

ORIGINAL

FILED

09/23/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0492

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0492

FILED

SEP 23 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

MATTHEW HEAVEN,

Plaintiff and Appellant,

v.

ORDER

STEVEN PAUL WEBER &
KRISTI LYNN WEBER,

Defendants and Appellees.

Matthew Heaven has filed a Motion for Reconsideration of this Court's July 29, 2025 Order, which denied his "Emergency Motion to Stay Vexatious Litigant Order Pending Appeal." Heaven has also filed a Motion to Compel Transmission of Exhibit, seeking an order compelling transmission of a flash drive containing video recordings. The Webers have not filed a written response. Consistent with the motion, we deem it to be a petition for rehearing, pursuant to M. R. App. P. 20.

The Montana Rules of Appellate Procedure provide the criteria for this Court to consider a decision upon rehearing. M. R. App. P. 20(1). This Court "will consider a petition for rehearing presented only upon . . . [t]hat it overlooked some fact material to the decision[,] . . . or [t]hat its decision conflicts with a statute or controlling decision not addressed by the supreme court." M. R. App. P. 20(1)(a)(i) and (iii). "Absent clearly demonstrated exceptional circumstances, the supreme court will not grant petitions for rehearing of its orders disposing of motions or petitions for extraordinary writs." M. R. App. P. 20(1)(d).

The Court's July 29 Order noted the threshold issue that Heaven had not first sought a stay from the District Court as required by the Rules. The motion states that Heaven has now complied with this rule because he filed the required motion for a stay in the Lake County District Court. Heaven asks this Court to "[a]ccept the late compliance with Rules

22(1)(a) in light of extraordinary judicial circumstances[.]” He explains that he did not initially seek a motion to stay the District Court’s June 16, 2025 Order declaring him a vexatious litigant “due to the futility and foreseeable retaliation inherent in seeking relief from Judge Molly Owen.”

Beyond the timeliness concerns, the motion for a stay of the vexatious litigant order makes serious accusations of judicial bias and behaviors, such as “execut[ing] the FBI’s agenda.” Such extraordinary allegations can hardly be assessed by this Court without a careful review of the record and full explanatory briefing. Presently, the Court is presented with little more than appellate pleadings, and will not attempt to review such claims on that basis.

Turning to his Motion to Compel Transmission of Exhibit, we conclude that the motion is improper. This Court received the District Court record on August 18, 2025, and Heaven appeals a June 16, 2025 Order. Heaven states that he filed an “exhibit” with the court on August 11, 2025. This exhibit is not part of the court record. M. R. App. P. 8(1).

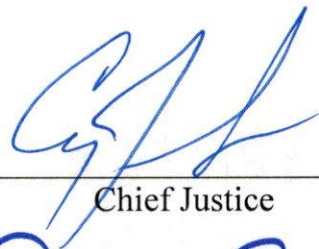
This matter will proceed to briefing under the Rules. Heaven’s opening brief was due on or before September 17, 2025. He has not yet filed it, and it is overdue. We will grant Heaven additional time for filing his brief, but he has not demonstrated any criteria to warrant the granting of rehearing of our earlier Order. Accordingly,

IT IS ORDERED that:

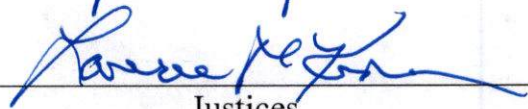
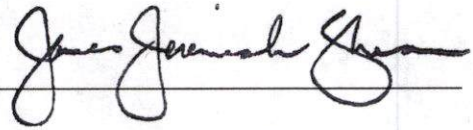
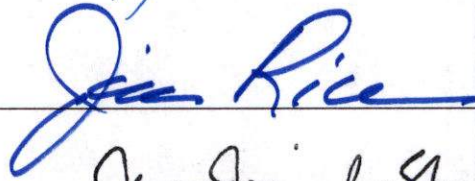
1. Heaven’s deemed Petition for Rehearing is DENIED;
2. Heaven’s Motion to Compel Transmission of Exhibit is DENIED; and
3. Heaven SHALL prepare, serve, and file his opening brief on or before Friday, October 17, 2025. Failure to file his opening brief may result in dismissal of this appeal and without further notice.

The Clerk is directed to provide a copy of this Order to: counsel of record and Matthew Heaven personally.

DATED this 23rd day of September, 2025.



Chief Justice



Justices