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IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 25-0305

IN RE THE PARENTING OF L.M.A.R. and N.R.R.;

JESSE E. REHBEIN,
Petitioner/Appellant,
and

DANIELLE C. BUCK,
Respondent/Appellant,

ANNETTE REHBEIN and DOUG REHBEIN,
Intervenors/Third Party Parents/Appellees

**COMBINED RESPONSE TO MOTION TO STAY ENFORCEMENT OF
SECOND AMENDED FINAL PARENTING PLAN PENDING APPEAL;
MOTION TO SUPPLEMENT AND CORRECT RECORD ON APPEAL;
and MOTION TO RECOGNIZE SEPARATE BRIEFING RIGHTS**

COME NOW Appellees, Annette Rehbein and Doug Rehbein, through counsel of record Emily von Jentzen, of KAUFMAN VIDAL HILEMAN ELLINGSON, PC, and respectfully submit the following combined response to the following motions filed by Appellants Danielle Buck and Jesse Rehbein:

1. Emergency Motion to Stay Enforcement of Second Amended Final Parenting Plan Pending Appeal filed May 22, 2025 (hereinafter “Motion for Stay”) and Emergency Supplemental Response in Anticipation of

- Contest to Motion to Stay and Renewed Motion to Void Ab Initio Under Rule 60(b)(4) and Rule 609(d)(3) (hereinafter “Suppl. Motion for Stay.”)
2. Motion to Supplement and Correct the Record on Appeal filed May 22, 2025 (hereinafter “Motion to Suppl.”); and
 3. Emergency Joint Motion to Recognize Separate Briefing Rights to Ensure Services to Both Appellants filed May 28, 2025 (hereinafter “Motion re: Separate Rights”).

Appellees object to Appellants’ request to stay enforcement of the Second Final Parenting Plan pending appeal. Appellees object to any supplementation or correction of the record that would seek to expand the scope of this appeal to the two guardianship matters (dismissed in 2023 and time barred for any appeal) or address the 2023 matters that granted Appellees a parental interest (those orders were appealed and upheld in DA 23-0574). Appellees do not object to Appellants’ request for recognition of their separate briefing and service rights.

ARGUMENT

1. Appellants’ request to stay enforcement of the Second Amended Parenting Plan should be denied.

The Rules of Appellate Procedure require litigants to first seek a stay through a Motion with the District Court. (Mont. R. App. P. 22(1).) It is only on the grant or denial of such motion through the District Court that a litigant may seek a stay through the Supreme Court. (Mont. R. App. P. 22(2).) Appellants' motion should be denied on that basis alone. Appellants argue that “every requirement under Mont. R. App. P. 22(3) for a stay” has been satisfied. (*Motion for Stay*, 27.) There is little likelihood of success on the merits, contrary to Appellants’ arguments, particularly

since their analysis of success relies exclusively on this court addressing the 2023 rulings in their favor. (*Id.*) As set forth in section two below, three separate rulings demonstrate the error in Appellants’ reasoning. Appellants further argue they will suffer irreparable harm claiming to have been denied “all contact” with the children, which clearly is not what the District Court ruled; rather, Appellants are permitted contact with a third-party visitation supervisor. (Doc. 113.) As the District Court explained in detail in its Findings, there is substantial evidence on the record that harm would come to the children if visitations were not supervised, as such a stay of the order requiring such supervision would result in substantial harm to the children. (Doc. 112.) Finally, the District Court’s order supports the compelling public interest of ensuring the safety and best interests of the minor children. Appellants’ request for a stay should be denied.

2. Appellants’ request to supplement/correct the record to include the guardianship matters or the earlier 2023 orders, which were already appealed, should be denied.

