

No. _____
No. 19-8630 (Cover Tan Cover)
Ninth District Court of Appeal 18-35937
Montana U.S. District Court Butte: CV-17-79-BU-BMM-JCL

FILED
OCT 29 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The SUPREME COURT OF THE UNITED STATES

RICHARD CHARLES LUSSY, ("RICK") Petitioner/Appellant Pro Se
VERSUS Parties now joined Per Rule 12, (3.)
HENRY PAUMIE LUSSY, LAUNA LYNN ROQUE,
JENAHLEE MURIE BORNFF, MERNA GREEN ASSESSORS OFFICE MONTANA
DEPARTMENT OF REVENUE; TIM FOX MONTANA ATTORNEY GENERAL, WADE J.
DAHOOD, JEFFREY WADE INDIVIDUALLY, KNIGHT & DAHOOD LAW FIRM;
KURT KRUEGER MONTANA DISTRICT COURT JUDGE; CLERK SUSIE KRUEGER;
CHIEF MONTANA STATE JUSTICE: MIKE McGRATH; JUSTICE DIRK SANDEFUR;
JUSTICE INGRID GUSTAFSON, JUSTICE JAMES A. RICE; ANDRE BURKE
DIRECTOR OVER OFFICE OF PRESIDENT AMERICAN BAR ASSOCIATION TRADE
UNION; JOHN MUDD EXECUTIVE DIRECTOR: MONTANA BAR ASSOCIATION
TRADE UNION; BEN KRAKOWKA DEER LODGE COUNTY ATTORNEY; ~~LISA BURKE~~
~~NESBITT CASE ANALYST, JEFFREY ATKINS CASE MANAGER.~~

RESPONDENTS'

APPLICATION TO CHIEF JOHN ROBERTS: PETITION FOR REHEARING

RICHARD C. LUSSY, LUSSY & ASSOCIATES (Property Appraisers)
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Attorney-In-Fact, For Petitioner Pro Se

Resubmission via Ms. Nesbitt's November 5, 2020 letter, receipt November 15, 2020 for reply delivery: Friday November 20, 2020 to revitalize parental: memory, mind & heart.

Rule 44.6 Rehearing: Reverse-Remand 2-Judgments, Amend 3-Near Identical Complaints.

WHY: This court denied Certiorari: Docket 20-5028, 20-5029 "Chief Justice took no part in consideration or decision of this petition. /s/ Scott Harris, Clerk" please add 19-86301.

HOW: To demonstrate intervening circumstances of substantial &/or controlling effect or to other substantial grounds not previously presented between May 27, 2020 (Docket 19-86301) & October 29, 2020 (Docket 20-5028, 20-5029) to today the present Nov. 17, 2020 is 174-day (5.8-month) window of opportunity retain: RICK'S verified evidence in live testimony to remedy gov't lawyer judges breach of trust-in-bias-&-not-to-throw-out uniform codified Statute-Constitutional Laws to make more hearsay-precedent against our 50-United States.

WHO: This purpose only: consolidate 3-near identical complaints: Federal 19-86301 & 2-Montana-District Court 20-5028, 20-5029: as outside Intestate Probate DP 18-31 RICK'S Blessed-St. Parents Mother: Dorothy Helen Lussy(DOD 11/5/2015) & Father: Henry Francis Lussy (DOD 3/9/1988).

WHAT: The 174-day (5.8-mo.) window of opportunity to accomplish the above HOW:

(a) Evidence itemized: this Addenda's **Exhibit A-8595 & A-8596** is from fraud on the court & use against Candidate RICK Fla. Property Appraiser in 9-Elections: 1988-92-96-00-04-08-12-16-2020. Demonstrate 24/7 sabotage target-stalk-attack-bully badger: tormenting RICK for facilitating the (1819) Missing 13th Amendment aka Titles of Nobility Amendment.

