

FILED

10/08/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 25-0549

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0549

KELLY O'CONNELL,

Respondent and Appellant,

v.

JOSH FERRAZZANO,

Petitioner and Appellee.

APPELLANT'S OPENING BRIEF

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Statutes:

- § 3-1-804, MCA (Judicial disqualification for bias)
- § 40-4-202, MCA (Equitable division of marital property)
- § 40-4-203, MCA (Spousal maintenance)
- M.R. Civ. P. 26 (Discovery scope)
- M.R. Civ. P. 59(e) (Motion to alter or amend judgment)
- Mont. Const. art. II, § 17 (Due process of law)

Cases:

- Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)
- In re Marriage of Brown, 2007 MT 21
- In re Marriage of Caras, 2012 MT 35
- In re Marriage of Crilly, 2005 MT 311
- In re Marriage of Funk, 2012 MT 14
- In re Marriage of Haines, 2002 MT 182
- In re Marriage of McLean, 2019 MT 99
- Richards v. Trusler, 2015 MT 314
- In re Marriage of Rolfe, 2013 MT 25
- In re Marriage of Skinner, 2007 MT 120, ¶ 16
- State v. St. Germain, 2007 MT 28, ¶ 16

Introduction

This case is about fairness and access to justice. After a nearly fourteen-year marriage during which Appellant was the primary caregiver for two children and supported Appellee's career, the District Court denied maintenance, set no child support in the Decree (referring it to CSSD), and left major marital investments unaccounted for, most notably over \$130,000 in improvements to a trust-held residence and substantial funds invested in Swamp Creek LLC. Appellant proceeded to trial pro se due to financial hardship, and discovery necessary to value and divide the estate was denied without explanation.

Appellant was forced to proceed to trial without legal representation due to financial hardship, having incurred over \$45,000 in attorney debt that the court refused to shift. Without counsel, full discovery was never enforced and key financial information about Respondent's business and assets remained undisclosed. The result is a decree that does not contain the findings required by Montana law and fails to equitably divide the marital estate or provide for Appellant's reasonable support needs.

The errors are not academic. In the months following entry of the Decree, Appellant, without spousal support, without any child support paid since May 2025, and without access to complete financial disclosures, was forced on October 7, 2025 to seek custodial modification and relocation to survive economically. The Decree lacks the findings required by Montana law to deny maintenance, divides property inequitably in light of undisclosed or ignored assets, and is the product of procedural irregularities (including rapid summary denials and suppression of filings) that deprived Appellant of a meaningful opportunity to be heard.

The integrity of the Final Decree itself is in question. The property ledger contains demonstrable errors and omissions including: misidentified and duplicate account numbers, reliance on a non-existent "Exhibit 26," and account balances that materially differ from verified statements. These inaccuracies, adopted without evidentiary basis, render the Decree's findings unreliable and underscore the broader due-process violations that deprived Appellant of a fair adjudication.

These factual errors are not minor discrepancies but go to the heart of the judgment's reliability, calling into question whether the District Court's findings are supported by any competent evidence in the record.

Statement of the Issues

1. Whether the District Court abused its discretion by denying spousal maintenance without making findings on the statutory factors required by § 40-4-203, MCA leaving Appellant without means of support after a nearly fourteen-year marriage.
2. Whether the District Court's division of marital property was inequitable under § 40-4-202, MCA, where the Decree: (a) failed to credit ~\$130,000 in marital funds and labor invested in 234 Deer Trail; (b) excluded Northern Trust marital accounts and unusually funded custodial accounts from division/oversight; (c) awarded Appellee 100% of cryptocurrency; and (d) failed to make findings showing that the distribution was equitable in light of vastly different earning capacities.
3. Whether the District Court violated due process by denying motions to compel discovery without explanation, leaving undisclosed marital assets (including Northern

Trust accounts and business interests) unaddressed and resulting in an incomplete and inequitable property division.

