

FILED

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

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

7	TAYLOR "KAI" GROENKE,)	Cause No. DA-24-0646
8	Plaintiff/Appellee,)	RESPONSES TO APPELLEE'S
9	vs.)	MOTIONS TO STRIKE NOTICE
10)	AND REPLY BRIEF
11	RYAN DEAN GABRIEL)	(CORRECTED)
12	Defendant/Appellant.)	Appeal From: DR-24-510 (B)
13)	11 th Judicial District Court
14)	County of Flathead
15)	Hon. Robert Allison, District Judge

15 COMES NOW Defendant RYAN DEAN GABRIEL (hereinafter, "Mr.
16 Gabriel") who herein responds to *'Appellee's Motion to Strike Notice of Indefinite*
17 *Stay of Foreign Judgment'*, *'Appellee's Motion to Strike Reply Brief'* and provides
18 and re-establishes with this Court *'Notice of Indefinite Stay of Court Judgment'*,
19 ordered by the Oregon Court of Appeals on November 26, 2024, and December 12,
20 2024. This foregoing court judgment is what Plaintiff-Appellee TAYLOR "KAI"
21 GROENKE ("M/r/s. Groenke") has relied upon to support the instant protective
22 order. This *'Response and Notice'* has been properly served on M/r/s. Groenke
23 directly at the address indicated in the attached *'Certificate of Service'*.
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1 M/r/s. Groenke to be the aggressor in the instant protective order case, and not the
2 victim. (See **Exhibit 52** and **Exhibit 55**, attached here).
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4 M/r/s. Groenke further argues that “Gabriel’s *Reply* ... raises five (5) entirely
5 new arguments not included in *Appellant’s Opening Brief* or in *Appellee’s Response*
6 *Brief*.” This argument is not genuine, and overtly false. For example, on Page 16
7 of M/r/s. Groenke’s *Appellee’s Brief*, she voluntarily raises the issue of
8 constitutionally protected speech under the First Amendment to the US
9 Constitution: “Gabriel was not engaging in any constitutionally protected activity
10 when he sent numerous threatening and harassing messages”. Not only is Mr.
11 Gabriel entitled to address this in his *Reply Brief*, these arguments were already
12 previously raised, albeit in scattershot fashion, by Mr. Gabriel in his *Opening Brief*
13 and in his *Affidavits*, as well as during the trial court hearing (CV-385-2024-
14 0001010-OP) on August 8, 2024.
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18 For example, at timestamp 0:23:55 in the foregoing hearing (CV-385-2024-
19 0001010-OP), Mr. Gabriel raised his objection with Hon. Paul Sullivan about the
20 admissibility of evidence that he had not been given a proper chance to review and
21 preserved that argument in his two *Affidavits*.
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24 Moreover, in Mr. Gabriel’s *Opening Brief* and during the foregoing trial
25 court hearing, Mr. Gabriel took issue with the remaining four arguments that have
26 since been carefully laid out in his *Reply Brief*: a) The *de facto* censorship of Mr.
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1 Gabriel (and his memes, allegories, metaphors, jokes and sense of humor) sought
2 by M/r/s. Groenke (1st Amendment issue); b) M/r/s. Groenke's incorrect
3 interpretation of the evidence taken by the trial court as correct and factual, over
4 Defendant-Appellant's objections to the same; c) exculpatory evidence furnished
5 by Mr. Gabriel ignored by the trial court; d) Mr. Gabriel's dispute that any credible
6 threat of the use of physical force against Plaintiff-Respondent M/r/s. Groenke
7 exists or ever existed; and e) M/r/s. Groenke's cynical provocations of Mr. Gabriel
8 specifically to produce an advantage in the underlying civil trial.
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12 The fact that Mr. Gabriel later organized those arguments into a more
13 coherent framework, now consolidated within his *'Reply Brief'*, should not serve as
14 grounds to strike the arguments from the record, because they were previously made
15 and even *addressed by M/r/s. Groenke* in her *'Appellee's Brief'*, *'Notice of Filing'*,
16 *'Motions'* and *'Briefs in Support of Motions'*. (Emphasis added.)
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19 Perhaps the crown jewel of this foregoing, cynical tactic is M/r/s. Groenke's
20 meticulous deconstruction of Mr. Gabriel's erroneous *'Certificate of Service'*
21 included with his *'Notice of Indefinite Stay of Foreign Court Judgment'* that M/r/s.
22 Groenke later moved to strike (indicating she had received the pleading and had
23 ample time to go through it). This very Court in its recent *'Order'*, dated February
24 4, 2025, stated, "This Court concludes consideration of Groenke's motions is more
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1 appropriate when the Court considers the merits of the appeal.” – signed by five
2 Montana Supreme Court Justices including the Chief Justice.

