

19-5028 ORIGINAL

No. \_\_\_\_\_ (For Assignment) White Cover

FILED  
JUN 30 2020  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

WADE J. DAHOOD Plaintiff-Appellee )  
-vs- )  
RICHARD CHARLES LUSSY Defendant-Appellant)

**DEFENDANT'S COUNTERCLAIM**

RICHARD CHARLES LUSSY Counter-Claimant Plaintiff, Appellant)  
-vs- )  
WADE J. DAHOOD Counter-Defendant-Appellee )

**DEFENDANT'S ADDED PARTIES**

RICHARD CHARLES LUSSY Counter-Claimant Plaintiff-Appellant )  
-vs- )  
WADE J. DAHOOD, JEFFREY W. DAHOOD, HENRY PAUMIE LUSSY, )  
LAUNA LYNN ROQUE & JENAHLEE MURIE BORNFF )  
Counter-Defendants-Appellees-Respondents )

ON PETITION FOR A WRIT OF CERTIORARI (RULE 39) FROM  
ANACONDA DEER LODGE COUNTY, MONTANA STATE DISTRICT COURT  
CAUSE NO. DV-18-37 LAST RULED BY STATE SUPREME COURT DOCKET DA  
19-0577

**PETITION FOR A WRIT OF CERTIORARI**

=====  
Counsel of Record:  
Attorney-In-Fact As Pro Se Petitioner, Plaintiff, Appellant/Injured  
Richard C. Lussy, Esq.  
RICHARD LUSSY & ASSOCIATES (Property Appraisers)  
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State Certified General Real Estate Appraiser RZ0001564  
Real Estate License SL531638  
International Designate Appraisal Institute  
Esquire Entitlement: Florida State Supreme Court

## FEDERAL CONSTITUTIONAL THREE PART: ONE QUESTION

Whether to apply Federal Constitution: [A] bad behavior-after-petitioned speech to impeach hearsay-stare decisis with particularized legislated Montana Code Annotated (“MCA”) in-100-percent jury trial verdict due process redress: (“JTV-DP-R”) on State Officials canceling RickLUSSY Non-Lawyer Pro Se same docket caption Third Party Claim-Amended, Adding Parties to make moot: respondent’s buffaloeing this court, not having done their homework to foist bogus remittitur “affirm Summary Dismissal,” \$74,000 Judgment-&-brand-new unnoticed, not argued “vexatious” litigant” in civil Rico Fraud to disgorge \$1,258,877 public salaries, intentional vitiation of ministerial Oath Of Office contract without discretion for 100-percent jury trial verdict due process redress (“JTV-DP-R”) with no judgitis-bias. The American Bar Association (“ABA”) paid dues for unregistered lobbyist 24/7 sabotage. “Rule 10 serves a compelling government interest to reduce government corruption, 8-prior-County Appraisal now entering: August 18, 2020 election remedy: a fragile democratic check & balance.

**[B-part]** Whether allow Ray v Blair to-suppress juror-voter-electorate verdict.

**[C-part]** Whether State Supreme Court officials transformed complaint into memorandum of law is itself a groundless non-binding: stare decisis pleading, no U.S. Constitution-compliance: 11-Constitutional Issues, 27-Issues of First Impression for impeachment. And to certify statute challenge, 3-property tax appeals & destroyed-Mother’s Living Trust-To-Be Last-Will-&-Testament etc. in one constitutional question.

IT IS RESOLVED: A-B-C: moot is not to dismiss this infant case of no particularized: Remittitur-\$74,000 Judgment-&-unnoticed-new “vexatious” litigant. WHEREBY: Order a second opinion by 100% JTV-DP-R to: “...rambling & incoherent screed against the Judiciary and the legal profession in general” to include captioned third party complaint & 2nd Amend 6 plus 16 additional total 22 parties deep pockets: to apply ministerial oaths of office- (“MOOOF”) with no discretion. No ministerial lawyer exemption exists. The ABA is: (i) not competent 141.9-years for refusing professional & academic doctor true 100% JTV-DP-R experience before awarding *juris doctor* diplomas; (ii) not to require Old English hearsay *stare decisis* to vacate US Constitution-&-stigmatize RickLUSSY with no notice before August 18, 2020 election: & (iii) declare no ministerial lawyer exemption existing to benefit Pro Se Wade J. Dahood & Son Jeffrey Wade Dahood as officers of court. The rest of complicated legalisms can be decided another day: with joint Federal & State Judges in one-court.

## LIST OF PARTIES

[ ] All parties [A thru F] below are in caption of the case on cover page. All officers of the court: Lawyers pay dues<sup>1</sup> to American Bar Association (ABA) a British Accredited Registry (“BAR”), a state-sponsored cartel. Affiliated Business Arrangement (“ABA”) known as Montana Bar Association [B & C] 100-percent subordinate to Ministerial<sup>2</sup> Oath-of-Office (“MOOOF”) allowing no discretionary acts<sup>3</sup> illegally legitimize hearsay-stare decisis; a 805-year old replicate of oppressive (1215) Magna Carta that benefit the oppressor-government lawyer-official authors for other lawyers: malicious records:

[A] Henry Paumie Lussy (“HPL”), [B] Wade J. Dahood, Lawyer Father to: [C], Jeffrey W. Dahood son of Knight & Dahood Law Office, [D] Launa Lynn Roque Daughter of HPL, [E] Jenahlee Murie Bornff Daughter of HPL, [F] Merna Green Assessors Office Montana Department of Revenue.

Richard C. Lussy aka RickLUSSY, Non-Lawyer, Pro Se Petitioner Appellant.<sup>4</sup>

[ X ] All parties\* do not appear in the caption, on the cover page. A list of all parties to the proceeding in the court whose judgment (benefits the) subject of this petition are named A thru E plus those itemized #1 thru #16 as necessary & indispensable parties with deep pockets, hold all taxpayers harmless, fully culpable, & part of \$1,258,8775

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<sup>1</sup> ABA dues pay lobbyists to retain 100-percent market share, no competition & no consumer freedom of choice by express omissions, 100-percent concealment & insider trading. ABA Montana Bar Association support patronage/pizzo/tribute-business: International Green Machine f/London-&-Luxemburg. ABA-Mafia vendor is Sicilian: world-wide guarantee with \$60,000 cash to bribe/threaten/cajole all-contacts to: (i) target-stalk-bully-badger-torment RickLUSSY Petitioner 5/1988-to-present; (ii) with manipulated-falsified public-court-records-credit-report-inputs mafia control laundered businesses, controlled employees as agents. (iii) Sabotage 24/7-employment: wet, blanket stings; death by 100,000-cuts & scorched-earth; (iv) telephone tap, first call transfer to agent; mass call waiting; (v) computer word & number changes, file deletions; (vi) physical goings & comings i.e. Exhibit A-8571 Appendix. (vii) Cash cow courts: deny free public law in free public courtrooms to sully: “vexatious” litigant. (viii) Not train: 100-percent jury trial verdict due process redress (“JTV-DP-R”): 4-cameras, 2-judges (Federal-Montana) 2-juror oaths, 12-jurors & alternates. (ix) ABA governance sponsor inadequate training: no moot court/mock trial to mollycoddle Jeffrey Wade Dahood Esq. private-mentoring in free public court; (x) juris doctor “professional & academic” diplomas with no doctor experience is deceitful advertising. (xi) Add credit-default-swap contract bets pure speculation on petitioner’s life & sucker contract-purchasers lives’.