4. Whether Appellant's due-process rights were violated where the court (a) suppressed or failed to docket her April 2, 2025 proposed findings, (b) issued rapid summary denials without hearings or findings, (c) excused Appellee from responding while striking Appellant's filings, and (d) pressured execution of a quitclaim deed without refinancing protections or disclosure creating the appearance of bias and undermining fairness.
5. Whether the District Court's Final Decree is rendered unreliable by factual inaccuracies and missing evidence; including misidentified accounts, a non-produced "Exhibit 26," and unsupported financial figures warranting remand for correction and full verification of the marital ledger.

Statement of the Case

This appeal arises from the Final Decree of Dissolution and Findings of Fact and Conclusions of Law entered by the Eleventh Judicial District Court, Flathead County, on May 14, 2025. The Decree dissolved the marriage, denied spousal maintenance, did not award child support (referring support issues to CSSD), and divided the marital estate.

Serious procedural irregularities occurred before and after entry of the Decree. Post-trial motions were denied within minutes of filing, including Appellant's Rule 59(e) Motion to Amend (denied June 20, 2025), and her requests for judicial records were struck without analysis (June 20, July 1, 2025). Appellant's April 2, 2025 Proposed Findings of Fact and Conclusions of Law were never docketed or addressed. The court also entered an order excusing Appellee from responding to Appellant's post-trial filings

(June 18, 2025). Appellant was later pressured to execute a quitclaim deed without refinancing protections or disclosure, while unrepresented and under imminent hearing pressure (September 23, 2025).

These anomalies combined with Appellant's lack of representation and the court's denial of targeted discovery are central to this appeal because they affected both the accuracy of the property ledger and the procedural integrity of the rulings. The cumulative effect was a record built on incomplete and, in several instances, inaccurate information that was embedded into the Final Decree itself.

Appellant timely filed a Notice of Appeal on July 21, 2025 pursuant to M. R. App. P. 4(5). Proceeding pro se and unable to procure trial transcripts, Appellant brings this appeal based on legal errors and omissions apparent on the face of the Decree and written orders.

Statement of Facts

The parties were married on July 1, 2011, and have two minor children. For nearly fourteen years, Appellant served as the primary caregiver and homemaker while Appellee pursued his career and built a business. Appellant has had no independent income for approximately thirteen years.

During the marriage, the parties invested approximately \$130,000 of marital funds into 234 Deer Trail, a residence held in Appellee's family trust, including major capital improvements (deck, spa, electrical work, plumbing, painting, and remodeling) to which Appellant personally contributed labor in addition to the marital funds. While the Decree lists assets and obligations, it does not credit these value-adding improvements to Appellant.

Appellant sought discovery of marital accounts (including Northern Trust accounts historically used by the parties) and business records (WW7/Swamp Creek) necessary

to complete the property ledger, but received only minimal, incomplete information. Appellant's motions to compel were denied without written explanation, leaving significant inconsistencies and omissions in the financial record adopted by the court.

The Decree contains multiple inaccuracies within its property ledger. It lists two separate credit card accounts ending in 6452, one labeled "Swamp Creek" and another as a subaccount under 8646, although both appear to refer to the same account. It also misidentifies a Bank of America account ending in 9419 as belonging to the Ferrazzano Living Trust in connection with a Whitefish condominium, when in fact that account was used for the parties' jointly operated business, MTMS Rentals. These errors demonstrate that the court relied on unverified or misclassified financial information in dividing the marital estate.

Appellee further claimed that an earlier Northern Trust account ending in 1127 had been "rolled over" into a new account ending in 7086, but no bank statements, closing documents, or verification of that transfer were ever produced. Without evidence confirming that the rollover occurred or that marital funds were preserved, there is no way to determine whether the balances were properly accounted for. The court's acceptance of this unverified claim further undermines confidence in the accuracy of the financial ledger.

At trial, Appellee asserted that his business income had declined by approximately fifty percent, supported by testimony from a business partner. No final 2024 tax return was produced, only a draft, and Appellant was denied discovery necessary to verify the claim. Despite this purported decline, Appellee's lifestyle has not changed: he maintains two residences, took multiple family vacations, and publicly represents that his business continues to thrive. The Decree accepted his claimed reduction in income without findings or corroboration.