3
4 **NOTICE OF INDEFINITE STAY OF FOREIGN COURT JUDGMENT**

5 With that foregoing Montana Supreme Court ‘Order’ in mind, Mr. Gabriel
6 has rightfully raised the Oregon Court of Appeals recent ‘Orders’ granting an
7 indefinite Stay of the lower Oregon Court foreign judgment. This lower court
8 judgment now indefinitely stayed on appeal – relied upon by M/r/s. Groenke to
9 support her actions in this instant case and related, intersecting cases – fatally
10 undercuts the Plaintiff-Appellee’s ‘Motion for Rule 19 Relief’ and the underlying
11 petition for an order of protection. (See Exhibit 52 and Exhibit 55, attached here.)

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14 As a result of the Oregon Court of Appeals latest rulings, Montana Regional
15 MLS, LLC, has *withdrawn* the unlawful listing of Mr. Gabriel’s permanent
16 residence at 2000 Blacktail Rd. in Lakeside, MT, and Plaintiff-Appellee M/r/s.
17 Groenke has *withdrawn in disgrace* as legal counsel for the Plaintiff (Mr. Olsen) in
18 Flathead County District Court Cause No. DR-24-394 (Hon. Danni Coffman
19 presiding). (Emphasis added.) Now M/r/s. Groenke has sued her former client,
20 JESSE MARK OLSEN (“Mr. Olsen”), and placed an ‘Attorney’s Lien’ against his
21 property for attorney’s fees that Mr. Olsen disputes¹. Mr. Gabriel has filed prior
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27 ¹ See ‘Attorney’s Lien’ filed January 13, 2024, Flathead County District Court (Montana Eleventh Judicial District)
28 Case No. DR-24-394 (E) (B).

1 notices into this instant case that the Court of Appeals of the State of Oregon has
2 issued an order granting a stay of the Amended General Judgment in Multnomah
3 County Circuit Court No. 22DR04942 (Court of Appeals No. A184337). M/r/s.
4 Groenke was relying upon this stayed judgment to justify her ongoing unlawful
5 actions to harass, provoke and ensnare Mr. Gabriel, and to interfere in Mr. Gabriel's
6 affairs, contracts and permanent residence, yielding the instant matter.
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8
9 The appellate court has now issued two very clear '*Orders*', one signed on
10 November 26, 2024, by Chief Judge Hon. Erin C. Lagesen, and another on
11 Thursday, December 12, 2024. In this more recent '*Order*', the Oregon Court of
12 Appeals further clarified the scope of the Stay previously ordered on Mr. Gabriel's
13 behalf by Chief Judge Hon. Erin C. Lagesen:
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16 "Under ORS 19.335(2), to the extent that the judgment requires
17 appellant to relinquish possession of the real property, his filing of the
18 supersedeas undertaking "acts to stay" that requirement. Thus, having
19 complied with the provisions of ORS 19.335(2), including depositing
20 the agreed security with the court, appellant is entitled to maintain
21 possession of the property at issue pending resolution of this appeal.
22 On review of the trial court's order under ORS 19.360, the court rules
23 that, to the extent that, under the judgment on appeal, appellant is
24 required to transfer or deliver possession of the real property at issue,
25 that portion of the judgment is stayed pending completion of the
26 appeal."
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28 (See **Exhibit 55**, attached here.)