<sup>2</sup> Ministerial, adj. (16c) Of or relating to an act that involves obedience to instruction or laws instead of discretion, judgment, or skill; of or skill; or, relating to, or involving a duty that is so plain in point of law and so clear in matter of act that no element of discretion is left to the precise mode of its performance. <the court clerk’s ministerial duties include recording judgments on the docket> ministerial act. See Act (2). Black’s Law Dictionary, 10th Edition (2014) page 1146.

<sup>3</sup> Discretionary act (18C) A deed involving an exercise of personal judgment & conscience. – Also termed discretionary function. See Discretion; Abuse of Discretion, Blacks Law Dictionary 10th Ed (2014) p565.

<sup>4</sup> Richard C. Lussy aka RickLUSSY, Non-Lawyer, Pro Se Petitioner Appellant is sworn to: 28 U.S. Code § 1746(2) unsworn declaration: “I declare (or certify, verify, or state) under penalty of perjury that foregoing is true & correct.”

<sup>5</sup> Free Public State Law salary compensation: 7-State Supreme Court Justices (@ \$1,258,877), State

finite public tax paid salaries. Parties B & C itemized #1 thru #16 are 100-percent source parties to these malicious, manipulated & falsified public records. Remedy is a non-lawyer 100-percent jury-trial-verdict-due-process-redress (“JTV-DP-R”)6 control Issues for jury decision(MCA 25-7-1037) to finalize what is unlawful(MCA 28-2-701).8

(1) Jeremiah C. Lynch U.S. Magistrate, (2) Brian M. Morris, Article III US Judge (KEYSTONE KOP)9 [CV-17-79-BU/9th Circuit Court Of Appeal 18-35937]; (3) Tyler Gilman Clerk [No. CV-78-67-BU], (4) 9th District Circuit Appeal Judge Murguia, (5) 9th District Circuit Appeal Judge Christen; (6) 9th District Circuit Appeal Judge Bade; (7) Kurt Krueger 3rd Dist. Court Judge [No. DV 18-37/DA-19577; DV 18-38/DA-19-578] & DP-18-31 [RE: Formal Probate Dorothy Helen Lussy of Henry Francis Lussy Estate]; (8) Ms. Susie Krueger Court Clerk Deer Lodge County; (9) Andre Burke Director Over Office of President: American Bar Association Trade Union Enterprise; (10) John Mudd Executive Director Montana Bar Association Trade Union & (8) Diana Moss, President American Antitrust Institute & (11) Elected: Ben Krakowka Anaconda-Deer Lodge County Montana Attorney; (12) Chief Montana-State Justice: Mike McGrath; (13) Justice Dirk Sandefur; (14) Justice Ms. Ingrid Gustafson; (15) Justice Laurie McKinnon and (16) Montana-State-Justice James A. Rice.

### **THREE RELATED ESTATE CASES (#4-Probate DP 18-31 Unattended).**

Pursuant Rule 14(1)(b)(iii) now in US Supreme Court (Rule 39) three estate cases.

(#1) U.S. Supreme Court Docket No. 19-8630 same courts below: Docket CV-17-79-BU-BMM-JCL/18-35937. RICHARD CHARLES LUSSY, Plaintiff/ Appellant/ PRO SE PETITIONER -v- HENRY PAUMIE LUSSY, LAUNA LYNN ROQUE, JUAHLEE MURIE BORNFF, MERNA GREEN Assessors Office Montana Revenue Department;

(#2) This case: DV-18-38/DA 19-0578: shall be US. Mailed June 30, 2020: unassigned US Sup. Ct Docket #. HENRY PAUMIE LUSSY, Plaintiff-Appellee, -vs- RICHARD C. LUSSY Defendant-Appellant, DEFENDANT COUNTERCLAIM; RICHARD C. LUSSY

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District Judge (\$136,896+), Clerk (\$61,516+ well above the Montana Clerks existing range of \$30,279-to-\$44,957)) total \$1,258,877.

¶ A 100-percent jury trial verdict due process redress (“JTV-DP-R”): 4-cameras, 2-judges (Federal-& Montana) 2-juror oaths, 12-jurors & 2-alternates Petitioner Pro Se writes jury instructions & verdict form.

¶ MCA 25-7-103 Issues Of Fact To Be Decided By Jury. All questions of fact, where the trial is by jury, other than those mentioned in 25-7-102 are to be decided by the jury, and all evidence thereon is to be addressed to them, except when otherwise provided by this code.

¶ MCA 28-2-701, What Is Unlawful which is: (1) contrary to an express provision of law; (2) contrary to policy of express law, though not expressly prohibited; or (3) otherwise contrary to good morals.

¶ “Judicial Keystone Kop” is Brian M. Morris “liberal Federal Judges are passing anti-Trump resistance.” Caption: Indigenous Environmental Network & North Coast River Alliance & Northern Plains Resource Council Plaintiffs vs. U.S. Department of State et al & TransCanada Keystone Pipeline & TransCanada Corporation Defendants-Intervenors. CV-17-GF-BMM & CV-17-31-GF-BMM, Doc. “211” filed 11/08/2018 page 1 of 54. Source Wall Street Journal, November 13, 2018 Op-ed section.

Counter-Claimant Plaintiff-Appellant, -vs-HENRY PAUMIE LUSSY, Counter-Defendant-Appellee, THIRD PARTY CLAIM-AMENDED, AMENDED DEFENDANT ADDING PARTIES RICHARD C. LUSSY Counter-Claimant Plaintiff-Appellant, -vs- HENRY PAUMIE LUSSY, WADE J. DAHOOD, JEFFREY W. DAHOOD, LAUNA LYNN ROQUE, JENAHLEE MURIE BORNFF, MERNA GREEN Assessor Mont. Dept. Revenue Counter-Def.-Appellee Respondents.