The Decree awarded Appellee 100% of cryptocurrency holdings (approximately \$10,000 in Ethereum via Coinbase) without explanation. Appellant was not afforded

discovery sufficient to verify whether this disclosure represented the entirety of Appellee's digital or investment assets. Appellee has historically traded securities, including Tesla stock, and regularly engages in investment activity; yet no brokerage or trading account statements were produced. The absence of verification renders it impossible to confirm the scope of his investment holdings at the time of trial.

The Decree also granted Appellee the option to purchase the marital home (which he exercised) and left oversight of the children's custodial accounts without meaningful joint controls, despite atypical increases during litigation. Appellant received a one-time payout but no share of appreciating assets.

The Decree further references "Exhibit 26" for three Morgan Stanley custodial accounts (#84-303 and #82-303 and #0592) that were never produced to Appellant at trial. Appellant's trial binder ended at Exhibit 25; no Exhibit 26 was entered into evidence or disclosed. Despite this, the Decree lists both custodial accounts with balances of approximately \$116,718 and \$116,726 respectively- figures that do not match Appellant's verified October 2024 Morgan Stanley statement showing roughly \$220,000 in the G.F.F. custodial account.

Appellant's trial exhibit binder, provided by Appellee's counsel and used in open court on March 3, 2025, contained Exhibits 1 through 25 only; there was no Exhibit 26. The parties and the Court reviewed that binder section by section during trial, on the record, concluding with Appellee's draft 2024 tax filing as the final exhibit. No Exhibit 26 was ever referenced, marked, or admitted into evidence. The Final Decree's reliance on "Exhibit 26" therefore appears to draw from material not contained in the evidentiary record. Appellant will seek confirmation through certified copies of the trial Exhibit List and the court reporter's exhibit log, but based on the binder produced to her and the proceedings observed, Exhibit 26 did not exist at the time of trial.

The appearance of a non-existent exhibit and the unexplained depletion of nearly half the custodial funds underscore the incomplete and unreliable financial record on which

the court relied in dividing the estate. These discrepancies further illustrate the prejudice caused by the denial of discovery and Appellant's inability to verify the accuracy of post-trial financial representations.

The Decree lists account #0592 as belonging to Appellee with a value of "\$0" without any supporting documentation or explanation. This account in particular was never disclosed during discovery; its first appearance is within the Final Decree itself. The sudden emergence of a previously undisclosed account referenced only through a non-existent exhibit demonstrates that the court's property ledger relied on materials outside the evidentiary record, further undermining the reliability of its findings and violating Appellant's right to due process.

The presence of non-existent or altered evidence within an official decree raises a fundamental due process concern: a judgment cannot stand when its factual predicates were never part of the trial record.

The parties invested over \$500,000 of marital funds into Swamp Creek LLC. Although Appellee characterized the business as defunct, evidence indicated a \$100,000 capital infusion in 2024, continued payments to a business partner, and a replacement credit card issued in Appellant's name in 2025 suggesting ongoing activity. The District Court made no findings regarding capitalization, operations, or asset disposition for Swamp Creek LLC.

On April 2, 2025, Appellant filed Proposed Findings of Fact and Conclusions of Law, which were never docketed or addressed. Multiple post-trial motions, including a Rule 59(e) Motion to Amend, were denied within minutes, without hearings or explanation. On June 18, 2025, the court excused Appellee from responding to Appellant's filings and later struck Appellant's own motions. On September 23, 2025, Appellant executed a quitclaim deed for the marital residence without refinancing protections or disclosure, while unrepresented and under time pressure.

On October 7, 2025, Appellant filed a motion for custodial modification and relocation. This step, taken reluctantly, was compelled by the economic consequences of the Decree: the absence of maintenance, the lack of child support payments since May 2025, and the incomplete financial disclosures necessary to render an equitable property division.

Summary of Argument

The Decree must be reversed and remanded.

This appeal centers on fairness and the integrity of the judicial process. The District Court's Decree rests on incomplete discovery, unverified financial information, and factual inaccuracies that together produced an inequitable result. The errors were not harmless; they deprived Appellant of a meaningful opportunity to be heard and left the marital estate divided on a false record. Reversal and remand are required.