(b) This fraud-on-the-court-by-respondents corrupt use of tax monies is to manipulate & falsify public records: block-&-stop RICK'S life these 42-years after Butte Montana CV-78-67-

BU proposed construction-cost overruns-completed 60-townhouse apartments with 30%+/- co-investor: Wade J. Dahood Pro Se Bank Counsel with co-defendant President Bennett. Known present rulings corrupted by fraud from the original suite in order to succeed, in all continuing lawsuits which cripples RICK Pro Se litigant right to permanently prevail for his remaining life now age 70, without a 100-percent jury trial verdict due process redress¹ to impeach for bad behavior. False in one thing, false in all doctrine.² See also: *Marshall v. Holmes*, 141 U.S. 589, at 590-596 (1891) a similar situation occurred. The original fraud corrupted Father Henry Francis & Richard Lussy Plaintiff's: CV-1978-67-BU (destroyed records) to again & will reopened for free without taint of *res judicata* a second tier lawyer malpractice suit after RICK'S Seattle 1ST law firm was sold to inferior Seattle 2ND law firm.

(c) Inadequate *Juris Doctor* Law School Training. While underscoring every known lawyer, judge, magistrate, justice involved: American Bar Association ("ABA") certified: 3-year law school offer *juris doctor* diploma: do not require core course: jury trial experience in a moot court/mock trial (Pending: Yale & Harvard in Virus lock down). All ABA certified law schools require no practical doctor experience what-so-ever. Three prospective credible lawyer

¹ A 100% jury trial verdict due process redress requires 2-judges, (1-Montana State & 1-Federal) to impeach for bad behavior. Require RICK'S written with jury instructions: 2-juror sworn oaths, 1-group oath & 1-individual juror signature(s) with actual Montana Statutes, never before allowed in Courts system as statute editing is the custom. With 4-video camera's (1-question asker, 1-reply answer, 1-on 2-judges & 1-jury. Source RICK Lussy.

² "[T]here is an old maxim '*falus in uno, falsus in omnibus*' (false in one thing, false in all), which is often much over-emphasized by counsel, though it is recognized by many courts in their charges to the jury. But this is only primitive psychology, and should be completely discarded." John H. Wigmore, A Students' Textbook of the Law of Evidence 181 (1935). Black's Law Dictionary, 10th Edition, (2014) page 720.

expert-fact witnesses to testify on this record are: (i) Bert Foer founder of American Anti-trust Society, (ii) F. Lee Bailey & (iii) Wyoming Lawyer Gerry Spence. All testimony is no-bias & no-mollycoddling by mentor-teaching gov't *juris doctor* lawyer judges against this little person: RICK of WE THE little pro se PEOPLE.

(d) Wade J. Dahood Pro Se Lawyer love of contingent fee contract continue against RICK'S Blessed Mother-Fathers work-worn-small-Montana-town-estate: never probated by Dahood, yet son-Jeffrey Wade-Knight & Dahood Pro Se Law firm respondents etc. et al claim.

(e) Judicial: National Policy of 50-United States is to Amend 3-nearly identical complaints for "*Relief from a Judgment or Order*" re: Federal/Montana Rule Civil P 60(b)(3)^{3,4} that started against Wade J. Dahood Pro Se forty-two years ago, continue in Florida during nine county property appraiser elections: stopped Candidate RICK'S life.

WHEN: John Roberts Chief US Justice's time treasure & talent to review & correct 9th DCA & Mont. Courts public record policy is to be uniform affecting all 50-states of the Union.

1. civil rule American independent Judiciary, I pray not: independent of existing law: 100-percent jury trial due process redress to impeach bad behavior from fraud on this court.

2. a rehearing for change in the interpretation of the law that obviously occurred after case was first submitted and was overlooked by judicial panel.

³ Federal-United States & near identical Montana State Rule of Civil Procedure 60(b)(3) Relief from a judgment or order fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct is by opposing party (RICK).

⁴ Top down ethical breach of Public Trust in comity with Fla. Stat. 112.324(3) without written fee contract UCC/Bar Ass'n. No Dahood answer: a.) not waive b.) wrongful-dismissal c.) fact misrepresentation is extrinsic-intrinsic fraud d.) no legal sufficiency/lack of due process.