The previous appellate court '*Order*', signed on November 26, 2024, by
Chief Judge Hon. Erin C. Lagesen, reads:

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2 “In view of *German Sav. Soc’y v. Kern*, 42 Or 532, 70 P 709
3 (1902), appellant’s [Mr. Gabriel’s] request for a temporary stay is
4 granted pending resolution of this motion. As a result of this temporary
5 stay, appellant is entitled to remain in possession of the property at issue
6 pending further ruling by this court. *See Kern*, 42 Or at 535-36 (“[I]f
7 the appellant is in possession at the time of the filing of the undertaking,
8 he is entitled to remain so until the matter is fully adjudicated in the
9 appellate court.”).

10 Mr. Gabriel herein attaches a copy of the ‘Order’ in the Oregon appellate
11 court. (*See Exhibit 52*, attached here).

12 The temporary Stay ordered by the Oregon Court of Appeals is in support of
13 the prior-referenced supersedeas undertaking and cash posting of \$51,816 discussed
14 at length in a District Court (Flathead County, Mont.) hearing, dated October 29,
15 2024, in a related case (Cause No. DR-24-394), Hon. Judge Danni Coffman
16 presiding. On October 18, 2024, an agreed upon cash posting (\$51,816) and
17 corresponding supersedeas undertaking was filed in the Oregon domestic relations
18 trial court, effecting a Stay per the stipulated Order, which reads:

19 “The court heard arguments and accepted the parties’ agreement
20 that the reasonable *value and use and occupation of their Montana*
21 *home* came to \$4,318 monthly and that, because respondent [Mr.
22 Gabriel] is a half owner, the posting that will effect a stay is 24 times
23 half of that amount (i.e., a posting of \$51,816).” (Emphasis added.)

24 Per the November 26, 2024 and December 12, 2024 rulings by the Oregon
25 Court of Appeals, combined with the signed stipulated Multnomah County trial
26

1 court *'Order Re: Objection to Undertaking'* dated August 14, 2024, this therefore
2 entitles Mr. Gabriel to “use and occupation” of the property located at 2000
3 Blacktail Rd. in Lakeside, MT 59922 for a period of 24 months, starting on October
4 18, 2024. (See **Exhibit 45**, attached here). This 24-month period was agreed to by
5 all parties in the Oregon trial Court in anticipation of a 2-year process to conclude
6 the appellate process in the State of Oregon.
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9 The foregoing Oregon Court of Appeals *'Orders'* render M/r/s.
10 Groenke's recent *'Appellee's Brief'* and *'Motion for Rule 19 Relief'*² moot at best.
11 To Mr. Gabriel's knowledge, M/r/s. Groenke has full knowledge and possesses full
12 awareness of the foregoing higher court Orders commanding a Stay of the lower
13 court judgment. (See **Exhibit 45**, **Exhibit 52** and **Exhibit 55**, attached here.)
14

15
16 **ORDER DECLARING MR. GABRIEL A “VEXATIOUS LITIGANT”**

17 **The Matter is Under Appeal.** Plaintiff Mr. Gabriel has submitted a *'Notice*
18 *of Appeal'* of the foregoing *'Order'* with the Montana Supreme Court and will
19 appeal any judgment on the same grounds. Previously, on December 24, 2024,
20 Plaintiff Mr. Gabriel filed his *'Objection'*³ to the 20-page long *'Proposed Order'*,
21 which was written entirely by Defendant M/r/s. Groenke and her legal counsel,
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25 ² M/r/s. Groenke's *'Motion for Rule 19 Relief'* and *'Brief in Support'* in the instant case (DA-24-0646) are similar to
26 her previous *'Motion for Rule 19 Relief'* and *'Brief in Support'* filed into Flathead County District Court (Montana
11th Judicial District) Case No. DV-2024-1197 (B), which is referenced in her *'Notice of Filing'* in the instant case.

27 ³ See *'Plaintiff's Objection to Defendant's Affidavit Re: Fees and Costs'*, Flathead County District Court (Montana
11th District), Cause No. DV-2024-1197 (B). (Also attached herewith).
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1 barely modified (if at all) by the Court, and subsequently rubber-stamped by the
2 now-retired Judge Allison days before his retirement. Without any sense of irony,
3
4 M/r/s. Groenke implied that the 20-page 'Order' signed by Judge Allison days
5 before his retirement was thoughtfully crafted by the Court, when in fact it was
6 entirely written by M/r/s. Groenke's counsel and her 'Proposed Order' to the Court
7
8 was electronically signed with *no discernable modifications*. (Emphasis added.)

