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Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0492

IN THE SUPREME COURT OF THE STATE OF

MONTANA

FILED

OCT 14 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

MATTHEW HEAVEN, *Appellant*

v.

STEVEN PAUL WEBER and KRISTI LYNN WEBER, *Appellees*

Cause No. DA 25-0492

Appeal from Lake County District Court, Cause No. DV-23-06, Molly Owen,

Presiding

APPELLANT'S OPENING BRIEF

Appearances: Matthew Heaven, Appellant

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STATEMENT OF THE ISSUES

1. Whether the District Court’s June 16, 2025 vexatious-litigant order violated Appellant’s constitutional rights to due process, access to courts, and equal protection.
2. Whether Judge Molly Owen erred in refusing to disqualify herself despite a timely motion alleging bias, ex parte communications, and collusion, contrary to Mont. Code Ann. § 3-1-803.
3. Whether the District Court clerk and chambers unlawfully withheld the designated flash-drive exhibit filed August 11, 2025, obstructing appellate review under M.R.App.P. 6(3)-(5).
4. Whether systemic interference, including federal law-enforcement misconduct, tainted the proceedings below.

STATEMENT OF THE CASE

This appeal arises from Heaven v. Weber, DV-23-06, filed in the Lake County District Court. The Appellant sought relief for defamation and related harms. In April and May 2025, the Appellant filed motions to disqualify Judge Molly Owen for cause, citing bias, ex parte communications, and collusion. The district court denied those motions. On June 16, 2025, Judge Owen entered an order declaring Appellant a vexatious litigant and imposing filing restrictions without an evidentiary hearing. The Appellant timely filed a Notice of Appeal on July 8, 2025, pursuant to M.R.App.P. 4(1)(a). On August 11, 2025, the Appellant designated a flash drive containing video evidence as Exhibit A for appellate review. The Clerk later admitted the flash drive was being held in chambers. On August 30, 2025, the Appellant filed an Emergency Motion to compel transmission of Exhibit A under M.R.App.P. 6(5). On September 23, 2025, this Court denied the motion but directed the Appellant to proceed with briefing.

STATEMENT OF FACTS

- On April 25 and May 25, 2025, Appellant moved to disqualify Judge Owen for

cause, presenting evidence of bias and inappropriate ex parte communications. (Disqualification Motion, District Court Doc. 45, pp. 1–5).

- On June 16, 2025, the district court entered an order branding Appellant a vexatious litigant and imposing broad filing restrictions without conducting an evidentiary hearing. (Vexatious-Litigant Order (June 16, 2025), pp. 1–3).
- Appellant filed Notice of Appeal on July 8, 2025. (Notice of Appeal, District Court Doc. 72).
- On August 11, 2025, Appellant filed a flash drive containing two video recordings as Exhibit A for inclusion in the record on appeal. (Designation of Exhibit A, District Court Doc. 81).
- On August 18, 2025, the Clerk informed Appellant that the flash drive was being kept in chambers and would not be transmitted. (Clerk’s Letter (Aug. 18, 2025)).
- Appellant filed an Emergency Motion to Compel Transmission of Exhibit A on August 30, 2025. (Emergency Motion to Compel, District Court Doc. 88).
- On September 23, 2025, the Montana Supreme Court denied the motion but allowed briefing to proceed. (Order Denying Emergency Motion (Sept. 23, 2025)).

STANDARD OF REVIEW

1. Vexatious-litigant order. Constitutional questions and questions of law are reviewed de novo. See *In re Marriage of Maxwell*, 248 Mont. 189, 810 P.2d 311 (1991). This Court independently evaluates whether restrictions on court access comport with due process and equal protection.
2. Judicial disqualification. Denial of a motion to disqualify a judge is reviewed for abuse of discretion. See *State v. Abe*, 1998 MT 206, 290 Mont. 393, 965 P.2d 882.
3. Transmission of exhibits. A district court's failure to transmit the designated record is a question of law reviewed de novo because it implicates the interpretation of M.R.App.P. 6(3)–(5).
4. Systemic interference. Allegations of structural error, including federal interference, are reviewed to determine whether fundamental fairness was compromised.

SUMMARY OF THE ARGUMENT

The district court's order branding Appellant a vexatious litigant violated constitutional guarantees because it imposed sweeping restrictions without an evidentiary hearing and was not narrowly tailored. Judge Owen's refusal to recuse

herself undermines public confidence and constitutes an abuse of discretion under Mont. Code Ann. § 3-1-803. The clerk's refusal to transmit Exhibit A contravenes M.R.App.P. 6(3)–(5) and obstructs appellate review. Finally, the record reflects federal interference that infected the proceedings and requires reversal.

ARGUMENT

I. The District Court's Vexatious-Litigant Order Violated Constitutional Rights.

The June 16, 2025 order imposed a blanket ban on Appellant's filings without an evidentiary hearing. Montana and federal law require any restriction on court access to be narrowly tailored and supported by findings. See Mont. Const. Art. II, § 16 (guaranteeing open courts) and the First and Fourteenth Amendments. The district court made no findings that Appellant filed frivolous pleadings, nor did it limit restrictions to a particular case. As such, the order constitutes a prior restraint on speech and denies equal access to justice.

II. Judge Owen's Refusal to Disqualify Herself Was an Abuse of Discretion.

Mont. Code Ann. § 3-1-803 requires disqualification when a judge's impartiality might reasonably be questioned. Appellant moved on April 25 and May 25, 2025

to disqualify Judge Owen, presenting evidence of bias, ex parte communications, and collusion. Judge Owen denied the motion without explanation. Given the serious allegations, the district court's refusal to recuse was an abuse of discretion that tainted all subsequent rulings.

III. The District Court Obstructed Appellate Review by Withholding the Flash-Drive Exhibit.

Under M.R.App.P. 6(3)–(5), once an appellant designates exhibits for the record, the clerk must transmit them to the supreme court. Appellant properly designated a flash drive containing video evidence on August 11, 2025. The clerk acknowledged the exhibit but refused to transmit it. This failure violates the rule's mandatory language and deprives the appellate court of a complete record. Without the exhibit, meaningful review is impossible, and due process is denied.

IV. Federal Interference and Judicial Misconduct Require Reversal.

The record contains evidence that federal agents interfered with the case by discouraging participation and manipulating filings. Such conduct, if proven, undermines the integrity of the proceedings and constitutes structural error. The combination of judicial bias, obstruction of the record, and external interference

demands vacatur of the judgment and remand for proceedings before an impartial judge with a complete record.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court vacate the June 16, 2025 vexatious-litigant order, remand the case for assignment to a different judge, direct the clerk to transmit Exhibit A, and grant such other relief as is just.

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of this Appellant's Brief on all parties or their counsel of record on October 2, 2025, by U.S. Mail, postage prepaid, addressed to:

Jeffrey Ellingson, Kaufman Vidal Hileman Ellingson, P.C.

22 Second Avenue West, Suite 4000

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Dated: October 2, 2025

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CERTIFICATE OF COMPLIANCE

I certify that this brief is written in a proportionally spaced typeface of 14 points and contains 1163 words, excluding the cover page, table of contents, table of authorities, certificates of service and compliance, and attachments, in compliance with M.R.App.P. 11(4).

Signature: Matthew Heaven

Matthew Heaven, Plaintiff

ATTACHMENTS

Order Declaring Appellant Vexatious (June 16, 2025).