3-a. the lower court opinions conflict with Rules of Civil/Common Procedure decision of U.S. Supreme Court, or other court of appeals cited here & now are in & conflict is not addressed in opinion, as in the prior U.S. Supreme Court Writ of Certiorari is no opinion. 3-b. Long-suffering: 42-year inside a 174-day (5.8-mo.) window for 15-day answer opportunity.

o 3-c. On August 29, 2020: ongoing target-stalk-attack-bully-badger-torment examples against RICK from addenda Exhibit A-8596 & A-8596 is (i) a six-inch nail shot into car tire while driving (\$88.95 & \$107 tire replacement); (ii) follow up by person without a business card, at gas station guaranteed RICK further car tire air losses, after (iii) in Miami Florida: attached Exhibit A-8571 sex solicitation followed by a physical threat with (iv) unrelenting non-stop phone calls from women refusing to talk & refuse to stop calling RICK with no message.

3-d. This is to demonstrate respondent's registered lobbyist in-free-public court-pattern of bad behavior, hired unregistered lobbyist *international green machine* Mafia: Affiliated Business Arrangement ("ABA") acting unfair & to the detriment of RICK: Mother-Father memory, mind & heart continue forty-two years. 3-e. As U.S. Justice Steven Breyer[§] said-in-words-relevant-to-fraud-precedent: bad-direct-case-study-comparisons: "*unless it (precedent) violate some rule of civil procedure throw it (the precedent) out*" so to: Reverse-Remand, Relief Judgment/Order per RICK'S: petition allowing a competent lawyer to plead-please any trial judge with three amended complaints now joined parties, now complete with this appeal.

November 17, 2020 by *DL* RICHARD C. LUSSY, *Attorney-In-Fact Pro Se*, 860 Sixth Avenue S. P.O. Box 152, Naples, FL 34106 *E-Mail:* ricklussy@yahoo.com

§ "*...if it violates some rule of civil procedure other than that, it will be thrown out.*" Quote by U.S. Justice of Supreme Court Steven Breyer. Lines 13-15, page 10, October 2, 2017; Epic Systems Corp v. Jacob Lewis, No. 16-285, Ernst & Young LLP. Et al., v Stephen Morris, No. 16-300 and National Labor Relations Board v. Murphy Oil USA, Inc., et al. No. 16-307, Supreme Court of United States, www.hrcourtreporters.com.

**Attached evidence (4+4-page) for Cases-20-5028 & 20-5029 & (2+4-pages) for Case-19-8630:
With Exhibit A-8587 (Krueger Clerk), Exhibit A-8571 (Miami Sex solicitation-threat)**

Exhibit A-8595 & A-8596 follows: Attachment → **Exhibit A-8595** (Independent of Mother-Dad DP 18-31 Intestate Probate) Abbreviated A thru Z Alphabet 26-Government Corrupt Intrinsic frauds with argument to Amend 3-Complaints pursuant “*Relief from a Judgement or Order: Federal/Montana Rule Civil P 60(b)(3)*” [A] Respondents sabotage RICK ongoing 24/7 telephone-tap, [B] physical-comings-and-goings, [C] computer-word-number-changes-file deletions; [D] two-complete-computer-replacements [E] not-random-as-by-mafia-paid-by-respondent-registered-lobbyists-lawyer-dues-from-American Bar Association to unregistered lobbyists: Affiliated Business Arrangement (“ABA”) Miami-Florida-noted-Exhibit A-8571. [F] Another malicious 6-inch nail in left-rear car tire: August 29, 2020 required a 2nd spare \$107+\$88.95 followed by nameless person without a business card at Racetrack gas station that RICK will be suffering further air pressure in tire losses; [G] unrelenting-non-stop live women telephone calls refuse to talk & refuse to stop calling; [H] Respondent Wade J. Dahood Pro Se contingent fee Intestate Probate monies as paid continue at issue; [I] Fake-false-sworn Loyalty Oaths at issue with government employees/judges, to secure pensions for life: & job security lawyer-officers-of-court: Ministerial⁶ Oath^{7,8,9} of Office of Actual Agency¹⁰ in Fact¹¹ (“MOOFAAF”) for [J] (1819) Missing 13th Amendment also known as Titles of Nobility Amendment to [K] enforce Montana Code Annotated (“MCA”) 25-7-103 When Issues of Fact are to be decided by jury verdict^{12,13} [L] As from RICK’S 42-year past CV-78-67-BU against Wade J. Dahood knowingly presents rulings corrupted by fraud from the original suite in order to succeed, in all continuing lawsuits which cripples RICK Pro Se litigant right to permanently prevail for

⁶ Ministerial adj. (16th Century) involving obedience instead of discretion... Black's Law Dictionary 10th Edition (2014) page 1146.