First, the court denied maintenance without making the findings required by § 40-4-203, MCA overlooking Appellant's thirteen-year absence from the workforce, her demonstrated financial hardship, and Appellee's undisputed ability to pay. It instead relied on Appellee's unverified claim of a fifty percent income reduction, contrary to evidence of continued affluence. *In re Marriage of Haines*, 2002 MT 182.

Second, the property division was inequitable under § 40-4-202, MCA. The Decree failed to credit roughly \$130,000 in marital improvements to the Deer Trail property, ignored Northern Trust and custodial-account irregularities, awarded Appellee a hundred percent of cryptocurrency without explanation, and disregarded substantial marital investment in Swamp Creek LLC. *In re Marriage of Funk*, 2012 MT 14; *Richards v. Trusler*, 2015 MT 314.

Third, the denial of discovery violated due process and ensured these errors would persist. By refusing to compel production of Northern Trust, business, and investment records, the court left the property ledger incomplete and unverified; precisely the type of prejudice Rule 26(b)(1) and fundamental fairness are meant to prevent. *In re Marriage of Crilly*, 2005 MT 311.

Fourth, the proceedings were marred by procedural irregularities that compounded the unfairness: suppressed filings, instantaneous denials without findings, unequal response obligations, and coercive pressure to sign a quitclaim deed without refinancing protections. Such anomalies create at least the appearance of bias and require remand. *In re Marriage of Skinner*, 2007 MT 120, ¶ 16; *State v. St. Germain*, 2007 MT 28, ¶ 16; cf. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

Finally, the integrity of the Decree itself is compromised by factual inaccuracies and references to evidence that never existed in the record. The property ledger cites a non-existent "Exhibit 26," lists a previously undisclosed account (#0592), and reports balances for custodial funds that differ dramatically from verified statements. These discrepancies reveal that the judgment rests on material errors rather than competent evidence, undermining confidence in the outcome and requiring reversal for correction and full verification to preserve the integrity of Montana's judicial process.

I. The Denial of Spousal Maintenance Was an Abuse of Discretion

Standard of Review.

A district court's decision to grant or deny maintenance is reviewed for abuse of discretion; findings of fact are reviewed for clear error. See *In re Marriage of Haines*, 2002 MT 182. A court abuses its discretion if it fails to apply the correct legal standard or acts arbitrarily without conscientious judgment.

Application.

Here, the Decree denied maintenance without making findings regarding whether Appellant has sufficient property or the ability to support herself after a long marriage, without analyzing the marital standard of living, and without addressing Appellee's ability to pay. Section 40-4-203, MCA requires explicit findings on these factors.

Conclusion.

The absence of findings frustrates appellate review and demonstrates that the court did not exercise its discretion within the bounds of law. This Court should reverse the maintenance denial and remand for findings and a proper determination consistent with § 40-4-203, MCA.

II. The Property Division Was Inequitable

Standard of Review.

Property distribution is reviewed for abuse of discretion, and findings are reviewed for clear error. See *In re Marriage of Funk*, 2012 MT 14; *Richards v. Trusler*, 2015 MT 314.

Application.

A. Failure to Credit Marital Contributions to 234 Deer Trail.

The District Court failed to account for approximately \$130,000 in marital funds and labor invested into 234 Deer Trail (a trust-held property) including deck, spa, electrical, plumbing, painting, and remodeling work. While Appellee sought to assign Appellant responsibility for half of associated debt (e.g., Synchrony for HVAC/water heater), the Decree provided no corresponding credit for value created by those improvements. See *In re Marriage of Caras*, 2012 MT 35. (See ROA #64.00, #65.00, #67.00; Statement Regarding Property Division (Feb. 21, 2025); Motion to Compel Full Financial Disclosure (Feb. 28, 2025).)

B. Northern Trust Accounts Excluded from Division.

Appellant requested disclosure of Northern Trust checking and savings accounts historically used during the marriage. Only minimal records were produced, and motions to compel were denied without explanation. The District Court also accepted Appellee's unverified assertion that Northern Trust account #1127 had been "rolled over" into #7086, despite the absence of any corroborating documentation—a clear example of incomplete financial evidence leading to inequitable findings. The Decree failed to address the additional accounts, leaving potentially substantial marital assets undisclosed and undivided in violation of § 40-4-202, MCA. (See ROA cites listed in Appendix A.)

