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FILED

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 25-0305

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

Danielle Buck ,
Appellant/ Respondent,

and

Jesse Rehbein
Appellant petitioner,

v.

Annette and Doug Rehbein,
Third-Party/ Intervors, Appellees.

**MOTION UNDER MONT. R. APP. P. 16 FOR LEAVE TO FILE EXHIBITS A-D
AND FOR RECONSIDERATION OF ORDER DENYING STAY,
SUPPLEMENTATION, AND DUE PROCESS RELIEF UNDER RULE 60(b)(4)
AND 60(d)(3)**

COMES NOW Appellants Danielle Buck and Jesse Rehbein, appearing pro se, and respectfully move this Court under **Mont. R. App. P. 16** for leave to submit four critical exhibits demonstrating fraud upon the court, lack of jurisdiction, and a systemic deprivation of constitutional rights. These records are central to the claims raised in Appellants' prior filings, including the Motion to Stay Enforcement, the Second Amended Parenting Plan, the Motion to Supplement the Record, and the Notice of

Constitutional Default.

These filings have now been denied without acknowledgment, evidentiary or legal merits. This Court has denied every motion Appellants have filed, despite proper citation to controlling law, and despite procedural and jurisdictional violations that render the underlying judgment void under Rule 60(b)(4) and 60(d)(3). Appellants now respectfully request this Court to accept four exhibits that demonstrate beyond dispute how their children were taken by fraud and unlawful process.

I. Procedural Context and Need for Leave

Appellants now present clear judicial records proving that a temporary guardianship, issued under limited consent and without findings. Was unlawfully converted into a permanent custody structure through fraud, without hearing, notice, or service. No order ever adjudicated parental unfitness. No party ever sought, nor was granted, a lawful extension under Montana law. Instead, the court issued altered Letters of Guardianship based solely on an unopposed motion. Filed years later and concealed from the biological parents.

This Court has long held that judgments obtained without jurisdiction are void and must be vacated. *Saylor v. Saylor*, 2004 MT 326, ¶ 18, 324 Mont. 220 (“A judgment is void when the issuing court lacked subject matter jurisdiction or failed to provide proper

notice.”); *In re Marriage of Broere*, 2012 MT 211, ¶ 16, 366 Mont. 252 (fraud upon the court justifies vacatur under Rule 60(d)(3)). Further, under *First Bank v. Heidema*, 219 Mont. 373 (1985), a court acts without authority when it issues orders outside of the statutory framework governing its proceedings.

These four records, generated by the same court that now denies all relief, confirm that custody of Appellants’ children was obtained through material misrepresentation, document tampering, and unlawful process. The parenting plan now on appeal relies directly on those fraudulent documents. Every attempt by Appellants to raise these jurisdictional and evidentiary issues has been denied without legal explanation. This is not a case of mistake or oversight. It is the systemic continuation of a fraud upon the court

II. Exhibits for Submission

Appellants seek leave to submit the following:

- **Exhibit A** – *Original Findings of Fact, Conclusions of Law, and Order (Feb. 07-2019)*: This document confirms there were no written findings of unfitness and no lawful basis for the guardianship to be considered permanent.
- **Exhibit B** – *Original Letters of Temporary Guardianship (Feb. 2019)*: Confirms the guardianship was explicitly temporary and issued pursuant to limited consent

under MCA § 72-5-223. Also proves DPHSS not involved.

- **Exhibit C – *Unopposed Motion to Amend Letters (Jan. 2021)***: This document was filed without notice, hearing, or service upon either biological parent. It fraudulently sought to alter the terms of guardianship.
- **Exhibit D – *Second Amended Letters of Guardianship***: Issued without hearing or findings, service or knowledge to either parent these letters unlawfully continued and expanded guardianship after the statutory six-month period had expired in August of 2019.

III. Why These Exhibits Matter

These exhibits are not arguments or allegations. They are judicial documents created by the same court system now denying relief. They prove:

- The guardianship was temporary and expired;
- The court issued new Letters of Guardianship **without jurisdiction or consent**;
- No parent was served, heard, or notified about the 2021 changes;
- These illegally issued letters are the basis for Judge Amy Eddy's 2025 findings and the parenting plan now on appeal.

Appellants have been denied all opportunity to present this evidence on the

record. This Court's denial of supplementation shields these exhibits from view and undermines the integrity of the appellate process.

IV. Failure of the Attorney General to Respond and Separation of Powers

Appellants filed a supplemental constitutional notice raising new and distinct violations of due process, judicial fraud, and procedural default. The Montana Attorney General, as required by Mont. R. App. P. 27(c) and MCA § 27-24-301(1), was served and given the statutory opportunity to respond to a constitutional challenge. He did not.