(#3) Next case: DV-18-37/DA 19-0577: shall be US. Mailed June 30, 2020 unassigned US Sup. Ct Docket #; WADE J. DAHOOD Plaintiff-Appellee -vs- RICHARD CHARLES LUSSY Defendant-Appellant DEFENDANT'S COUNTERCLAIM; RICHARD CHARLES LUSSY Counter-Claimant Plaintiff, Appellant -vs- WADE J. DAHOOD Counter-Defendant-Appellee; THIRD PARTY CLAIM, DEFENDANT'S ADDED PARTIES RICHARD CHARLES LUSSY Counter-Claimant Plaintiff-Appellant-vs- WADE J. DAHOOD, JEFFREY W. DAHOOD, HENRY PAUMIE LUSSY, LAUNA LYNN ROQUE & JENAHLEE MURIE BORNFF Counter-Defendants-Appellees- Respondents

CONSTRUCTIVE NOTICE TO SUE Complicit: Deputy Jeffrey Atkins, Ms. Lisa Nesbit Analyst, Clerk Scott S., Harris, U.S. SUPREME COURT, Ray Richards, etal for state sponsored violence-rhetorical & actual inflicted during electoral seasons. With underlying named parties: For No Florida-State Hearing, No Sworn Testimony & no investigation required by Florida election law: in Former No. 18-1206 Writ of Certiorari: R.C. "RICK" LUSSY v. Florida Elections Commission & Gaylord A. Wood Jr. Bar #89465 and in Former No. 19-481 Writ of Mandamus In re: R.C. "RICK" LUSSY aka CANDIDATE, 2016 & 2020-2024 ELECTIONS.

WHY SO: Serves a compelling government interest to reduce heavy-top-down-government corruption after 1988-92-96-00-12-16 into Aug. 18, -2020 Public Election(s): paid in part by Government employee-emolument<sup>10</sup> for 24/7 sabotage surveillance warrants ("SSW") to Target-Stalk-Attack-Bully-Badger-Torment: Pro Se Non-Lawyer Petitioner-RickLUSSY. See footnote one & Exhibit A-8571-Miami. As these sabotage surveillance warrants ("SSW") secured by proxy judge order-to-hire Sabotage Surveillance Agents ("SSA") with \$60,000 cash-to-bribe in pockets against Rick LUSSY facilitator of the (1819) Missing 13th Amendment aka Titles of Nobility Amendment.

#### OPINIONS BELOW:

4-Page (with-envelope) DOCKET INDEX; received June 5, 2020 (work product).

3-Page ORDER: OP 19-573 (Oct. 15, 2019: Writ of Mandamus) of known defendants: [ -X- ] is unpublished.

1-Page (Blue Paper) May 21, 2020: NOTICE OF FILING: REMITTITUR; [ -X- ] is unpublished.

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<sup>10</sup>Emolument n. (15th century) Any advantage, profit, or gain received as a result of one's employment or one's holding of office. Black's Law Dictionary 10th Edition (2014) page 638,

4-Page (White Paper) May 5, 2020: Opinion of The (Montana State Supreme) Court; [ -X- ] is unpublished. TOTAL PAGES 12 as part of Grand Total 37-Page Appendix.

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**JURISDICTION**

Timely submission of this Writ of Certiorari. “Opinion of The Montana State Supreme Court Filed May 5, 2020” this reply postmark of June 30, 2020 is 90-days before August 3, 2020, Remittitur filed May 21, 2020 (Not Published).

**Background**

The nine elections 1988-to-8/18/2020 manipulated & falsified public records began forty-one years ago in CV-78-67-BU with parent case CV-17-79-BU/U.S. Supreme Docket 19-8630) re: Merna Green’s repetition of libel per se. Compounding this need for corrective authority by direct comparison is inferior: Bell v Twombly<sup>[11]</sup> to superior Ray v Blair<sup>[12]</sup> challenge suppression of voters-electors-jurors as stare-decisis-cases.<sup>[13]</sup> Applied large-scale obfuscations to stone wall.<sup>[14]</sup> All is a replication: post 1215 Magna Carta. And insult renewed post 1776 American Revolution-War-For-Liberty. A second ABA insult commemorated Magna Carta in 1975. To further belligerence & hostility

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<sup>[11]</sup> Bell v Twombly 550 US Sup. Ct. 544 (2007) “failure to get the ball across the goal line” (d.c. #61, 4/6/18 P13 L1-3) is not binding in American Law: stare decisis is no Rule of Common Law, not a statute & requires hearsay when there exist no live fact witness testimony. Example of stare decisis judge made 3rd party case “study” after repetition from its original form: stare decisis-judge-made-1st party case “law”.

<sup>[12]</sup> Ray v. Blair 343 U.S. Sup. Ct. 214 (1952), “Faithless Electors Are Faithful to the Constitution” Source Wall Street Journal A-19, Wednesday, May 13, 2020.

<sup>[13]</sup> “They must confront the reality of a long common law development ... that, in its purest form, raises questions of principle itself.” “Rule 11 in Constitutional Case” (1988) 31-pges, pp787-817 on Pge810.

<sup>[14]</sup> Large-scale obfuscations & stone walling. “. Lawyers And Justice, “Ethical Study” Luban (1988) p 96.

against "US of A" written constitution & MCA statutes.

## CONSTITUTIONAL PROVISIONS STATUTES & POLICIES.

A. U.S. Constitution Federal One-Question Three-part summary allows this civil jury verdict referral to public criminal prosecution: Rico fraud etc. etal.

B. Shall enforce with 100-percent jury verdict RickLUSSY written jury instruction: (i) ministerial oath of office ("MOOOF") with no, zero discretion. (ii) Basic obligation of public service: 5 CFR § 2635.101.15 (iii) Not good behavior US Constitution(1789) Article III §1.<sup>16</sup> (iv) Petitioned-speech(1791) I Amendment.<sup>17</sup> (v) Jury Trial(1791) VII Amendment<sup>18</sup> is secured to all & shall remain inviolate with Montana Constitution (1889) Trial By Jury Article II § 26.

C. Titles Of Nobility Amendment (1819) aka Missing Thirteenth Amendment to assist Ministerial Oath a Fitness Test in open ended Due Process of Law before jury.<sup>19</sup>

## CORPORATE DISCLOSURE STATEMENT

Required by U.S. Rule 29.6 disclosure to identify conflicts of interest to public: Part One: 25% at complaint filing (to combat fraud Exhibit A-8282) then 75% now 0% on 305 Main Street Washoe Amusement Co. Inc. a family stock company. Pro Se Plaintiff/Petitioner RickLUSSY as 1-of-4-fine-boys-equal 25% share grew to 75%.