⁷ Loyalty Oath 5 USC § 332 “Officer affidavit: no consideration paid for appointment ...”

⁸ Loyalty Oath 5 USC § 3331 of office. An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uninformed services, shall take the following oath: “I, ...”

⁹ Montana State Constitution Article III, § 3 Oath Of Office Article II, § 16 ...& judicial officers ... upon duties of their offices: ...”

¹⁰ Actual Agency An agency in which the agent is in fact employed by a principal. ... Black's Law Dictionary 8th Edition (2004) page 67. (*Principal: fee simple RVT's: We the pro se People*)

¹¹ Agency in fact, An agency created voluntarily, as by a contract. *Agency in fact is distinguishable from an agency relationship created by law, such as agency by estoppel. ... Black's Law Dictionary 8th Edition (2004) page 67.

¹² U.S. Constitution Amendment VII [Common Law Suits · Jury Trial (1791)] In Suits at common law, ... and no fact tried by a jury, ... than according to rules of common law.

¹³ Constitution of Montana · Article II § 26. Trial by jury ... Right of trial by jury is secured to all & shall remain inviolate ... all civil actions, two-thirds of the jury... as if all concurred.

his remaining life. See *Marshall v. Holmes*, 141 U.S. 589, at 590-596 (1891) a similar situation occurred. The original fraud corrupted of 1978-67-BU (destroyed records) can be reopened for free without taint of *res judicata*. [M] Respondent Merna Green's defamation & refuse property tax appeal forms. [N] Merna Green's \$90,001.30 (DV-18-38) Default; [O] Merna Green's \$89,828.56 Default (19-8630) [P] Presiding Judge Kruger's refusal to answer pre-jurisdiction (to self-recuse) questions in both DV-18-37/DV-18-38). [Q] Court's refusal No Lien For Claim Not Due (MCA 71-3-103) call it a "lien" recorded as "First Lien Notice of Lien Claim By Special General Factor to 75%, from 25% Stakeholder" Exhibit A-8531 (2-page) "First Lien Notice of Lien By Primogeniture Abolished" Exhibit A-85301 Lien Terminates" [R] & Notice of Right To Claim Lien (MCA 71-3-532) call it a "lien"; [S] To be corrected: MCA 15-8-111 statute 100% market (willing seller) property tax assessment (unwilling seller); [T] Clerk Krueger's missing Amended 66-page Amended RICK'S Complaint; [U] Judge Kruger refuse to file RICK'S pleadings for [R & S] after approval in recorded transcript. [V] Judge Kreger steam-roller same day notice for Attorney Fees hand filed motion without prior notice to RICK by Rules of Procedure. [W] Judge Kreger mollycoddling son Jeffrey Dahood entertaining his argument with no "lien" citation in court filed evidence. [X] Given \$70+- attorney fee order without written attorney fee contract in violation to Uniform Commercial Code 2-201 & Montana Bar Association Fee Regulations. [Y] Dahood Respondent refusal to restate or produce evidence of contingent fee contract for signatures Exhibit A-8306 ("Full Release of Recipients In Connection With The Dorothy Lussy Revocable Living Trust") after respondents destroyed Mother's Revocable Living Trust. Plus no one had Mother's Power of Attorney with Durable Provision, and no one was pre-appointed estate administrator make this a intestate probate. [Z] And Exhibit A-8483 "*Indenture-agreement*" for mother's life estate to Henry Paumie Lussy was only to live in basement of 1818 Tammany Street. A Quitclaim Deed is conspicuous: Quitclaim Deed so Mother could allow Henry Paumie Lussy to live in basement & not to allow him to take her homestead away from her. An indenture-agreement is not a conspicuous deed of ownership continue at issue.

Attachment **→ Exhibit A-8596:** (Independent of Mother-Dad DP 18-31 Intestate Probate) Extrinsic #31 Fraud Fact collateral issues referenced as Guide Rules ("GR") i to vii below: (Respondent Jeffrey Wade Dahood & father Wade J. Dahood refused to file Mothers DP 18-31-FI (Filing Intestate) while working for Respondent Henry Paumie Lussy claim all himself & 2-daughters).