That failure constitutes a procedural default. Under Montana law and basic constitutional doctrine, the judiciary cannot speak for or assume the position of an executive officer. *See State ex rel. Woodahl v. District Court*, 162 Mont. 283, 289–90 (1973) (holding that each branch must "perform its own duties independently").

The Montana Supreme Court's attempt to resolve the constitutional question without AG input violates separation of powers and renders the ruling structurally defective. No statute authorizes the Court to cure the AG's silence. This is not harmless error, it is jurisdictional failure, and compounds the pattern of obstruction and denial already suffered by Appellants.

V. Federal Violations and Judicial Complicity

Appellants hereby place this Court on notice that these exhibits, once reviewed, establish the following federal crimes under U.S. law:

- **Fraud upon the court**, Mont. R. Civ. P. 60(d)(3);
- **Subornation of perjury**, 18 U.S.C. § 1622;
- **Deprivation of rights under color of law**, 18 U.S.C. § 242;
- **Conspiracy against rights**, 18 U.S.C. § 241;
- **Misprision of felony**, 18 U.S.C. § 4;

Every justice of this Court who receives this motion and fails to acknowledge the exhibits or address the legal claims now does so in full knowledge that the state record proves:

- Parental rights were terminated without findings;
- Custody was transferred by motion with no hearing or service;
- False representations were made to support third-party custody.

To deny this motion is to knowingly affirm child theft under color of law.

VI. Conclusion

Appellants request:

1. **Leave under Mont. R. App. P. 16** to submit Exhibits A–D into the appellate record, each proving material fraud, document tampering, and void judgment;
2. **Reconsideration of this Court’s prior denials**, which were issued without acknowledging Appellants’ constitutional objections, unrebutted procedural violations, and jurisdictional challenges;
3. **Preservation of the full record of these filings** for federal review under *42 U.S.C. §§ 1983, 1985(3), 12203, 18 U.S.C. §§ 241, 242, 1622, and CAPTA compliance failures* under *42 U.S.C. § 5106a(b)(2)(B)(x)* and related child welfare statutes.

Appellants have been denied access to court, denied a hearing, denied rebuttal, and denied the opportunity to enter dispositive evidence proving fraud upon the court, procedural default, and due process violations. The exhibits submitted here are self-authenticating public records created by the State of Montana. They confirm that:

- **Children were kept from parents unlawfully.**
- **Parental rights were restricted by unserved and unlawful Unopposed motions;**
- **The custody judgment is void under Rule 60(b)(4) for lack of jurisdiction and void under Rule 60(d)(3) for fraud upon the court;**
- **The Attorney General defaulted on a supplemental constitutional question,**

and the Court is not permitted to speak on his behalf.


This Court has not addressed a single one of Appellants' evidentiary or legal objections. The pattern is not denial, it is obstruction. If this Court continues to suppress critical filings, it will establish an unambiguous record of judicial complicity, opening the door to **federal intervention under** 42 U.S.C. §§ 1983, 1985(3), 12203, 18 U.S.C. §§ 241, 242, 1622, **and** CAPTA compliance failures **under** 42 U.S.C. § 5106a(b)(2)(B) (x) **and related child welfare statutes. All other federal rights reserved**

DATED this 18th day of June, 2025.

Respectfully submitted,



Danielle Buck, Pro Se Appellant



Jesse Rehbein, Pro Se Appellant

CERTIFICATE OF COMPLIANCE

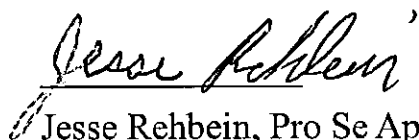
Pursuant to Rule 16 of the Montana Rules of Appellate Procedure, I certify that this reply brief is printed with a proportionately spaced Times New Roman typeface of 14 points; is double spaced except for footnotes and quoted and indented material; and the word count calculated by a word processing program is 1247 words, Excluding the caption, certificate of service, and this certificate of compliance.

DATED this 18th day of June, 2025.

Respectfully submitted,



Danielle Buck, Pro Se Appellant



Jesse Rehbein, Pro Se Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing:

MOTION UNDER MONT. R. APP. P. 16 FOR LEAVE TO FILE EXHIBITS A-D AND FOR RECONSIDERATION OF ORDER DENYING STAY, SUPPLEMENTATION, AND DUE PROCESS RELIEF UNDER RULE 60(b)(4) AND 60(d)(3) to the following parties by U.S. Mail, first-class postage prepaid, on this 18th day of June, 2025:

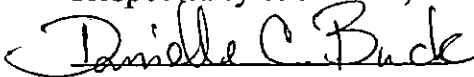
Montana Supreme Court Clerk of Court

215 N. Sanders, Room 323
Helena, MT 59601

Emily Von Jentzen

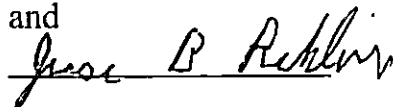
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Respectfully submitted,



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and



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