREME COURT OF THE STATE OF MONTANA**

**Case No. DV-34-2024-0000076-BC**

Jessica Zimmermann, Appellant

v.

Megan Merker, Respondent

## **APPEAL**

COMES NOW the Appellant, Jessica Zimmermann, pursuant to **MCA 25-33-101**, and hereby respectfully submits this Appeal, seeking reversal of the District Court's premature order awarding judgement and attorney fees to Respondent.

## **INTRODUCTION**

Appellant is an animal rescue advocate operating a non-profit animal rescue located in Park County, but provides services to needy animals in three countries. Respondent was referred to Appellant by a mutual acquaintance who was extremely concerned about Respondent's mental and physical health, along with the well-being of Respondent's many animals. The Appellant developed a much needed care-taking relationship with Respondent, and provided Respondent for well over a year, with almost weekly care, travelling over 400 miles round trip many, many times to bring food, supplies, care, labor, etc to Respondent and her animals who were voluntarily isolated and in a level of deep mental illness and neglect. Notably, Respondent promised to reimburse Appellant for her expenses, which included driving thousands of miles and supplying countless items, a promise Respondent only partially fulfilled. Respondent induced and lured Appellant to accept an unsecured loan to purchase land on which Respondent intended to move, so that Appellant, also living there, could continue to take care of her and her animals. Respondent knew full well Appellant had no current means to provide security for the loan and no short term way to repay it, a fact proven by the eventual promissory note signed by Appellant being "unsecured." However, Respondent living on the land and Appellant caring for her and her animals would be factored into reducing repayment of the loan. Respondent proceeded to breach all aspects of these verbal agreements in place which were subjects of the loan. Appellant acquired the land and responsibilities accompanying it, preparing to assist Respondent in moving her entire household and animals to the new location. Respondent instead embarked on an increasingly erratic, demanding, manipulative and irrational crusade about the agreement and ultimately, personally about Appellant and her husband, breaching their entire verbal agreement and understanding, and making further relationship with her impossible. It is Appellant's position that Respondent never intended to fulfill her agreements and promises and fraudulently induced Appellant into a personal and business relationship for her own gain and purposes.

## **GROUND FOR APPEAL**

This Appeal arises from the District Court's improper and unwarranted award of judgement to the Respondent, and from the Court's handling of the underlying proceedings in a manner that violates the principles of fairness and justice. The Supreme Court's intervention is necessary to correct these errors, prevent a manifest injustice and ensure the proper administration of justice in accordance with Montana law and repair the damage done to the reputation of the Court and fair and just Law in Montana.

1. District Court knew Appellant was pro se as no attorney was available to represent her.
2. Appellant responded to Appellant's allegations, refuting them and counterclaiming.
3. Appellant complained to the Court in a filing over being harassed and extorted by Respondent's attorney, in writing, over a premature award by the Court for attorney's fees which the Court ordered even before a final ruling in the matter.
4. The Court sanctioned Appellant for being confused by changing schedules and deadlines issued by the Court, some of which were not presented to Appellant until close to said deadlines and of which Appellant was not given the time frame legally required to be provided.
5. The Court failed to rule on any motion filed by Appellant. Instead, the Court ruled only on Respondent's motions.
6. No hearing was ever held or scheduled.
7. Appellant was not given any opportunity to plead or argue her case in Court.
8. Appellant was given no opportunity to substantiate, provide supplementary evidence, argue or support her case based on discovery or additional findings. Instead, her pleadings and motions were virtually ignored.
9. Appellant was given no leave to amend any alleged deficiencies in her pleadings as none were ever ruled on.
10. The Court showed blatant bias against and contempt for Appellant's pleadings.
11. The Court summarily ruled against Appellant, dismissing her defenses as "not sufficiently supported" which is ironic given the Court denied Appellant almost every opportunity to do so.
12. The Court's behavior in this matter brings contempt and disdain for what Montana courts consider due process, justice and fairness and breeds distrust of the Judiciary.

