

ORIGINAL

FILED

03/26/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0042

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 24-0042

IN RE ORDER OF PROTECTION OF:

TEDDEE HARRIS CUOMO

Petitioner / Appellant

v.

DEBORAH L. DERR

Respondent / Appellee

FILED

MAR 26 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN RE ORDER OF PROTECTION OF:

DEBORAH L. DERR

Petitioner / Appellee

v.

TEDDEE HARRIS CUOMO &

Respondent / Appellant

Petition for Rehearing

~~MOTION FOR RECONSIDERATION~~

Appeal from the Montana Sixth Judicial District Court, Park County

Cause No.s DV-34-2023-110 and DR-34-2023-117

The Honorable Judge Brenda Gilbert, Presiding

Teddee Harris Cuomo,

Pro Se

95 Billman Lane

Livingston, Montana 59047

Appellant

Webster Crist,

Crist & Schroeder, PLLC

P.O. Box 2431

Livingston, Montana 59047

Attorneys for the Appellee

MOTION FOR RECONCIDERATION

Harris Cuomo v. Derr (2025),

We identify the following potential grounds 1) to correct the minified errors of the Law or Fact in which the judgement was based. 2) We raise oversight to the evidence presented at trial, that was not considered or directly omitted, in use of the law according to the rules and guidelines defined and cited for this judgement 3) to prevent manifest injustice resulting from the mistakes in interpreting the facts, accordingly. 4) We bring to the courts attention that negligence was a contributing factor of injury and that the law was not considered equally to the petitioner as it was to the respondent. Furthering the argument of Manifest Injustice.

Here on forward, please note; Teddee Harris Cuomo will be referred to as Ms. HC and Deborah L. Derr will be referred to as Miss Derr.

Grounds 1),2)

The Court of Appeals error in understanding that the injuries that occurred to Ms HC were not inflicted as a result of being kicked in the shin by her horse. But were actually a direct causal effect by the careless and negligent actions of Miss Derr. According to and supported by testimony from December 15, 2023: the affidavit/petition by Ms. HC on October 5, 2023 and Mr. Crist's statements submitted in his Answer Breif. From the results of this judgement, the court weighed heave on the claims in Mr. Crist brief. Please take this into account also, that Mr. Crist validates Miss Derr sprayed rocks from the tires of her truck. Al though drastically minimizes the act. Mr. Crist mistakenly stated that Miss Derr stopped her vehicle and got out to see if Ms. HC. This did not take place. It appears to be a weak attempt to paint Miss in a kinder light.

Grounds 4)

Miss Derr was negligent in her actions and could have prevent harm and injury to Ms. HC. For example:

DUTY OF CARE

This is the first building block. Imagine it as a signpost that says, "Be Careful Here." It means that in certain situations, people have a legal obligation to act reasonably and avoid causing harm to others.

For instance, when driving a car, there's a duty to obey traffic rules and drive safely.

Negligence in this scenario may result in an auto accident lawsuit.

BREACH OF DUTY

Think of this as the moment someone ignores the signpost and acts carelessly. To prove negligence, we need to show that the person didn't meet the standard of care expected under the circumstances. For example, if a driver speeds and runs a red light, they are in breach of duty of care.

CAUSATION

This part links the carelessness to the harm that occurred. It's like connecting the dots. We have to demonstrate that the person's carelessness directly led to the harm.

According to the findings of the Appeals Court and staying with the lower Courts decision, there was not enough evidence provided to grant an Order of Protection to Ms. HC. Reference in II 16.

An order of protection is warranted when the petitioner "is reasonable apprehension of bodily injury," or is "a victim" of certain enumerated offenses.

As follows these are some of the laws that 2) that were omitted or overlooked in the final judgement, citing for grounds to reconsideration:

45-5-201. Assault. (1) A person commits the offense of assault if the person:

Grounds 4 **(b) negligently causes bodily injury to another with a weapon;**

(d) purposely or knowingly causes reasonable apprehension of bodily injury in another

Miss Derr used her truck as a "weapon to intimidate", and as a causal result, injuring Ms. with flying debris. Claiming this was not her intention, while her aggressive behavior spoke differently. Causing harm and injury to another person. Combined with her volatile, abusive outburst, that was not denied by Miss Derr, should have been enough evidence to warrant an Order of Protection.

45-5-203. Intimidation. (1) A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, the person communicates to another, under circumstances that reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority any of the following acts:

(a) inflict physical harm on the person threatened or any other person;

(b) Disorderly Conduct (§45-8-101):

This law prohibits acts like quarreling, challenging someone to a fight, fighting, making loud or unusual noises, or using threatening, profane, or abusive language.

45-5-208. Negligent endangerment -- penalty. (1) A person who negligently engages in conduct that creates a substantial risk of death or serious bodily injury to another commits the offense of negligent endangerment.

In Montana, while there isn't a specific law against "street harassment," certain behaviors, like threats, intimidation, and disorderly conduct, can be prosecuted under existing laws like those regarding intimidation and malicious harassment. Miss Derr caused these injuries while operating a motor vehicle and clearly was exhibiting the behavior of an individual acting in Road Rage.