Part Two: 25% of Butte Georgetown Mining & Milling Inc. family company.

Part Three 25%-to-75% for-fee simple: 1818 Tammany real-personal property. I declare under penalty of perjury that foregoing is true & correct. Executed on

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<sup>15</sup> Basic obligation of public service. 5 Code of Federal Regulation (CFR) § 2635.101 (a) Public service is a public trust. ... lengthy 14 sections too long to insert here.

<sup>16</sup> U.S. Constitution Article "III - § 1. "The judicial Power of the United States, shall be vested in one supreme Court, ... The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, ... Office. (Emphasis)

<sup>17</sup> U.S. Constitution: (1791) Amendment I Congress shall make no law ... abridging freedom of speech, ... and to petition the Government for a redress of grievances.

<sup>18</sup> U.S. Constitution (1791) Amendment VII rights in civil cases. In suits at common law, ... right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of United States, than according to the rules of the common law. (emphasis)

<sup>19</sup> Titles Of Nobility Amendment (1819) aka Missing Thirteenth Amendment to assist Ministerial Oath a Fitness Test in open ended Due Process of Law before jury. "If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

June 30, 2020 ~~2/1/1~~ RickLUSSY/Richard C Lussy  
Non-Lawyer, Pro Se Counter Plaintiff/Appellant/Petitioner

### STATEMENT OF CASE

#### Facts To Distinguish This Case-Vexatious From (41-Year) Prior Case.

The forty-one year old case, reopening Federal-Montana Courts \$500,000+/- capitalized promissory notes settled for \$120,000: CV-78-67-BU, 12773/DV-80-41.

#### BRIEF TIME LINE.

1-1978 to February 18, 2015 all Federal case pleadings CV-78-67-BU20,21 destroyed Appendix Exhibit A-8978 with Mont.1277322 & DV-80-4123 to reopen against 2nd replacement lawyers Mark Davidson(Seattle)/Arden McClelland(Missoula) via Supreme Court mandamus Order (Appendix OP 19-0573). Same Rick v. Wade parties.

2-Before November 2, 2015 Defendant Merna Green, Anaconda-Deer Lodge County Assessors Office, Department of Revenue, refused 3-property tax appeal forms with cavalier, hostile, belligerent attitude public servant refused serve the public.

3-Post Mothers D.O.D. Nov. 2, 2015 & pre-November 9, 2015 meeting at Dahood Law Office destroyed Mothers Revocable Living Trust-As-Last-Will-Testament.

4-RickLUSSY learned 1/11/2020 missing & not recorded DV-18-37 that his 5/23/18 Amended-(First) Counterclaim & 3rd Party Claim (37-pages with-out 50-exhibit pages) in initial Answer-Counter claim etc. as filed in Anaconda-Deer Lodge County Montana Case Register Report from Clerk-of-Court Susie Krueger (now retired).

5-RickLUSSY learned missing & not recorded: 1/11/2020 DV-18-38 that his 9/17/18 U.S. mailed Motion to File Second Amended Counterclaim with 3rd party Claim with Attached Brief Within Fourteen-days (1-page). Brief was filed & and Counterclaim was filed, both not recorded by Clerk of Court Susie Krueger (retired).

6-RickLUSSY learned 1/11/2020 missing & not recorded: DV-18-38 US mailed 5/23/18 Amended Counter Claim & Third Party Claim (75-pages w/no 50-exhibit pages already recorded) filed, not recorded by Court Clerk Susie Krueger.

7-Shall reopen CV-78-67-BU, DV-12773, & DV-80-41. Jeffrey & Wade Dahood say res judicata no. Yet, U.S. Clerk impeach w/Exhibit A-8538 in Appendix. →Pro Se Montana State Supreme Court 10/15/19 Order: open “barn door”.

8-November 7, 2015am Henry Paumie Lussy told Rick Lussy (Mother) “She

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<sup>20</sup> CV 78-67-BU caption Henry F. Lussy and Richard C. Lussy vs. Francis R. Bennett; Knight, Dahood, Mackay and Mclean, as a partnership composed of Wade J. Dahood, Conde F. MacKay and David J. McLean; and David J. Mclean as an individual Defendants.

<sup>21</sup> CV 78-67-BU case record Officials destroyed: Please see Appendix Exhibit A-8978 for text.

<sup>22</sup> DV-12773 caption Wade J. Dahood, Esq. vs Henry F. Lussy and Richard C. Lussy.

<sup>23</sup> DV-80-41 caption Henry F. Lussy and Richard C. Lussy vs. Knight, Dahood, MacKay & Mclean composed of Wade J. Dahood; Conde F. Mackay, David M. McLean & Wade J. Dahood & David M. McLean as individuals.

never did anything for me” His neck & face were deep dark beet red-in-color.

9-November 2-9, 2015 Pro Se Wade J. Dahood (i) perfected aid & abet for client HenryPAUMIE (ii) claim 100%ownership of real & (iii) 100%personal property 1818 Tammany homestead life estate with (iv) “indenture-agreement, no Deed”; (v) refused to file Intestate Formal Probate (DP18-31) (vi) insisted “Mothers Living Trust (to be Last Will & Testament) died when she died” (vii) proceeded without Mother’s power of attorney, (viii) without appointment as estate administrator, (ix) fabricated Exhibit A-8306 “Full Release of Recipients In connection With The Dorothy Lussy Revocable Living Trust” (Trust destroyed) by fraud-presentation to obtain 4-fine-boys-signatures, (x) allowed HenryPAUMIE to claim primogeniture,<sup>24</sup> (xi) fraud claim 50% of 301-305 Main Street Exhibit A-8282; (xii) fraudulently quietly-unwritten-claims 100% of Butte Georgetown Mining & Milling Co. Inc.; & (xiii) fraud claims 100% 1818 Tammany (xiv) with no power of attorney & (xv) no administrator appointed for each of the four-fine boys to receive: 25-percent after 100% went to one son owner/manager. After 33-years of sweat equity Jerry earned it for free.

10-November 9, 2015am Rick was taken aside by Wade J. Dahood “His document from Mother: “All recipients must sign a statement, never to sue this estate before funds and property were distributed from this Trust.” He added that since your mother has died her Living Trust has now died: recorded with black-microphone.