Guide Rule-0 (GR-0) Intrinsic fraud" is subject to outside lawsuit" DP 18-31 Intestate Probate.

"Guide Rule-i" Extrinsic Fraud often involves fraud on the court. "Guide Rule-ii" It deprives one of opportunity to be heard or is not involved in the actual issues, "Guide Rule-iii" include destroying evidence, "Guide Rule-iv" or misleading an ignorant person (RICK) about the right to sue. "Guide Rule-v" Involves collateral circumstances "fabrication of evidence by attorney." "Guide Rule-vi" "preventing another party's witness from appearing." Guide Rule-

vii substantial history of misbehavior. Review of fraud as extrinsic¹⁴ to reverse & remand to amend 3-subject-complaints.

#1-GR-ii) Henry Paumie Lussy ("HPL") respondent voice mail to RICK said not to come to Mom's funeral. #2GR-ii) Before funeral HPL told RICK to call anytime. #3-GR-ii) After funeral HPL disconnected phone, changed E-mail RICK is unable to call. #4-GR-ii) HPL refused Certified-return receipt US Mail meeting 1/3/2016 under Washoe Theatre marquee. #5-GR-ii) RICK notified HPL & 2-daughters: JMB, LLR US Certified return receipt for estate financial inventory & to return Mothers jewelry/clothes to share with 2-other-grand children: Janna & Sara. Meeting under Washoe Theatre marquee 1/3/2016 at 1853 hours, Exhibit 8528 (1 of 2) per Police Standby report. #6-GR-ii) No show. #7-GR-i) Jeffrey Dahood Pro Se before US Magistrate JC Lynch on 4/6/18 claimed *Estate of Dorothy Helen Lussy Living Trust* was already probated by his Father Wade J. Dahood Pro Se in Missoula County before Anaconda-Deer-Lodge-County-Judge-Ray-Dayton. #8-GR-i) Judge Dayton transcript: 6/6/18 said he did not probate. #9-GR-i) Deer-Lodge-County-Clerk-Krueger said no Probate was ever filed (Exhibit A-8544) as Mother resided in Deer-Lodge-County-Montana. #10-GR-ii) Jeffrey Wade Dahood Pro Se did-not-give RICK Probate Docket Number within 10-days of Judge Lynch's Order. #11-GR-i) Proof-of-existence-of-Living-Trust Re. QUITCLAIM DEED: "Mother release & quitclaim to self as trustee of The Dorothy Lussy Revocable Living Trust" in 19-8630. #12-GR-i) Wade J. Dahood aid, abet & advise Henry Paumie Lussy refused filing Mothers Intestate Probate after they destroyed mothers LIVING REVOCABLE LIVING TRUST: said-Living-Trust "died when she died" so Wade J. Dahood could litigate Henry Paumie Lussy primogeniture.¹⁵ Not give 25% share-to-each. #13-GR-v) Wade J. Dahood Pro Se on 11/9/2015 fabricated evidence Exhibit A-8306, page 65 of 82, Document #8 Case 19-18360 "Full-Release-of-recipients-In-Connection-With-The-Dorothy-Lussy-Revocable-Living-Trust" in his Law Office. #14-GR-ii) Wade J. Dahood advised ignorant RICK "*your Mothers living will died when she died.*" #15-GR-ii) Proof in file: prevarication Wade J. Dahood Pro Se: "Upon the death of the settlor, the trust shall become irrevocable." (last sentence) thus becoming Mother's "Last Will & Testament." #16-GR-iii) Wade J. Dahood/Henry Paumie Lussy destroyed mothers living will. #17-GR-vii) Wade J. Dahood sour grapes of benefit his bad behavior: destruction of CV-78-67-BU¹⁶,¹⁷ after RICK'S father & self were spent out of court 40-years ago by Dahood. #18-GR-i) Both

¹⁴ Review will not be granted unless the fraud was extrinsic. "Per 32-page Hazel-Atlas Glass Co. v Hartford-Empire Co. 322 U.S. 238 (1944).

¹⁵ Primogeniture (15c) 1. ... 2. Common-law right firstborn son inherit ancestor's estate, exclude younger siblings. Black Law Dictionary 10th Ed p1384.