The District Court’s *Finding of Fact, Conclusions of Law, and Order* issued September 6, 2023, dismissed the guardianship matters DG-18-073(A) and DG-18-075(A), granted Annette and Doug Rehbein a parental interest and provided for the children to reside primarily with Annette and Doug Rehbein (with Jesse Rehbein and Danielle Buck being granted unsupervised visitation. (Docs. 65-66.) Jesse Rehbein and Danielle Buck appealed those rulings to the Montana Supreme Court in *In re the Parenting Plan of L.M.A.R. and N.R.R.*, 2024 MT 148, wherein this Court

affirmed the District Court’s ruling. Jesse Rehbein and Danielle Buck then filed a Petition for a Writ of Certiorari with the United States Supreme Court in *Rehbein, et al v. Rehbein, et al*, case number 24-425. The Petition was denied.

The record in this appeal is limited to the 2025 filings and hearings related to the Court’s April 2, 2025, Orders. (Docs. 85-131; March 17, 2025, hearing; April 1, 2025, In Chambers Interview.) As this Court said relevant to the 2023 rulings in its March 18, 2025, Order in OP 25-0170 (wherein Jesse Rehbein and Danielle Buck sought a Writ of Supervisory Control) “Jesse and Danielle have appealed the District Court’s decision. Their voices have been heard, and it is evident that they do not agree with the appeal’s outcome. This Court declines to review this case again and through Jesse and Danielle’s seven requests.” (*Id.* at 3.) Appellants' motion to use this appeal to raise their dissatisfaction with the 2023 rulings should be denied.

- 3. Appellees do not oppose Appellants’ request for recognition of their separate briefing and service rights.**
- 4. Appellants continued violation of the Rules of Appellate Procedure should not be permitted.**

In line with Appellants' filing practices in the District Court, Appellants continue to file numerous and lengthy pleadings and label nearly every motion “emergency” seemingly to avoid any requirement to confer with opposing counsel prior to filing. Not one motion filed by pro se Appellants in District Court, nor in the Supreme Court, has included any certification that opposing counsel was

contacted prior to the filing of the motion and indicating the opposing party's position on the motion. The Court is permitted the ability to deny the motion on the basis of this failure. (Mont. R. App. P. 16 (1).) Appellants further fail to abide by the 5-page or 1,250-word limit in three of the four filings at issue (32 pages, 14 pages, 6 pages). (Mont. R. App. P. 16 (3); 22(2)(a)(iv).) The filings also do not appear to be in 14-point font or double-spaced. (Mont. R. App. R. 11.) Appellants should be admonished to comply with the Rules of Appellate Procedure for any future filings.

CONCLUSION

While Appellants are pro se, they must be held to follow the procedural rules contained in the Rules of Appellate Procedure. Accordingly, for their failure to follow rules concerning certification of contact with opposing counsel before a motion is filed, as well as the continued disregard for page limits for motions, these motions should be summarily denied. If the Court is inclined to consider these filings, Appellees urge the Court to deny the request to stay enforcement of the Second Amended Parenting Plan pending appeal and the request to supplement/correct the record to include irrelevant matters. Appellees do not oppose Appellants' request for recognition of their separate briefing and service rights.

DATED this 2nd day of June 2025.

KAUFMAN VIDAL HILEMAN ELLINGSON PC

By: 15/ Emily von Jentzen
Emily von Jentzen
Attorney for Annette Rehbein & Doug Rehbein

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16, Montana Rules of Appellate Procedure, the undersigned certifies that the foregoing *Response* is printed with a proportionately spaced Times New Roman text typeface of 14 points, is double spaced, and contains 1,180 words, according to Word, the word processing program used to prepare this document.

DATED this 2nd day of June 2025.

KAUFMAN VIDAL HILEMAN ELLINGSON PC

By: */s/ Emily von Jentzen*
Emily von Jentzen
Attorney for Annette Rehbein & Doug Rehbein

CERTIFICATE OF SERVICE

I, Emily A. Von Jentzen, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 06-02-2025:

Jesse B. Rehbein (Appellant)
270 Summit Ridge Drive
Kalispell MT 59901
Service Method: Conventional

Danielle C. Buck (Appellant)
270 Summit Ridge Drive
Kalispell MT 59901
Service Method: Conventional

Electronically signed by Kyra Epperly on behalf of Emily A. Von Jentzen
Dated: 06-02-2025