11-RickLUSSY protecting parents secular real-&personal memories-estate from Respondents removal-to-resell: filed 4-documents (end of Appendix, after Exhibit A-8571-Miami)): “Notice of right to claim lien” (MCA 71-3-103) with Counter-claim & Third Party Added Defendants.

12-Both Lawyered lower court’s unwritten policy: Lawyer Oath[FN#45] is never enforce plead existing law for a non-lawyer in free public law.

13-Respondents did not-understand-what-was-read<sup>25,26</sup>-in-record by reading guide: Internal Operating Rules §1, ¶3(c) is moral-bankruptcy[FN#8] by Pro Se Parties ignoring ministerial Oath Of Office (“MOOOF”)[FN#46] fealty-loyalty for public servants to disgorge: \$1,258,877[FN#5] public salaries not earned:

“Impeached: Remittitur”: Pro Se Montana State Supreme Court Justices:“¶7: §1, ¶3(c) of Internal Operating Rules, which provides for memorandum opinions. This appeal presents (RCL=eleven<sup>27</sup> to) no (sic) constitutional issues, (RCL=twenty-one<sup>28</sup> to) no (sic)

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<sup>24</sup> Primogeniture (15c) 1. The quality, state, or condition of being the first born child among siblings. ... Black’s Law Dictionary 10th Edition. (2014) page 1384.

<sup>25</sup> A 100-percent jury verdict issue includes a jury: second opinion of: Pro Se Judge Kruger/Clerk Kruger with Pro Se Montana State Supreme Court’s rambling... see 21-Issues of First Impression. Wade J. Dahood strong-arm-brass-knuckles tactics to again, spend RickLUSSY out of court, run him into bankruptcy, as with Seattle presiding Judge Horton Smith (“no tickie no laundry” obtained his residence.

<sup>26</sup> 2565 Magnolia Blvd. W. aka 4527 W. Raye St, Seattle WA, 98199, (five level “Craig Puget” 5,400 sf) 9-room water views of Puget Sound, with 60-foot bridge over a year-round running stream in the city.

<sup>27</sup> U.S. Constitution citizen 11-issues (1) shall benefit non-lawyer, Pro Se (self-help) Petitioner Citizen, registered voter taxpayer (“RVT”), RickLUSSY with physical evidence/fact & expert witnesses: (2) right of free-speech (1791) First Amendment to-quote-&-petition free-public U.S.A. law in-free-public-juried-courtrooms before free-public magistrate-judge-justice. (3) To apply (1789) Article III § 1, expose no-good-behavior of public servant, lawyer judges-justices, appointed &/or elected by impeachment. (4) Right to

issues of first impression, & does not establish new precedent or modify existing precedent. Affirmed (Memorandum Opinion 5/05/20, in Appendix).

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hold personally, individually responsible all Government public servants-appointed & elected by non-violent petition issues of fact for jury decision by applying in comity Florida Statute 768.28 (9)(a) Waiver of Sovereign Immunity in Tort Actions. (5) Impeachment process is to be a 100-percent jury trial verdict due process redress, 4-cameras, 2-judges (Federal-&Montana) 2-juror oaths, 12-jurors & 2-alternates, the open public court de minimus value is over \$75,000 and minor modification for taxpayer efficiency by using a Federal and Montana State Judge. Modest modification from (1789) Article III § 2 federal-or-state government agency sole jurisdiction. (6) To refuse replication of the 705-year-old, 1215 Old English, Magna Carta, top-down-institutionalized discrimination that benefit only aristocrats-of-Old-England; not the little people in these United States of America with lack-of-money-to-pay-Lawyers (“No tickie-No Laundry”) & no title of social-professional-academic renound. (7) To refuse replication post 1776, the 254-year old pre-1776, Old English stare decisis-precident-case-“law” with no written constitution. (8) Stare decisis is not law, it is not Rules of Common Law used to block & stop any-&all plead Constitution-codified statute law. (9) Stare decisis-judge-made-first party “case law” can only become “case studies” with 3rd party live witness testimony to rebut; (10) Stare decisis cannot be made into a Rule of Common Law to block any lawful proceeding currently in use by Montana State District & Montana State Supreme Courts. (11) So to apply (1819) Titles of Nobility Amendment aka Missing Thirteenth Amendment.

**28** **21-Issues of first impression:** (1) Pro Se Wade J. Dahood’s Answer Brief (2/5/2020) no-answer-to-constitution or, Montana Code Annotated. Stare decisis references fail to deny this-default. (2) Pro Se-Non-Lawyer-RickLUSSY Petitioner challenges MCA 15-8-111 Constitutionality; (8) three property tax appeals 301-305 Main & 1818 Tammany from before-2015 D.O.D. to present; (3) Intentional fraud Claim 11/9/2015 by Wade J. Dahood Exhibit A-8282, RickLUSSY got off his desk: “Amendment” to Dorothy Lussy Revocable Living Trust-not enforced. His client HenryPAUMIE fraud- claim 11/9/2015 in Law Office) 50% ownership of 301 & 305 Main Street, w/furniture fixtures and equipment & parade car. After lawsuit filed CV-17-79-BU-JCL-BMM Pro Se Dahood boasted: 2/5/2020 Answer Brief (page 1 Line 8): “Jerome Lussy is the owner of that (301 & 305 Main Street) property. (4) Fraud again: Answer Brief (page 1 Line 8) on 2/5/2020 Wade J. Dahood stated “lien” was discovered by accident. When Pro Se Jeffrey Wade Dahood stated 4/6/18 (Transcript) The Anaconda-Deer Lodge County Pro Se Attorney solicited him-in a telephone call. (5) “Vexatious” litigant over reach is with no Notice Pleading is Effect of Failing to Deny (MRCivP 8(b)(6)) is hearsay; (6) RickLUSSY’S Notice of Right To Claim Lien-MCA 71-3-532 & (7) “No Lien for claim not due” 71-3-103-trump-stare decisis. (8) Both Pro Se Law Firm office & homestead/Henry Paumie Lussy fraud claim on Mother-Fathers Estate Property, 1818 Tammany in Mother’s life estate indenture-no deed Exhibit A-8483 (Appendix); (9) KNIGHT & DAHOOD boast “Lussy Parents Estate was settled by Pro Se Wade J. Dahood with local Judge Ray Dayton,” disclaimed June 6, 2018, Judge Dayton transcript in Montana Supreme Court 12/11/19 & disclaimed by Clerk of Court Krueger Letter Exhibit A-8544 (appendix), (10) Dahood/HenryPAUMIE destroyed evidence: Living-Trust-To-Be-Last-Will-&-Testament by Dahood’s acknowledgment: “When your mother died the Living Trust-died with her.” (11) This primogeniture pretext used by Respondents: Dahood/HenryPAUMIE/Launa Lynn Roque & Jenahlee Murie Bornff to box personal property and take to Vancouver Washington. (12) Including Mothers modest wedding-diamond ring & gifts from Husband & son Rick from Tiffany’s of Naples kept in First Montana Bank Lock Box. (13) Physical evidence of no power of attorney for estate given to Dahood/HenryPAUMIE. (14) Both refused to file formal procedure intestate probate-to-settle, as timely DP 18-31 by RickLUSSY. (15) To date: Judge Krueger & Clerk Kruger have not-attended to intestate DP 18-31. (16) Mother gave no power of attorney to Dahood/HenryPAUMIE. (17) No estate administrator appointment was made by Mother-Father Lussy as their life-directed: all four fine boys are to receive 25% share (buy out-trade) after 301-305 Main Street went to one-owner/decision maker for free: 33-year sweat equity earned to Jerry. (18) Concealed control stock company Butte Georgetown Mining & Milling Inc. (19) & a scrum \$74,000 Judgment for cases (DV-18-37 & DV-18-38). (20) The steam roller dismissal by Pro Se Judge Krueger-&-Clerk Krueger, (21) missing 2-filed pleadings by Clerk of Court Susie Krueger.