¹⁶ CV 78-67-BU caption Henry F. Lussy & Richard C. Lussy vs. Francis R. Bennett; Knight, Dahood, Mackay and Mclean, as partnership composed of Wade J. Dahood, Conde F. MacKay and David J. McLean; and David J. Mclean as an individual Defendants.

¹⁷ CV 78-67-BU case record destroyed: page 39 of 82 Doc. 8: CV-17-79-BMM-JCL Clerk United States District court For The District of Montana, Clerk of Court, Feb. 18, 2015.

Dahood's of American Bar Association ("ABA") (attached Exhibit A-8588) certified three-year law schools 100-percent exclude: moot court/mock trial core courses for jury trial experience to obtain this *juris doctor* diploma. **#19-GR-i**) ABA governing certification acts like a cartel¹⁸ by offering a juris doctor diploma with no doctors' experience what-so-ever." **#20-GR-i**) ABA's Affiliated Business Arrangement ("ABA") franchise license: 100-percent market share, no competition, no consumer freedom of choice, express omissions, 100-percent concealment, insider trading with self-administered civil-tort precedent to permanently block & stop RICK Pro Se Non-Lawyer in upcoming 2024 election after: 1988-thru-2020 Florida County Property Appraiser Elections. **#21-GR-i**) Independent judiciary, independent of existing law: use secret surveillance warrants ("SSW") for job security & mollycoddling government lawyers that arrive late to work & leave early while taking Friday &/or ½ day off. **#22-GR-i**) In the face: RICK has/continues 24/7 sabotage, physical comings and goings; targeted, stalked, attacked, bullied badgered & tormented so to block-stop him. **#23-GR-i**) Secret surveillance warrants keep corruption *ad nausea*. **#24-GR-i**) Collateral 3-property tax appeals denied by Merna Green in Assessors office by refusing to provide RICK property tax appeal forms (HQ-Helena say could get only from local county office). **#25-GR-i**) Merna Green's repetition of libel per se insulted RICK on telephone in-deep-rub-of co-investor: Wade J. Dahood 30%+/-with RICK in Townhouse LTD 60-unit apartment under-construction/then-built/completed. **#26-GR-i**) Similar exploitation tactics by government employee lawyer judges destroyed CV-78-67-BU-court-records. **#27-GR-i**) Montana assessment statute revision MCA 15-8-111 challenge merged in appeal) with (19-8630) US Mail no answer by Montana State Attorney General Tim Fox from 7/13/18 & 4/30/18 certified return receipt US mail. **#28-GR-i**) Clerk Susie Krueger did-not-file-record RICK'S 2nd Amended 66-page Answer & Counterclaim Complaint Third Party Adding Indispensable parties. **#29-GR-i**) JC Lynch (retired) US Magistrates not-good-behavior. **#30-GR-i**) The lawyered judiciary policy is not-to-enforce all RICK'S plead law in 9-elections, **#31-GR-i**) Universal ABA gov't lawyer judge not-good behavior policy is to void-vitiates-vacate RICK'S petitions to Amend complaints. Request-to-pay-independent-objective-competent Lawyer to assist 3-pleadings: to satisfy any presiding judge. Concurrent to reverse-remand: Set Aside (Fed./Montana Rule 60(b)(3)) two identical \$74,000 Judgment bias due to extrinsic frauds would allow "Issues of Fact to be decided by jury verdict ("MCA") 25-7-103."

Summary: As plead 17-extrinistic frauds on the court, 9-extrinistic frauds depriving RICK of opportunity to be heard, 1-extrinistic fraud destroying evidence, 1-extrinistic fraud misleading an ignorant person (RICK) about right to sue; 1-extrinistic fraud fabrication of evidence by an attorney & 2-extrinsic frauds by-same attorney-with-history-of-bad-behavior. As lawyer-officers-of-the court use uncompliant: "non-fraud-civil-tort-precedents" as-these are bad comparisons to attempt a "Jurisdictional Exception" one cannot escape the-public purpose.

¹⁸ Univ. Chicago law Henderson assessment: "American Bar Ass' operates state-approved cartel" *Atlantic*, "Gilded future of top 10%-& end of opportunity for everyone else" 6/2018 p56.