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02/02/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0807

IN THE SUPREME COURT OF THE STATE OF MONTANA,

HELENA, MONTANA

Michelle Dilsaver,)

Appellee,)

vs.)

Greg C. Dilsaver,)

Appellant.)

DA 25-0807

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State of Montana

BRIEF IN SUPPORT OF APPELLANT’S POSITION

In the matter of the Appeal of Greg C. Dilsaver the following issues are raised and supported.

a) Appellant, as Respondent in the of the Legal Separation filing of October, 2025, through an agent at the address he provided the Court and Appellee's attorney received The Appellee's filing for Legal Separation and in return filed a timely and legally served Answer to the Petition. The Answer to the Petition was not acknowledged in any way by the Lake County District Court, nor was Appellant advised of nor afforded an opportunity to attend the hearing. This is tantamount to a unilateral decree of legal separation, yet Appellant was deprived of 75% of the marital property and real estate which was purchased entirely (100%) with money he had brought to and into the marriage.

If this de facto unilateral Decree of Legal Separation is allowed, Appellee will circumvent the legal requirement for both spouses' signatures on the title transaction of real property. Though the real property was purchased with 100% of Appellant's earnings it was put in Appellee's name to protect it from any professional liability obligations (Appellant is a clinical psychologist). Appellee sold other property that could be liquidated, including livestock, farm equipment, and property, including property Appellant acquired before the marriage. Will clearly stipulates family trust nature of real property during the prohibited Legal Separation filing period. This is in violation of the 5th Amendment i.e., "No person shall...be deprived of life, liberty, or property, without due process of law."

b) The Court forbid all pre-court negotiation or arbitration between Appellant and Appellee, and Though Appellee's attorney-initiated contact with Appellant through an email, she

subsequently ceased to respond to all electronic and hard copy communications from him, including discussing arbitration between Appellant and Appellee with her as a go-between. This countermands MCA 40-4-101 which states the rule being "to promote the amicable settlement of disputes that have arisen between parties to a marriage."

c) Appellant, as Respondent to the original Permanent Protection Order issued by the Lake County District Court in October, 2024 was never answered in his Petition to allow him to re-enter onto the marital property in Proctor, Montana even though Appellee had moved from the property and became a resident in the state of Texas. The failure of the District Court to even issue a response to Appellant's timely Petition to be allowed re-enter his property even though Appellee had moved out of state, was unreasonable and damaging and evidence of judicial incompetence and/or bias as there was no possibility of contact between Appellee and Appellant in doing so and entailed extended costs to the Appellant for housing and medical care. There has been no reason given for the lack of a response to Appellant's Petition.

d) A systematic review of Due Process in both the Justice Court and District Court's order due to both the Justice and Districts Courts direct impact on the Decree of Legal Separation. Appellant, without legal counsel present or available, unknowing of the actual charge, pleaded guilty to the misdemeanor of intentionally causing physical harm to Appellee, though Appellant specifically stated to the Justice Court that he would plead guilty only to holding Appellee against her will and not to any charge of intentionally harming Appellee. Appellant did not become aware of the actual conviction until he received rerouted paperwork some 5 weeks later. A one-year Protection Order was also ordered. Appellant was also not informed that Appellee had initially sought a Permanent Protection Order or that the Temporary Protection Order could be appealed and made permanent and thus Appellant was not aware of the severe punitive ramifications possible and that did materialize.

Appellee had been turned down for a Permanent Protection Order but had immediately appealed. At the Appeal Hearing, the District Court ruled on testimonies that indicated a felonious action (viz., Appellant was "strangling" Appellee). These testimonies were given in-camera by the Appellant's and Appellee's two older minor children, and thus Appellant was unaware of its content. This in-camera testimony that was neither substantiated by the Justice Court conviction for a misdemeanor offense nor was collaborated, i.e., not mentioned, by the testimonies of the Appellee or any other witnesses. As such, Appellant was unaware of what he was being accused of.

The Legal Separation Decree is an exact reiteration of the Appellee's Petition, including Appellee being granted full custody rights, which itself was based on the Protective Order. Thus, both the Justice and District courts are rightly enjoined in this Appeal due to the systemic chain of non-due process causative events that informed and impacted the Legal Separation Decree.

e) For the reasons stated directly above and the questionability of a fair and unbiased judgment being rendered by the current Lake County Court, and due to the fact that neither Appellant nor Appellee reside in Montana a request for Venue Change should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Greg C. Dilsaver', written in a cursive style.

Greg C. Dilsaver

IN THE SUPREME COURT OF THE STATE OF MONTANA,
HELENA, MONTANA

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and correct copy of the foregoing APPELLANT'S BRIEF with the Clerk of the Montana Supreme Court and that I have served a true and correct copy of the foregoing Appellant's Brief on Appellee's Attorney, Casey L. Emerson, Esquire. Proof of said service is attached hereto.

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Greg C. Dilsaver,
Appellant

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