Conclusion: RickLUSSYS proves: This smoking gun trigger finger fits in the glove.

## REASONS FOR GRANTING PETITION

### I. Without Law There Is No Order: Legislated Constitution/Statute Law Conflict With Hearsay Stare Decisis: RULE 11 In This Constitutional Case: Not Suppress Jurors-Voters-Electors: Ray v Blair.

Weather Certiorari Review for Constitutional-Complaint of Civil Rico Fraud Etc. Et AL. Apply Jury Verdict 2nd Opinion Procedure Civil Rule Adding 6+16=22-Parties.

### POLICY in DEFENSE (“PD”) Against Hearsay-Stare Decisis Tort Case:

U.S. Chief Justice Roberts decides cases. He need not explain or teach the reason why, who, what, when that Little Person RickLUSSY must teach the jury.

PD-1.) Pro Se Opponent: Wade J. Dahood’s proclamations<sup>29</sup> for jury decision[FN#7].

PD-2.) Pro Se RickLUSSY “¶Yes, rules can become statutes per: Montana Rule Civil Procedure 81(b),<sup>30</sup> yet, stare decisis cannot become rules of Common Law to block and stop U.S. Amendment VII jury trials etc. et al. This court cannot make stare decisis Rules of Common law & to do is fraud on court by officers of the court<sup>31,32</sup>

PD-3.) RickLUSSY Conclusive Presumptions (MCA Rule 301(1))<sup>33</sup> include: Pro Se Judge Krueger 9-Conclusions of Law<sup>34</sup>are hearsay-stare decisis not particularized,

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<sup>29</sup>Proclamation: of constructive Fraud on court: Lawfirm destroyed Revocable Living Trust. Without the whole-all is illegal. “Cherry picked” Exhibit A-8281-that did not include fraudulent Exhibit A-8306 “Full Release ... . To replace no-copy-Power-of-Attorney & no-copy-Appointment-of-Personal Representative to obtain: real & personal property Mom’s modest diamond-wedding-ring per life-estate: Indenture-agreement-is-no-Deed: 1818 Tammany homestead. HenryPAUMIE refused to answer his lawyer-fee paid from Mother Dorothy estate to pay Pro Se Dahood Law Firm.

<sup>30</sup>Mont. Civ. P. Rule 81. Applicability in General. (b) Rules Incorporated into Statutes. ... .

<sup>31</sup>“Fraud On The Court By An Officer Of The Court & Disqualification of Judges, State & Federal” www.ballew.com/bob, Exhibit A-3751 (3-pages, not in Appendix).

<sup>32</sup>Fraud on the court (1810) In a judicial proceeding, a lawyer’s or party’s misconduct so serious that it undermines or is intended to undermine the integrity of the proceeding. Examples are bribery of a juror and introduction of fabricated evidence. (emphasis) Blacks Law Dictionary 9th Edition, 2009, page 732.

<sup>33</sup>MCA Rule 301 (1) Conclusive presumptions are presumptions that are specifically declared conclusive by statute. Conclusive presumptions may not be controverted. ... .

<sup>34</sup>DV-18-37 is identical to DV-18-38 Judge Kurt Krueger-juris doctor defective stare decisis: 9-CONCLUSIONS OF LAW: (1) Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009) quoting (2) Bell Atl. Corp vs. Twombly 550 U.S. 544, 570 & 555-56, 127 S. Ct. 1955, 1964-65, 167 L. Ed. 2d 929, 75 (2007); (3) Ryan c. City of Bozeman, 279 Mont. 507, 511-13, 928 P.2d 228, 230-32 (1996); (4) Mysse v. Martens, 279 Mont. 253, 266, 926 P.Ed 765, 773 (1996); (5) Jones v. Montana University System, 2007 MT 82 82 ¶42, 337 Mont. 1, 155 P.3d 1247; (6) Anderson v. Reconstruct Company, 2017 MT 313 (2017); (7) Papasan v. Allain, 478 U.S. 265, 285, 106 S. Ct. 2932, 92 L.Ed.2d (1986); (8) Richard C. Lussy v. Davidson, 683 P. ed.

no analysis, neither restated nor, approved by Mont. Supreme Court. Pro Se Mont Supreme Court 4-Law Conclusions<sup>35</sup> do not support Judge Kruger.

Hearsay stare decisis policy use is by trial-&-error: as picked-&-choose is not constitutional. It is arbitrary & capricious by ignore tried-&-true legislated "lien" as "Notice of Right To Claim below before adding parties:

Not to avoid Exhibit A-8571-Miami, for use in a jury-verdict: "Notice of right to claim lien" (MCA 71-3-103) with "lien for claim not due" (MCA 71-3-103) with Counter-Claim & Third Party Adding Defendants to do justice.

**PD-4.)** Montana State Supreme Court wastes finite taxpayer salaries: \$1,258,877[FN#5] by openly declaring "¶7: §1, ¶3(c) of Internal Operating Rules .... This appeal presents no constitutional issues, no issues of first impression, ... "

**PD-5.)** As RickLUSSY established 11-constitutional issues [FN#28] & 27-issues [FN#29] first impression to adequately impeach with jury-verdict's 2nd opinion after Pro Se Krueger, Pro Se Clerk Krueger and Pro Se Montana State Supreme Ct.

