

**ORIGINAL**

**FILED**

06/12/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 25-0198

IN THE SUPREME COURT OF THE STATE OF MONTANA  
No. DA 25-0198

AUSTIN LAKE,  
Petitioner/Appellant,

v.

MONTANA DEPARTMENT OF  
LABOR & INDUSTRY, HUMAN  
RIGHTS BUREAU,  
Respondent's/Appellee.

**FILED**

JUN 12 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

**APPELLANTS RESPONSE BRIEF**

APPEARANCES

Samuel A. Fossum  
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IN THE SUPREME COURT OF THE STATE OF MONTANA  
No. DA 25-0198

AUSTIN LAKE,  
Petitioner and Appellant,

vs.

DEPARTMENT OF LABOR AND INDUSTRY,  
HUMAN RIGHTS BUREAU,  
Respondent and Appellee.

**OBJECTION MOTION TO STRIKE and RESPONSE BRIEF**

Petitioner/Appellant Austin Lake moves this court to deny MT. DLI (HRB) motion to strike in compliance with Rule 16(2). Lake also submits this response brief under direction of Rules 11 and 13.

After receiving Respondents reply brief (motion to strike), Appellant stands firm that the only remaining issue for this court are: 1. Respondents/Attorney Samuel A. Fossum still has not addressed the issues presented to the Sanders County District Court or to this court for failure to reply to Petitioner's opening brief (D.C.D.S. 1).

Based on this fact the issue then became a question “controlled by settled law.” Rule 14(a) Departments failure to respond (b) is admission to complaints/brief by the Dept. as “well taken” and (c) “subject to summary ruling” by the District Court. Sanders County District Court abused its discretion by placing restrictions on Lake, infringing on Lake’s access to the courts, denying (not filing) Lake’s timely opposition on Dec. 13, 2024 and for its error upon making its decision based on “relevant briefing” demonstrating that its “conclusions of law” were incorrect. S.C. district court claiming it does not have subject matter jurisdiction in case No. DV 24-97 yet does have SMJ in case No. DV 24-96 is also contradicting.

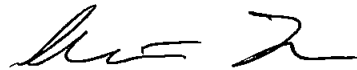
All records of review listed in Samuel A. Fossum’s items 1-8 motion to strike were submitted to the district court for review in DV 24-96 and is part of the record as the same original papers and exhibits have been provided to this court.

Petitioner’s request of this court remains the same, Lake requests this courts acceptance of supervisory control and jurisdiction in declaring judgement action or “substantiate the petition or conclusion of legal affect” due to Sanders County D.C. unable to provide an impartial decision resulting not only of incorrect conclusions of law but also in accordance with Rule 14(3)(a) “is proceeding under a mistake of law and is causing a gross injustice,” (b)(4) “making litigation and the normal

appeals process inadequate” for which the case “involves purely legal questions of statutory interpretation of state-wide importance.

Records indicate that all filings have been timely and properly submitted by Lake with the District Court including a proposed order to the district court for its convenience on Jan. 8, 2025 with Lake’s motion to amend the pleadings served also to all interested parties. I simply move this court for the correct ruling and conclusion of law as Appellant has timely and properly filed.

Respectfully submitted this 9<sup>th</sup> day of June 2025.



AUSTIN LAKE  
Petitioner/Appellant

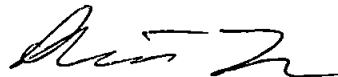
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**CERTIFICATE OF SERVICE AND COMPLIANCE**

I, Austin Lake, hereby certify that I have served true and accurate copies of the foregoing; objection motion to strike and Appellant's response to the following by U.S. Mail prepaid on 06-09-2025:

Samuel A. Fossum  
Agency Counsel  
Dept. of Labor & Industry  
P.O. Box 1728  
Helena, MT. 59624-1728

I also certify the response is in compliance with Rules 11 & 13, under 14 typewritten pages and under 5,000 words this 9<sup>th</sup> day of June 2025.



AUSTIN LAKE  
Appellant.