C. Custodial Accounts Lacked Oversight and Raised Transparency Concerns.

Appellee was afforded unilateral control over the children's custodial accounts without mechanisms for joint oversight, notwithstanding atypical increases during the divorce year. Appellant does not seek a share of these accounts, but requests oversight terms to ensure funds are preserved for the children and not used to conceal marital assets or post-decree income streams.

D. Cryptocurrency Awarded 100% to Appellee Without Findings.

The Decree awarded Appellee 100% of cryptocurrency holdings (~\$10,000) without explanation for differential treatment of these assets contrary to § 40-4-202's requirement to equitably apportion the marital estate. Appellant has reason to believe Appellee also holds other digital assets or securities (he previously maintained Tesla stock and regularly trades investments), but was denied discovery needed to verify the scope of these holdings. Without forensic accounting or production of complete records, there is no way to confirm whether the Ethereum disclosed represents Appellee's entire cryptocurrency portfolio or whether additional assets were diverted or concealed during litigation. The Decree's acceptance of an unverified disclosure and its award of 100% of that asset to Appellee without findings further undermines the equity of the property division.

E. Distribution Fails to Address Economic Disparity and Long-Term Wealth Imbalance.

The Decree leaves Appellee with appreciating real property, superior income, and control over inadequately disclosed assets, while Appellant receives a one-time cash payout with no path to rebuild wealth after thirteen years out of the workforce.

F. Swamp Creek LLC Assets Were Ignored.

The parties invested over \$500,000 of marital funds into Swamp Creek LLC. Evidence of a \$100,000 capital infusion in 2023, continued partner payments, and a replacement card issuance in 2025 suggests ongoing activity. The Decree makes no findings as to capitalization, operations, or asset disposition, contrary to § 40-4-202, MCA. (See ROA cites listed in Appendix A.)

G. Inaccurate and Unverified Financial Records Require Remand

As detailed in the Statement of Facts, the Decree relied on unverified and internally inconsistent financial information including duplicate and misidentified account numbers, unsubstantiated rollover claims, and incomplete digital-asset disclosures, further demonstrating that the property ledger was incomplete and the division was therefore inequitable under § 40-4-202, MCA.

The discrepancies surrounding the Morgan Stanley custodial accounts (referencing a non-produced Exhibit 26 and reflecting unexplained reductions in value between Appellant's September 2024 statement and the Decree's figures) further demonstrate that material financial information was missing or altered, requiring remand for full verification and equitable redistribution.

Conclusion.

The cumulative effect of these errors: unverified accounts, omitted assets, and reliance on materials outside the evidentiary record, renders the property division inequitable and requires remand for accurate findings and redistribution under § 40-4-202, MCA.

III. The Denial of Discovery Violated Due Process

Standard of Review.

Discovery rulings are reviewed for abuse of discretion. *In re Marriage of Crilly*, 2005 MT 311. A district court abuses its discretion when it denies relevant discovery without explanation or findings.

Application.

Appellant sought Northern Trust records and business-income documentation precisely to complete the property ledger and to verify the extent of Appellee's income and assets. These are matters squarely within the scope of discovery under M.R. Civ. P. 26(b), which allows for any non-privileged information relevant to a party's claims or defenses. The District Court denied Appellant's motions to compel without written findings or explanation, leaving the financial record incomplete and preventing meaningful review.

Appellant requested production of full Northern Trust statements, business income documentation for WW7 and Swamp Creek LLC, and verification of claimed account rollovers and investment holdings. Each request was narrowly tailored to identify and value marital assets. The court's refusal to enforce discovery deprived Appellant of essential information necessary to challenge Appellee's claims, including his assertion of a fifty-percent income reduction, the characterization of MTMS Rentals funds as trust property, and the handling of undisclosed investment accounts.

Prejudice.