## **STATEMENT OF FACTS**

1. In September 2021, Respondent approached Appellant to beg for care for herself and her many animals. Appellant proceeded to devote time and resources, with little to no compensation, caring for Respondent, her existing home and her animals for a two year period.
2. In late 2022, Respondent approached Appellant with the offer of an unsecured loan, which Appellant eventually accepted after many denials of the offer.
3. In early 2023, Appellant was made aware of many rumors and smear campaigns being spread by the Respondent against the Appellant. This coupled with increasingly manipulative, demanding and abusive behaviors on the part of the Respondent and the Appellant's new knowledge of the repetitive nature of Respondent's parasitic and fraudulent behavior to manipulate others to Respondent's own gain, made Appellant very uncomfortable. When confronted with Appellant's knowledge of Respondent's behavior, Respondent became completely maniacal and beyond reason.
4. In July 2024, Respondent filed a claim against Appellant, attempting to collect the unsecured loan.
5. Since the lawsuit was initiated, Appellant has not been given the opportunity for justice. The Court has ignored many filings from Appellant, did not give time for Appellant to respond to the new proposed schedule, has prematurely ruled and has given Appellant no opportunity to their right to a hearing or any opportunity to substantiate, support or supplement her case, or additional filings.

Based on this and other one-sided actions by the Court in this matter, Appellant does not believe it can get a fair hearing in this Court and believes, with public support, the Court has brought disrepute upon it and Montana law. Only Supreme Court intervention can reverse the public's awareness of this injustice as it is the only recourse to any Appellant when there is such a miscarriage of justice by any Court.

## **ISSUES PRESENTED FOR REVIEW**

1. Whether the District Court erred in prematurely awarding judgement to the Respondent due to bias, error and a failure of the District Court to properly administer justice and fairness and to provide both sides with equal and full opportunities to present their respective cases, along with other contributing factors such as confusing scheduling and notification, attributable to the Court itself.
2. Whether the Supreme Court of Montana should reverse the District Court's unfair and unfounded award of judgement, remand the case back to the District Court and exercise Supervisory Control over the District Court to correct and prevent procedural irregularities and prevent further injustice.

## **ARGUMENT**

### **I. The District Court Erred in Prematurely Awarding Judgement to the Respondent.**

### **II. Supervisory Control Is Necessary to Address Procedural Irregularities and Prevent Manifest Injustice.**

The Montana Supreme Court may exercise supervisory control when (1) the lower court is proceeding under a mistake of law, (2) there is no adequate remedy by appeal, and (3) urgency or emergency factors render ordinary appeal inadequate. See *State ex rel. Burlington N. R.R. v. Dist. Court*, 199 Mont. 116, 647 P.2d 1368 (1982).

In this case, the District Court's actions reflect a fundamental misunderstanding of procedure or a conclusion to ignore it, either of which has compromised the Appellant's rights and undermined confidence in the judicial process.

Immediate intervention by this Court is necessary to prevent further harm to the Appellant and to ensure that the case proceeds in accordance with Montana law.



## **CONCLUSION AND PRAYER FOR RELIEF**

WHEREFORE, the Appellant respectfully requests that this Court:

1. Reverse the District Court's order awarding judgement to the Respondent;
2. Exercise Supervisory Control over the District Court to ensure compliance with Montana law and the principles of fairness and justice; and
3. Grant such other and further relief as the Court deems just and proper.

**Respectfully submitted,**

Jessica Zimmermann  
414 Daisy Dean Rd  
Wilsall MT 59086  
406.581.8183  
freelittlesongbird@gmail.com  
**Pro Se Appellant**

A handwritten signature in black ink, appearing to be 'J Zimmermann', written in a cursive style.

### Certificate of Service

I hereby certify that I filed this document with the Clerk of the Montana Supreme Court and that I have emailed a copy to each attorney of record and any other related party.

The document was provided by email to Park County District Court @ [parkdcc@mt.gov](mailto:parkdcc@mt.gov) and Mark Hartwig attorney of Respondent @ [mjhartwig@montana.net](mailto:mjhartwig@montana.net) on January 22nd, 2025.

Jessica Zimmermann

*Jessica Zimmermann*

1/22/25

