

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 25-0795

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IN RE THE MARRIAGE OF:
PRESTON BULL,
 Petitioner and Appellant,
and
JACQUELINE BULL,
 Respondent and Appellee.

**APPELLEE’S MOTION TO
WAIVE MEDIATION AND
BRIEF IN SUPPORT**

The Appellee, Jacqueline Bull (“Jacqueline”), by and through her attorney of record, Brandi R. Ries, respectfully moves the Court to waive the mediation requirements in this matter pursuant to Rule 7(2)(b) of the Montana Rules of Appellate Procedure. This Motion is supported by the following:

BRIEF

Domestic relations cases, including cases involving dissolutions, parenting plans, and child support, are subject to the mandatory appellate alternative dispute resolution process outlined in Rule 7 of the Montana Rules of Appellate Procedure. However, Rule 7(2)(b) provides that “unless each party provides written, informed consent within 15 days of the filing of the notice of appeal, the supreme court will **not order** appellate mediation in cases where the court has reason to suspect that one of the parties or a child of a party has been physically, sexually, or emotionally abused by the other party.” [Emphasis added.]

Here, the District Court record reflects that there is reason to suspect that physical, sexual or emotional abuse has occurred in this case. Specifically, the district court found that the Appellee, Preston Bull (“Preston”), was “physically and emotionally abusive to Jackie (including in the presence of the children) and the parties’ children throughout the parties’ marriage” and that Preston “cocked a firearm in the presence of Jackie and one of the children (while the other children were in the residence) to threaten her and told Jackie ‘this is the end.’” D.C. Doc. 159, pgs. 8-9 (June 23, 2025). The record further reflects that there is an order of protection in effect against Preston on behalf of Jackie and the parties’ children. *Id.*

In order for mediation to be productive, both parties have to have a genuine interest and desire to reach agreement. “[T]he basic rules, assumptions, and goals of mediation are undermined in those particular cases when the parties have a history of domestic violence.” *Hendershott v. Westphal*, 2011 MT 73, ¶ 26, 360 Mont. 66, 73, 253 P.3d 806, 811, citing David Frazee, Ann M. Noel, and Andrea Brenneke, *Violence Against Women: Law and Litigation*, § 16:45. 16-60 (West 1998) (additional citations omitted). The dynamics of domestic violence are such that an abusive partner does not truly desire to finalize a case and reach agreement—rather it is the desire for power and control over the victim which motivates an abuser. Therefore, forcing a victim to have additional interaction with her abuser, such as in mediation, would be further traumatizing to a survivor. *Id.* at ¶ 29, 360 Mont. at 74, 253 P.3d at 811.

The parties did not provide written, informed consent to participate in mediation within 15 days of the filing of the notice of appeal as required by the rules of appellate procedure. Therefore, mediation cannot be required in this case. Jacqueline respectfully requests that the Court waive the requirement that the parties participate in mediation.

Attorney for the Appellee has contacted the attorney for Appellant regarding this Motion. As of the filing of this motion, counsel for Appellant

had not responded to Appellee's counsel. Therefore, Appellant's position is unknown.

Respectfully submitted this 18th day of December, 2025.

A handwritten signature in blue ink, appearing to read 'BR. RIES', is written above a horizontal line.

Brandi R. Ries

Attorney for Appellee

CERTIFICATE OF SERVICE

I, Brandi Rose Ries, hereby certify that I have served true and accurate copies of the foregoing Motion - Waive Mediation to the following on 12-18-2025:

Emily Ann Lucas (Attorney)
P.O. Box 8364
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Electronically Signed By: Brandi Rose Ries
Dated: 12-18-2025