Because the omitted discovery corresponds directly to assets that were not properly valued or divided, including Northern Trust accounts, business interests, cryptocurrency, and other investments; the prejudice to Appellant is self-evident. The court's acceptance of unverified financial information resulted in findings that are unsupported by the record and contrary to the requirement that all marital property be identified and equitably divided under § 40-4-202, MCA.

The inconsistencies identified in the Statement of Facts (duplicate account entries, misclassified trust and business funds, unverified rollovers, and incomplete digital-asset disclosures) further illustrate how the denial of discovery prevented a full and accurate accounting. Appellant was deprived of the ability to verify the scope and accuracy of the financial record, violating her right to a meaningful opportunity to be heard and undermining the fairness of the proceedings.

Such omissions strike at the heart of procedural due process, which demands both notice and an opportunity to test the evidence relied upon to determine property rights. Denial of discovery under these circumstances prevented Appellant from identifying and challenging demonstrably false evidence later incorporated into the decree; precisely the type of prejudice Rule 26 and due-process safeguards are designed to prevent.

As M.R. Civ. P. 26(b)(1) provides:

"Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense... including the existence, description, nature, custody, condition, and location of any documents or tangible things."

Remedy

To cure this prejudice, the case must be reversed and remanded for completion of discovery, verification of all financial accounts and investments, and equitable redistribution of the marital estate on a fully developed record consistent with §§ 40-4-202 and 40-4-203, MCA.

Conclusion.

The District Court's denial of discovery without findings, in conjunction with its reliance on incomplete and inconsistent financial data, constitutes an abuse of discretion and a violation of due process. Reversal and remand are required so that discovery can be completed, all financial accounts and investments verified, and the marital estate divided on a fully developed record consistent with §§ 40-4-202 and 40-4-203, MCA.

IV. Procedural Irregularities and Suppression of Filings Violated Due Process

Standard of Review.

Due process requires notice and a meaningful opportunity to be heard. *In re Marriage of Skinner*, 2007 MT 120, ¶ 16. A court abuses its discretion where it summarily denies motions without findings, fails to docket or consider a party's submissions, or engages in practices that create an appearance of bias. *State v. St. Germain*, 2007 MT 28, ¶ 16; cf. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

The Montana Constitution expressly guarantees that "[n]o person shall be deprived of life, liberty, or property without due process of law." Mont. Const. art. II, § 17. This principle demands notice, opportunity to be heard, and impartial administration of justice. See *In re Marriage of McLean*, 2019 MT 99 (holding that failure to properly serve or docket filings violated a pro se litigant's due-process rights); *In re Marriage of Rolfe*, 2013 MT 25 (court may not adopt one party's proposed findings without independent analysis); and *In re Marriage of Brown*, 2007 MT 21 (denial of discovery and incomplete disclosure constitutes reversible error). Together, these authorities confirm that procedural integrity is a constitutional as well as statutory requirement under Mont. Code Ann. §§ 3-1-804 and Rule 59(e); § 3-1-804, MCA expressly provides for judicial disqualification where bias or the appearance of bias may compromise impartiality. The irregularities in this case—non-service of orders, suppressed filings, and summary denials—fall squarely within those due-process concerns.

Application.

Summary of Irregularities:

(1) Suppression: Appellant's April 2, 2025 Proposed Findings of Fact and Conclusions of Law were never docketed or ruled upon. (2) Rapid Summary Denials: On June 20, 2025, multiple post-trial motions were denied minutes after filing, without hearings or analysis. (3) Unequal Treatment: On June 18, 2025, Appellee was excused from responding to Appellant's filings, while Appellant's subsequent motions were struck. (4) Coercive Quitclaim Pressure: Appellant was pressed to sign a quitclaim deed without refinancing protections or disclosure, while unrepresented and under imminent hearing pressure.

ROA Anchors.

Rule 59(e) Motion to Amend (ROA #118.00); Notice of Insufficient Service (ROA #136.00); Order Striking Docket 137 (ROA #139.00); Motion for Judicial Records (ROA #140.10) and denial (ROA #142.00). See also earlier filings raising Deer Trail improvements and disclosure requests (ROA #64.00, #65.00, #67.00).

Prejudice and Remedy.

