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**IN THE SUPREME COURT OF THE STATE OF MONTANA**  
**Supreme Court Cause No. DA-25-0156**

<p>IN RE THE PARENTING OF J.E.B. and B.L.B.</p> <p>JESSICA L. BROOKS,</p> <p style="padding-left: 100px;">Petitioner and Appellee,</p> <p>and</p> <p>MATTHEW J. BROOKS,</p> <p style="padding-left: 100px;">Respondent and Appellant.</p>	<p style="text-align: center;"><b>APPELLEE’S RESPONSE IN OBJECTION TO APPELLANT’S MOTION TO AMEND OPENING BRIEF</b></p>
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The Appellee, Jessica L. Brooks (Jessica), through her attorney of record, Emily A. Lucas, RIES LAW GROUP, P.C., respectfully files this response in objection to Appellant’s (Matthew’s) *Motion to Amend Opening Brief* filed on April 17, 2025.

This Response is supported by the following brief:

## Brief

### **I. Introduction.**

On March 30, 2025, Matthew filed *Appellant's Opening Brief*. On April 7, 2025, after reviewing *Appellant's Opening Brief* and discovering that Matthew's argument was unsupported by legal authority and instead relied on incorrect or made up citations and holdings, Jessica filed her *Motion to Dismiss Appeal*. Although Matthew did not submit a response in objection to the *Motion to Dismiss Appeal* within the timeframe allowed by the Montana Rules of Appellate Procedure or at all, on April 21, 2025 Matthew submitted his *Motion to Amend Appellant's Opening Brief (Motion to Amend)* and supporting documents. Through Matthew's filings, Matthew requests that the Court accept *Appellant's Amended Opening Brief* in which he fixes some (but not all) of the incorrect citations and deletes direct quotes he had alleged were made by justices despite those statements not existing in Montana caselaw.

Jessica requests that this Court deny Matthew's *Motion to Amend* and dismiss Matthew's appeal because: (1) Matthew provides no legal authority to support his request and instead continues to rely on fake holdings and inaccurate or falsified legal citations to support his arguments; and (2) Matthew's Amended Opening Brief which he requests that the Court accept for filing still fails to comply with Rule

12(1)(g) by setting forth inaccurate citations and by relying on a supporting case which Matthew either made up or was generated by his misuse of artificial intelligence.

## **II. Argument.**

### **A. Matthew's Motion to Amend should be denied as Matthew has provided no legal authority to support his request.**

Matthew has failed to provide any supporting authority for this Court to grant his request to amend *Appellant's Opening Brief*. Instead, like in *Appellant's Opening Brief*, Matthew relies on incorrect legal citations and made-up Montana caselaw as authority. In Matthew's *Memorandum in Support*, he alleges that the Court in *State v. Gallagher*<sup>1</sup> allowed a party to amend their brief to "correct a citation error." *Memorandum in Support*, pg. 3 (April 17, 2025). However, in *State v. Gallagher*<sup>2</sup> this Court examined a defendant's assertion of ineffective counsel in his request for substitution of counsel—nowhere in that opinion is a party's request to amend an appellate brief discussed. Furthermore, the public domain citation "2005 MT 140" offered by Matthew belongs to *Rausch v. State Compensation Ins. Fund* in which

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<sup>1</sup> Appellant uses the following citation: *State v. Gallagher*, 2005 MT 140, 327 Mont. 339, 114 P.3d 1012.

<sup>2</sup> *State v. Gallagher*, 2001 MT 39, 304 Mont. 215, 19 P.3d 817.

this Court ruled on a Workers' Compensation claimant's rights.<sup>3</sup> As for the second case Matthew cites in support of his motion to amend, which is *Miller v. Herbert*, 2014 MT 201, 376 Mont. 2012, 333 P.3d 921, the case name and the citation lead counsel to two different cases, neither of which discuss or stand for the proposition that Matthew asserts in his *Memorandum*.

As Matthew has failed to support his request to be allowed to file an amended opening brief with any legal authority and has instead again made-up legal authority to support his requested relief, Jessica cannot adequately respond to his *Motion*. Therefore, Matthew's *Motion* should be denied.

**B. Matthew's Amended Opening Brief, if accepted by the Court, still fails to comply with Rule 12 of the Montana Rules of Appellate Procedure subjecting it to dismissal by the Court.**

Rule 12 requires that Matthew's brief contain an argument section that includes citations to authorities and statutes for the relief being requested. Jessica reasserts the key issues from her *Motion to Dismiss Appeal* which are that Matthew drafted and filed with this Court an opening brief that contains citations to nonexistent caselaw and inaccurate legal citations. After these issues were pointed out by Jessica in her *Motion to Dismiss Appeal*, Matthew submitted Appellee's

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<sup>3</sup> *Rausch v. State Compensation Ins. Fund*, 2005 MT 140, 327 Mont. 272, 114 P.3d 192.

*Amended Opening Brief* which corrected some of the citation errors and deleted the made-up quotes from justices found throughout the original brief. However, Matthew failed to correct other incorrect citations and continues to rely on *Marriage of Malmquist*, 2003 MT 91, 315 Mont. 222, 69 P.3d 495, which, as explained by Jessica in her *Motion to Dismiss Appeal*, does not exist and was either made up by Matthew or was generated by Matthew's misuse of artificial intelligence. See *Amended Opening Brief*, pg. 13-14 (April 17, 2025). As Matthew's brief, even as amended, fails to comply with Rule 12(1)(g) of the Montana Rules of Appellate Procedure, his request for leave to amend *Appellant's Opening Brief* should be denied.

### **III. Conclusion.**

While acknowledging that artificial intelligence technologies may assist self-represented individuals in accessing the judicial system, such assistance should not relieve litigants of their fundamental duties to ensure the accuracy, veracity, and legal sufficiency of their submissions. Pro se parties must be held responsible for reviewing, verifying, and, where necessary, correcting any content generated or assisted by artificial intelligence prior to its filing. Here, rather than providing actual authority for this Court to rely on in considering his request to amend his opening brief, Matthew continues to provide incorrect legal citations and fake caselaw.

Further, due to Matthew's continued disregard of Rule 12(1)(g) in drafting his *Motion to Amend* and his *Amended Opening Brief*, his appeal remains insufficient in presenting a case that allows this Court to make an informed decision on his assertions. Accordingly, Jessica respectfully requests that Matthew's *Motion to Amend* be denied and his appeal be dismissed as requested in her *Motion to Dismiss Appeal* which is pending before this Court.

Jessica has provided a proposed *Order* for the Court's consideration.

DATED this 28th day of April, 2025.

RIES LAW GROUP, P.C.



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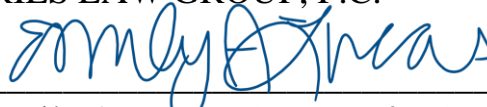
Emily A. Lucas, *Attorney for Appellee*

RULE 16 COMPLIANCE

Counsel for Appellee asserts this document, excluding the case caption, is 1097 words.

DATED this 28th day of April, 2025.

RIES LAW GROUP, P.C.



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Emily A. Lucas, *Attorney for Appellee*

## **CERTIFICATE OF SERVICE**

I, Emily Ann Lucas, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 04-28-2025:

Brandi Rose Ries (Attorney)  
P.O. Box 8364  
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Representing: Jessica L. Brooks  
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Electronically Signed By: Emily Ann Lucas  
Dated: 04-28-2025