9 In her various briefs seeking to declare Mr. Gabriel a vexatious litigant,
10 M/r/s. Groenke argued:

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12 "[Taylor] Kai Groenke (...) was not involved with the inspection of
13 the Lakeside property arranged by her client, Jesse Olsen, who hired
14 security for the inspection given [Mr. Gabriel's] threat to shoot Fritz
15 Groenke in the face if he entered the property. See [Taylor] Kai
16 Groenke's Statement of Facts (Doc. 42), SOF 43. The inspection
17 was arranged with notice to [Mr. Gabriel] and pursuant to Judge
18 Coffman's Order. Id. SOF 68." ⁴

19 Here Mr. Gabriel would note that M/r/s. Groenke is simply wrong on the
20 facts. The November 11, 2024 ("Veterans Day") violent raid on Mr. Gabriel's
21 property was neither pursuant to Judge Coffman's 'Order', nor was it an
22 "inspection". The inspection of the property occurred on November 20, 2024,
23 (security camera footage enclosed), and a now-cancelled inspection was scheduled
24 for December 10, 2024. (See **Exhibit 56**, attached here).

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27 ⁴ M/r/s. Groenke's 'Motion for Rule 19 Relief' and 'Brief in Support' in the instant case (DA-24-0646) are similar to
28 her previous 'Motion for Rule 19 Relief' and 'Brief in Support' filed into Flathead County District Court (Montana
11th Judicial District) Case No. DV-2024-1197 (B), which is referenced in her 'Notice of Filing' in the instant case.

1 M/r/s. Groenke further argues that:

2 “[Mr. Gabriel alleges] Jesse Olsen’s foreign judgment action filed
3 in Montana was his “third” lawsuit against [Mr. Gabriel]. [Taylor]
4 Kai Groenke disagrees with this assertion as the Montana
5 Enforcement of Foreign Judgment Action was the first and only
6 action filed in Montana by Jesse Olsen.”

7 Here Mr. Gabriel would simply note that M/r/s. Groenke is ingenuine, given
8 that she is fully aware that Mr. Gabriel is referring to lawsuits filed by Mr. Olsen in
9 both Montana and Oregon. This begs the central question of what purpose these
10 “Hail Mary” pleadings are designed to serve. The two higher (Court of Appeals)
11 Oregon court rulings from November 26, 2024 and December 12, 2024, cause
12 nearly every argument made in M/r/s. Groenke’s filings to unravel in totality, in
13 particular:
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16 “[Mr. Gabriel] (...) misinterprets a court order discussing the
17 amount of bond that would be required to stay enforcement as
18 entitling him to reside at the Lakeside property for a period of 24
19 months, and in general appears to assert his filing of the instant
20 lawsuit is justified based on his view that prior judicial decisions and
21 their enforcement regarding his relationship with Jesse Olsen and
22 their jointly owned real property have been wrongful.”⁵

23 This statement inverts the reality of facts in this case, in particular the fact
24 that the Court of Appeals of the State of Oregon has confirmed that Mr. Gabriel’s
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27 ⁵ M/r/s. Groenke’s ‘*Motion for Rule 19 Relief*’ and ‘*Brief in Support*’ in the instant case (DA-24-0646) are similar to
28 her previous ‘*Motion for Rule 19 Relief*’ and ‘*Brief in Support*’ filed into Flathead County District Court (Montana
11th Judicial District) Case No. DV-2024-1197 (B), which is referenced in her ‘*Notice of Filing*’ in the instant case.