Ms. HC was going down the hill in full view of Miss Derr. In her own words Miss Derr admitted the road was not wide enough to accommodate a truck, a standard horse, and pedestrian. Trans. Pg. 29 lines 14-16. There was no shoulder and at this point of the road a culvert and ditch made the road even narrower. There was nowhere to go. Miss Derr was on her phone and visible angry. And at the point Miss Derr stopped, claiming that she thought Ms. HC called her, Trans. Pg. 30 lines 15-16; a something, something, "stupid bitch". Mind you that this entire time she was on her phone, operating a vehicle; exhibiting angry, volatile behavior. Or Road Rage.

Even though Montana does not have a Road Rage law, there are laws and driving rules that expect drivers to follow:

In Montana, the standard of reasonable care requires drivers to operate their vehicles with due diligence, obeying traffic laws, maintaining a lookout, and exercising caution to avoid harming others, similar to what a "reasonable person" would do in the same circumstance.

In the circumstance Miss Derr had every opportunity to avoid this situation. Instead she allowed anger and poor judgement to move forward. Knowing that she was protected by the truck, leaving Ms HC very vulnerable, will leading and unpredictable horse. Horses do not like to be cornered or feel trapped. This is quit dangerous, frightening and "intimidating" position. 45-5-203. She could see that there was activity going on, Trans Pg. 29 lines 6-8. In her words, "I was talking to Karen. I actually contacted her prior to, um because I knew it looked like a beehive of events going on uncontrollably, so I wanted her support." Miss Derr's intent clearly wasn't to go help the situation. No, she was enraged and she was going to give Ms. HC a piece of her mind. Miss Derr didn't stop beside Ms. HC to see if she was OK. She didn't feel she needed to. She stopped beside Ms. HC to spew her vile and derogatory insults. Calling Ms HC a Fing C**T, this is not the actions of someone that is concerned for another's well-being. And in fact this vile language isn't considered protected by free speech. They are considered "fighting words"

fight·ing words

/ˈfɪdɪŋ ˌwɜːdz/

noun

1. words that indicate a willingness to fight or challenge someone or that are likely to cause confrontation.
"you are challenging us to a boxing match with real fighting words"

○ **US-LAW**

insulting or provocative words, especially of an ethnic, racial, or sexist nature, considered unacceptable or unlawful by certain institutions and afforded less protection than free speech. "among the limitations are that the fighting words must be clearly directed at the person who hears them"

Which in 1942 the Supreme Court Ruled:

In *Chaplinsky v. New Hampshire*,¹ the Court unanimously sustained a conviction under a state law proscribing any offensive, derisive or annoying word addressed to any person in a public place after accepting the state court's interpretation of the statute as being limited to fighting words—that is, to words that have a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed. The Court sustained the statute as narrowly drawn and limited to define and punish specific conduct lying within the domain of state power, the use in a public place of words likely to cause a breach of the peace.² The Court further explained that by their very utterance, fighting words inflict injury or tend to incite an immediate breach of the peace.³ Accordingly, such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.⁴

This information and Supreme Court's ruling has just recently come to our attention. Ms. HC had asked the Park County Sheriff department why it was legal for Miss Derr to verbally abuse her. She was told that it was "Free Speech" and Miss Derr had the right to verbally insult her. Finding now that this is a misunderstanding in the law, that all speech is not protected by the First Amendment. Specifically, "Fighting Words".

The video evidence presented by Miss Derr Does Not show one encounter, face to face conversation, yelling, cursing, insulting, antagonizing, threatening. or intimidation by Ms. HC. Even Miss Derr's testimony was weak implicating Ms. HC in receive an order of protection against her.

Miss Derr admitted using of these hateful, insightful words were meant to harm. And arguably, the words Miss Derr uses are probably the most offensive and derogatory words for a female, in the English language.

Grounds 4) This would show that an injustice carried out. Not applying the laws, ignoring and omitting evidence and testimony by both Ms. HC and her father. An Not providing the protection legally afforded to Ms. HC and her father.

Also, it is important to point out that this is an extremely daunting undertaking by a lay person that is not an attorney. This is my Everest. I was not my first choice for this monumental undertaking. With an BA in Art/Sociology this is not included in that wheelhouse. Thankfully Montana has a very gracious and helpful law library, and kind, understanding staff at the Clerk of Courts for the Supreme Court. And not to be critical in anyway, but it would have saved a lot of sleepless nights, anxiety and time if the Court could have said from the beginning that they **Would Not** change the lower courts findings. So at this time in the interest for reconsideration, the relief that is being asked for is, please send this back to the lower courts (which is not favored) or give direction to another potential avenue to 1) Protect Ms. HC and 2) Correct the errors that have occurred. Thank you

Iedee H. Cromo

03/26/25

ORIGINAL

Form 10(4)

CERTIFICATE OF SERVICE **FILED**

I certify that I filed this

☐ Petition

☒ Motion

☒ Other _____

MAR 26 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

[Name of document]

with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

Webster Crist

[Name of opposing counsel]

P.O. Box 2431

[Address]

Livingston Mt. 59047

Counsel for Miss Deborah L. Deane

Pro Se Tadee Harris Cuomo

[Other party representing himself or herself]

95 Bellman lane

Livingston Mt. 59047

[Address]

DATED this 26 day of March, 20 25.

Tadee H Cuomo

[Signature]

Tadee H Cuomo

[Print name]