**PD-6.)** Pro Se Montana State Supreme Court OP 19-573 Mandamus Order impeachment to claim: 'Lussy has "not" demonstrated that he is entitled to performance of a clear legal duty.'" Last ¶ Requires impeachment in 100-percent JTV-DP-R.

**PD-7.)** The fact issue for decision by jury (MCA 25-7-103[FN#7]) to law, [That mandatory-Ministerial[FN#2]-Oath-of-Office-Contract] (i)remittitur,36 appeal. (ii) \$74,000 groundless steamrolled judgment, (iii)joinder 6&16=22-parties & (iv) added from nowhere: "vexatious" litigation for petition-speech to impeach bad behavior in 100-percent JTV-DP-R[FN#7], (v)repetition of libel per se by Merna Green Dept. of Revenue a public servant that refuses to serve the public, threefold: CV-78-67-BU/DV-12773 & DV 80-41 concurrent with (vi)no Estate/Formal Procedure Probate DP 18-31: Judge Krueger no action since filing. The cases with same principal parties RickLUSSY versus principal Wade J. Dahood-representing Henry PAUMIELUSSY, daughters: LaunaLynnROQUE & JenahMurieBORNFF are: (vii)DV-18-37/DA 19-577/Certiorari (unassigned); (viii)DV 18-38/DA-578/ Certiorari (unassigned) with (ix)Federal Case CV-17-79-BU/4th DCA 18-35937/Certiorari Assigned 19-8630 as

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915, 210 Mont. 353 (1984); (9) Lussy v. Bennett, 214 Mont. 301, 692 P.2d, 1232, 1234 (1984).

<sup>35</sup>DA-19-578/DV-18-38 is identical to DA-19-577/DV DV-18-37 Pro Se Montana State Supreme Court-juris doctor defective stare decisis: 4-CONCLUSIONS OF LAW (in Appendix): (1) § 1 ¶ 3(c) Montana Supreme Court Internal Operating Rules, (2) State v. Hicks, 2006 MT 71, ¶ 22, 331 Mont. 471, 133 P. 3d 206. (3) State v. Gomez, 207 MT 111, ¶ 33, 337 Mont. 219, 158 P.3d 442. (4) (Father-Henry Francis & Son-Richard C.) Lussy v. Bennett (sic) [FN#40] DOES NOT INCLUDE FRANCIS R. BENNETT only Lussy vs. Knight, Dahood, Mackay and Mclean composed of Wade J. Dahood; Conde F. Mackay, David M. McLean and Wade J. Dahood and David M. McLean as individuals. Montana State Supreme Court incorrect caption → 214 Mont. 301, 303, 692 P.2d 1232, 1234 (1984) with Lussy, 214 Mont. At 309, 692 P.2d at 1236-7 with Lussy, 214 Mont. At 309, 692 P.2d at 1236-37.

36 Remittitur (defined) 1. An order awarding a new trial, or a damages amount lower than that awarded by the jury ... , Black's Law Dictionary 8th Ed. (2004) Page 1321.

(ix) Intestate Probate issues identical with Rick LUSSY versus Pro Se Wade J. Dahood & son Pro Se Jeffrey Wade Dahood for Henry Paumie Lussy ibid in caption(s).

**PD-8.)** These true, non-fiction authorities: relevant & utilized:

(i) "Overruling Statutory Precedents" (1988) by William N. Eskridge Jr. Yale Law School Legal Scholarship Repository, Faculty Scholarship Series (80-pages) pp 1360 to 1439.

(ii) "Necessary and Indispensable Parties" (1963) by Fleming, James University of Miami Law School Institutional Repository, (21-pages) pp 67-87.

(iii) "Contrasting rule of case law in common law, civil law, and mixed systems" Wikipedia pp 14-25 of 30 (12/18/2019) 1:29pm.

(iv) "Rule 11 of the Federal (Mont. Rule also) Rules of Civil Procedure & the Duty to Withdraw a (groundless) Baseless Pleading" by Julia K. Cowles (1988), Fordham Law Review Volume 56 Issue 4 Article 3; (28-p) pp 696-723.

(iv) "Rule 11 in the Constitutional Case" by Cary J. Saalman & Kenneth Ripple (1988) Notre Dame Law School, NDLScholarship, Journal Articles Publications (31-pages) pp 787-817.

**PD-9.)** Fact issue Hearsay-Stare Decisis is mere fodder for thought, not constitutional, not binding & not appropriate quotable source in U.S. Law authority.

**PD-10)** Butte Judge Kruger by not-recording U.S. Mailed pleadings to file & record by Clerk Kruger is malicious sabotage, a unconstitutional violation.

**PD-11.)** Policy "not applied" to Support, to Protect & Defend Constitution underlie ministerial Oath Of Office ("MOOOF") a American Bar Association a cartel.<sup>[37]</sup>

**PD-12.)** The ABA cartel control government employee: MOOOF slept thru civics education that Anaconda Lawyers Father-Wade J. Dahood with Son-Jeffrey Wade Dahood,<sup>[38]</sup> Butte Judge Krueger<sup>[39]</sup> & Helena Montana Supreme Court Justices<sup>[40]</sup> are not

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<sup>[37]</sup> The University of Chicago law professor Todd Henderson ...blunt assessment: "The American Bar Association operates state-approved cartel" Atlantic, "Gilded future of top 10 percent-& end of opportunity for everyone else" 6/2018 page 56.

<sup>[38]</sup> Jeffrey Wade Dahood (2006) University of South Dakota School of Law, Vermillion, South Dakota J.D. 2005, Moot Court/Mock Trial-jury trials not core courses to obtain juris doctor diploma. [And-Father] Wade J. Dahood University of Montana Law School in 1951 ibid. (Mascot Grizzlies).

<sup>[39]</sup> Kurt Krueger Butte Montana District Court Judge, Moot Court/Mock Trial-jury trials are not core/required courses' to graduate from 3-year law school with juris doctor diploma with no doctors' experience what-so-ever: University of Arlington, Virginia, Antonin Scalia/George Mason Law School Antonin Scalia/George Mason Law School: (Mascot Patriots).