1 interpretation of the law is correct, and that M/r/s. Groenke's interpretation is
2 incorrect. (See **Exhibit 45, Exhibit 52 and Exhibit 55**, attached here.)
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4 From there, M/r/s. Groenke's "Hail Mary" arguments collapse in near
5 totality, in particular claims that Mr. Gabriel is "attempting" to portray himself "as
6 the victim". Mr. Gabriel is indeed alleging wrongful and unlawful interference by
7 M/r/s. Groenke. This, in turn, inverts the victim-aggressor relationship that M/r/s.
8 Groenke argues entitles her to the instant protective order now being appealed by
9 Mr. Gabriel. The higher Oregon Court (of Appeals) has ruled and has agreed with
10 Mr. Gabriel's interpretation of which party is on the wrong side of the law, as it
11 pertains to the instant matter.
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14 In addition, M/r/s. Groenke's allegation that the "Oregon Partition Lawsuit",
15 22CV10399 (Oregon Circuit Court, Multnomah County) "has been dismissed" is
16 incorrect. That lawsuit is consolidated with the Oregon domestic relations matter
17 22DR04942. 22CV10399 is now Court of Appeals No. A184374, and Chief Judge
18 Hon. Lageson's 'Order' granting Mr. Gabriel an indefinite Stay also applies to the
19 "Oregon Partition Lawsuit", which means the lower Court's dismissal is now
20 substantially reversed. (See **Exhibit 57**, attached here.)
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24 Taken together, this means that Defendant/Appellant Mr. Gabriel is
25 substantially prevailing in both Oregon appellate matters (A184337 and A184374)
26 as well as in Flathead County District Court Cause No. DR-24-394, in which Mr.
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1 Gabriel is the defendant. The higher appellate court ruling also casts doubt on
2 whether M/r/s. Taylor “Kai” Groenke and Frederick “Fritz” Groenke can prevail in
3 the appeals of their respective protective orders now pending with the Montana
4 Supreme Court, given that the appellate rulings *invert* in near-totality perceptions
5 over who is the aggressor and who is the victim in those particular cases (DA-24-
6 0646 and DA-24-0665). (Emphasis added.) The Oregon appellate Court rulings
7 also bolster Mr. Gabriel’s complaint to the Northwest Montana Association of
8 Realtors (NMAR), making it highly likely they will rule Frederick “Fritz” Groenke
9 has violated several NMAR ethical standards and rules.
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13 CONCLUSION

14 Defendant-Appellant Mr. Gabriel has herein notified this court that the
15 Oregon Court of Appeals recent ‘*Order*’ granting an indefinite Stay of the lower
16 Oregon Court foreign judgment – relied upon by M/r/s. Groenke to support her
17 actions in this instant case – also fatally undercuts the Plaintiff-Appellee’s ‘*Motion*
18 *for Rule 19 Relief*’ and the underlying petition for an order of protection. (See
19 **Exhibit 55**, attached here.)
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22 M/r/s. Groenke has further moved to strike Mr. Gabriel’s ‘*Notice of Indefinite*
23 *Stay of Foreign Court Judgment*’ under the premise that it was not properly served
24 upon her; however, she clearly somehow obtained a timely, proper copy of the
25 ‘*Notice*’ she seeks to strike on those grounds, having repeatedly cited its contents
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1 in her various pleadings. Therefore, Mr. Gabriel's 'Notice' should be retained as
2 part of the court record for preservation herein.
3

4 DATED this 18th Day of February, 2025.

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7
8 _____
Defendant-Appellant, Pro Se (signature)

9
10 Ryan D. Gabriel
2000 Blacktail Rd. #1140
11 Lakeside, MT 59922
12 Phone #: (403) 606-5859 m.

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that true and correct copies of the foregoing and Exhibits
15 were served upon the opposing parties on this 18th Day of February, 2025, by the
16 method an at the address as indicated below:
17

18 Taylor "Kai" Groenke, *pro se*
19 239 Second Street West
Kalispell, MT 59901
20 kai@familylawflathead.com

21
22 ___X___ by regular mailing full, true, and correct copies thereof to the
23 attorney(s) at the physical mailing addresses shown above, sent via USPS regular
24 mail, with signature receipt and tracking.
25

26 DATED this 18th day of February, 2025.
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Ryan D. Gabriel
Defendant-Appellant, *pro se*

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing brief is proportionally spaced typeface of 14 points, and is 3,142 words.

DATED this 18th Day of February, 2025.



Ryan D. Gabriel
Defendant-Appellant, *pro se*

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