The combination of suppression, rapid summary denials, unequal response obligations, and coercive deed pressure deprived Appellant of a meaningful opportunity to be heard and created the appearance of bias. At minimum, remand is required for docketing and consideration of the suppressed filings and reasoned rulings on the outstanding issues.

Conclusion.

Because these procedural anomalies deprived Appellant of a meaningful opportunity to be heard and created the appearance of bias, reversal and remand are necessary to restore fairness and transparency to the proceedings.

Conclusion

This case is not about seeking a second chance at litigation; it is about the right to a fair one. The record before this Court reveals a decree built on incomplete discovery, unverified financial data, and suppressed filings that denied Appellant a meaningful opportunity to be heard. The integrity of the judgment is further undermined by the inclusion of financial figures and exhibits that were never introduced at trial; most notably, the appearance of a non-existent "Exhibit 26" and an undisclosed account (#0592) assigned a value of zero without evidentiary support. These irregularities raise serious questions about whether the Final Decree rests on verified evidence or post-trial alterations.

For these reasons, Appellant respectfully requests that this Court reverse and remand with instructions that:

1. The District Court make explicit findings on statutory maintenance factors under § 40-4-203, MCA;
2. The property division be redone following full identification, disclosure, and equitable distribution of all marital assets, including complete Northern Trust account verification, oversight of custodial accounts, equitable apportionment of cryptocurrency, and valuation of Swamp Creek LLC; and
3. The suppressed filings and discovery motions be docketed, heard, and resolved under equal procedural standards.

Only through these corrective measures can confidence be restored that the judgment rests on verified facts, equal process, and Montana law, ensuring that justice not only is done, but can be seen to be done in the public record.

Certificate of Compliance

Pursuant to M. R. App. P. 11(4)(e), I certify that this brief contains no more than 10,000 words, excluding the Table of Contents, Table of Authorities, Certificate of Service, and Certificate of Compliance. This count was calculated using the word count function of Microsoft Word.

DATED this 7th day of October, 2025.



Kelly O'Connell

Appellant, Pro Se

Certificate of Service

I hereby certify that on this 7th day of **October, 2025**, I served a true and correct copy of the foregoing **Appellant's Opening Brief** upon the following parties by **U.S. Mail**:

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DATED this 7th day of **October, 2025**.



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Appendix A: Record on Appeal (ROA) Index (Selected)

The following Record on Appeal (ROA) entries are cited in this Brief and included within the certified district-court record.

ROA #	Date	Description
50.00	May 14 2025	Final Decree of Dissolution and Findings of Fact and Conclusions of Law
61.00	Apr 1 2025	Respondent's Proposed Findings of Fact and Conclusions of Law ("Proposal")
64.00	Dec 6 2024	Motion – Financial Disclosure / Forensic Accounting re Deer Trail and Northern Trust
65.00	Dec 6 2024	Supporting Filing – Exhibits / Affidavit re Improvements and Accounts
67.00	Dec 2024	Related Filing – Additional Materials on Property Division and Disclosure
83.00	Feb 21 2025	Motion for Adverse Inference re Non-Disclosure of Financial Records
84.00	Feb 21 2025	Motion for Sanctions Due to Failure to Disclose Financial Records
85.00	Feb 21 2025	Motion to Compel Disclosure of Northern Trust and Credit Card Statements
86.00	Feb 21 2025	Statement Regarding Property Division in Divorce
87.00	Feb 21 2025	Pre-Trial Memorandum – Pattern of Financial Deception
88.00	Feb 21 2025	Pre-Trial Memorandum – Misrepresentation of Financial Support
118.00	Jun 20 2025	Rule 59(e) Motion to Amend or Alter Final Decree
120.00	Jun 18 2025	Order Excusing Appellee from Responding to Filings
136.00	Jun 2025	Notice of Insufficient Service / Request for Judicial Records
139.00	Jun 2025	Order Striking Docket 137
140.10	Jun 2025	Motion for Judicial Records (Post-Trial)
142.00	Jul 2025	Order Denying Motion for Judicial Records
—	Jul 21 2025	Notice of Appeal (Jurisdictional Reference)