

ORIGINAL

DV-24-1512

FILED

03/19/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number OP 25-0207

IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED
JAN 21 PM 2:43
CLERK OF DISTRICT COURT

OP 25-0207

Clinton- John: Morris,

Case No.:

Petitioner

Petition for [a] Writ of Mandamus

v.

FILED

Magistrate Amy Eddy

CERTIFIED

MAR 19 2025

Respondent

Bowen Greenwood
Clerk of Supreme Court
State of Montana

PETITION FOR WRIT OF MANDAMUS

TO THE HONORABLE SUPREME COURT OF THE STATE OF MONTANA:

COMES NOW, Clinton- John: Morris, a man and Petitioner in the above-referenced matter, seeking a Writ of Mandamus to compel the Respondent, Magistrate Amy Eddy, to fulfill her ministerial duty to acknowledge and sign the Default Judgment filed on December 13, 2024, in case number: DV-24-1512 and states as follows:

I. JURISDICTION

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1. This Court has original jurisdiction to issue writs of mandamus pursuant to Article VII, Section 2 of the Montana Constitution and Montana Code Annotated § 3-2-202.
 2. This Petition is brought to address the Respondent's failure to perform her ministerial duty in a timely manner, resulting in the denial of justice and harm to the Petitioner.
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II. BACKGROUND

1. **Filing of Verified Claim:** Petitioner filed a Verified Claim on **October 21, 2024** at **2:59pm**, asserting lawful claims of trespass against the wrongdoer, Dev Haegele, for administering property without right.
 2. **Service of Process:** The wrongdoer was properly served on **November 6, 2024**, as evidenced by the attached Affidavit of Service.
 3. **Default Judgment Filing:** On **December 13, 2024**, following the expiration of the response period on **November 27, 2024**, Petitioner filed a Default Judgment with the Clerk of Court in the Eleventh Judicial District.
 4. **Unjustifiable Delay:** Despite the absence of any contest, response, or lawful cause for delay, Respondent has failed to acknowledge or sign the Default Judgment.
 5. **Harm to Petitioner:** The Respondent's refusal to act is preventing Petitioner from proceeding with lawful remedies, including attachment proceedings, to recover damages and be made whole.
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III. LAWFUL BASIS FOR RELIEF

1. **Ministerial Duty:** The signing and sealing of [a] Default Judgment, where all procedural requirements have been satisfied, is a ministerial act requiring no judicial discretion.
 2. **Denial of Justice:** Withholding acknowledgment and signing of the judgment without cause constitutes a denial of Petitioner's lawful right to access remedies and violates the principle that justice must not be delayed.
 3. **Legal Precedent:**
 - o **Moreau v. Fuller**, 276 Va. 127, 661 S.E.2d 841 (2008): A writ of mandamus is appropriate to compel a judicial officer to perform a ministerial duty when no adequate remedy at law exists.
 - o **Andrews v. Shepherd**, 201 Va. 412, 111 S.E.2d 279 (1959): Mandamus compels the performance of a ministerial duty but does not control discretion.
 - o **Prince William County v. Hylton Enterprises**, 216 Va. 582, 221 S.E.2d 534 (1976): A court cannot refuse to perform a ministerial duty when procedural conditions are satisfied.
 4. **No Adequate Remedy at Law:** Petitioner has no other recourse but to seek this writ, as the Respondent's delay is preventing enforcement of the Default Judgment.
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IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a Writ of Mandamus compelling Magistrate Amy Eddy to immediately acknowledge, sign, and seal the Default Judgment filed in this matter.

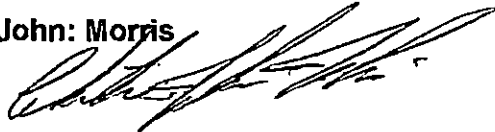
2. Direct the Clerk of the Eleventh Judicial District Court to provide the original signed and sealed Default Judgment to the Petitioner for enforcement purposes.
 3. Grant any other relief deemed just and proper to ensure that justice is neither delayed nor denied.
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V. AFFIRMATION OF FACTS

I affirm under penalty of perjury, under the laws of this Court of Record, that all statements contained herein are true and correct to the best of my knowledge and belief.

Dated: *January 14th 2025*

BY: Clinton- John: Morris



P.O. Box 1351

Kalispell, MT 59903

ATTACHMENTS

1. Copy of Verified Claim (October 21, 2024)
2. Affidavit of Service (November 6, 2024)
3. Filed Default Judgment (December 11, 2024)
4. *Notice and Directive for Action*
5. *Re: Demand to witness Default Judgment*
6. *Receipt of Service / Civil Case Commencement*
7. *Receipt for Judgment*

Petition for Writ of Mandamus

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Petition for Writ of Mandate, has been served upon the Respondant, by U.S., Certified Mail- Signature confirmation, Tracking number: _____ on this 14th day of January, 2025, to 920 South Main Street, suite 300 Kalispell MT, 59901

By: Clinton John Morris



STATE OF MONTANA

COUNTY OF FLATHEAD

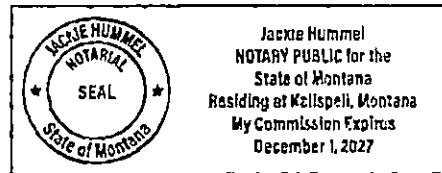
On this 14th day of January ²⁰²⁵~~2024~~, before me, the undersigned Notary Public for the State of Montana, personally appeared Clinton John Morris known to me or proven to be the person whose name is subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein stated.

In witness whereof, I hereunto set my hand and official seal.

 Jackie Hummel
Notary Public for the State of Montana

Residing at: Kalispell

My Commission Expires: 12/1/2027



AFFIDAVIT OF SERVICE

STATE OF MONTANA

COUNTY OF FLATHEAD

I, Clinton- John: Morris, do hereby declare and affirm as follows:

1. Case Information

- This Affidavit of Service concerns **Case Number DV-24-1512**, filed in the District Court of Flathead County, Montana. **Clinton** is the claimant, and **Dev Haegele** (hereinafter "Wrongdoer") is named in the suit.

2. Date and Method of Mailing

- On **October 31, 2024**, I mailed the lawsuit documents in connection to Case Number DV-24-1512 via **Registered Mail**.

3. Proof of Delivery

- The Post Office issued **PS Form 3811 (Signature Confirmation)** which was returned to me, bearing Wrongdoer[s] signature, confirming delivery occurred on **November 6, 2024** at **121 Financial Drive, Suite C, Kalispell, MT 59901**.

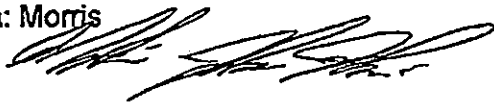
4. Tracking Numbers

- Registered Mail details:
 - **Tracking Number:** 9590 9402 9040 4122 5216 95
 - **Article Number:** RF 821 844 242 US

5. Statement of Truth

- o I affirm under penalty of perjury and under God, that the information in this Affidavit is true and correct to the best of my knowledge and belief. I submit this document with the intention of giving notice to all interested parties.

By: Clinton- John: Morris



Date: 1-4-2025

NOTARIAL ACKNOWLEDGMENT

STATE OF MONTANA

COUNTY OF FLATHEAD

Subscribed and affirmed before me this 4th day of January, 2025, by

Clinton John Morris

 Jackie Hummel
Notary Public for the State of Montana

Residing at: Kalispell

My Commission Expires: 12/1/2027