40 Montana Supreme Court 7-Justices: (1) Chief Justice Mike McGrath, Born Butte 1947, US Air Force Gonzaga Law School, Spokane Washington Mascot Bulldog: 1970 JD. Moot Court-Mock Trial are not core courses required in 3-year core curriculum before obtaining diploma for juris doctor with no doctor experience what-so-ever. (2) Justice Laurie McKinon, University of Baltimore, Maryland Law School. 1986-JD, Mascot Bumble Bee (yellow & white stripes): (410-837-4459) Moot Court-Mock Trial core courses are not required to graduate before obtaining diploma for juris doctor with no doctor experience.



juris-doctor certified, not competent in jury-trials, sole check & balance oversight to judiciary totalitarian-government replicate after “1776 America’s War For Liberty.

**PD-13.)** ABA cartel MOOOF boast of selves as: “professional” & “academic” juris doctors with no doctors experience what-so-ever is pro se fraud on our constitution.

**PD-14.)** ABA “physical proof” from expert-fact witness F. Lee Bailey<sup>41</sup> is favorable to RickLUSSY.

**PD-15.)** ABA policy granted “academic-professional” juris doctor diploma for a Judge Krueger \$136,896+/year salary adds no value to public benefit with no certified jury trial verdict: check & balance as provided for in the U.S. constitution.

**PD-16.)** As above this ABA-horizontal monopoly from law-school to government emolument public employment is a plexus control including all government at all levels of society. The ABA does not train for cost-effective prudent, public governance!

### **PROCEDURE BY PETITIONER (“PP”) “Overruling Hearsay-Stare Decisis”.**

**PP-1.)** The culpable: Merna Green Assessors Office Montana Department of Revenue (i) Judgment \$90,001.30 Clerk Default for Court Judgment; (ii) three property tax appeals (301-305 Main & Tammany Streets) (iii) Challenge Montana Property Tax Assessed Market Value 100% (willing seller) MCA 15-8-111.42 against the prevailing Industry Standard: Assess Value class (85%+/- unwilling seller) MCA 15-7-102.43 With (iv) repetition of libel per se per Dahood case discrimination.

**PP-2.)** Remaining Respondents: Issues of fact (MCA 25-7-103)[FN#36] are to be found unlawful(MCA 28-2-701)[FN#8] for 100% jury verdict[FN#7] decisions.

**PP-3.)** Original “Lien” Documents last pages Appendix: before Exhibit A-8571.

**PP-4.)** Application of Federal/Montana Procedural Civil Rule 11 and the Duty of the Pro Se Dahood’s to Withdraw (their) Baseless Pleading. Authority (1988) is Julia K. Cowles Fordham Law Review Volume 56, Issue 4 Article 3 (28-pages).

**PP-5.)** Rule 11 in the Constitutional Case (1988) by Gary J. Saalman and Kenneth Ripple Notre Dame Law School, NDLScholarship Kripple@nd.edu. (31-pages).

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(3) Justice James A. Rice, 1982-JD; (4) Justice Beth Baker 1985-JD; (5) Justice Jim Shea 1991-JD; (6) Justice Dirk Sandefur, 1993-JD; (7) Justice Ingrid Gustafson 1988-JD. All graduates of University of Montana Law School Moot Court-Mock Trial core courses are not required to graduate before obtaining diploma for juris doctor with no doctor experience.

<sup>41</sup>“Law schools have all but abandoned the education of trial lawyers, ... Cut classes if you have to, but go to court.” By F. Lee Bailey, *The Defense Never Rests*, (1971) Page 17.

<sup>42</sup> MCA 15-8-111 Appraisal-market Value Standard-Exceptions (1) All taxable property must be appraised at 100% of its market value except as otherwise provided.

43 MCA 15-7-102. Notice classification, market value, and taxable value – appeals.

**PP-1.)** The culpable: Merna Green Assessors Office Montana Department of Revenue (i) Judgment \$90,001.30 Clerk Default for Court Judgment; (ii) three property tax appeals (301-305 Main & Tammany Streets) (iii) Challenge Montana Property Tax Assessed Market Value 100% (willing seller) MCA 15-8-111.42 against the prevailing Industry Standard: Assess Value class (85%+/- unwilling seller) MCA 15-7-102.43 With (iv) repetition of libel per se per Dahood case discrimination.

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**PP-5.)** Rule 11 in the Constitutional Case (1988) by Gary J. Saalman and Kenneth Ripple Notre Dame Law School, NDLScholarship Kripple@nd.edu. (31-pages).

**PP-6.)** Certiorari to Grant: procedure-to-amend-to-add 6+16=22-parties-by court order Fed.R.Civ.P. 12(h)&15(a)(2)) for jury trial decision (MCA 25-7-103)[FN#7].

**PP-7.)** OATH to serve public interest not subsidize public pay: \$1,258,877[FN#5] untrained ABA-Lawyer-Enterprise Trade Union Oath44 takers.

**PP-8.)** Sworn public servant ministerial oath of office takers: Mont. Constitution<sup>45</sup> requires Ministerial[FN#2] duty to act<sup>46</sup> with no discretionary acts[FN#3] as Lawyer-Officers of Court have no exception to RickLUSSY plead existing law for jury verdict[FN#6].

**PP-9.)** Public servant service is no cover-up.<sup>47</sup> 6+16=22 parties to fraud on court

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<sup>42</sup> MCA 15-8-111 Appraisal-market Value Standard-Exceptions (1) All taxable property must be appraised at 100% of its market value except as otherwise provided.

<sup>43</sup> MCA 15-7-102. Notice classification, market value, and taxable value – appeals.

<sup>44</sup> Lawyer enterprise trade union oath. Men & women took an oath when they joined the Montana-Florida Bar Association sibling of American Bar Association. They raised their right hand and they pledged allegiance to each-other.... Source Re: R.C. “Rick” Lussy.

<sup>45</sup> OATH OF OFFICE, Montana State Constitution: Article III, Section 3. Members of the legislature and all executive, ministerial and judicial officers, shall take and subscribe the following oath or affirmation, before they enter upon the duties of their offices: “I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God).” No other oath, declaration, or test shall be required as a qualification for any office or public trust.

<sup>46</sup> Duty to Act (17th Century) A duty to take some action to prevent harm to another, ... Blacks Law Dictionary 10th Ed (2014) p 615.

<sup>47</sup> Cover up n (1927) attempt to prevent authorities or public from discovering truth about something:...

by court officers oppose ABA 6+16=22 parties hearsay-stare decisis: one rule is no rules apply.

**PP-10.)** RickLUSSYS petition-speech-demonstrate-Respondents-bad behavior: worship-ossified Old English hearsay stare decisis: ABA-lawyers (1215) Magna Carta commemorated 1975 memorial at Runnymede Old England. Paid for by ABA-American-civil-tort-law-deniers. Documented: CV-78-67BU, DV-12773 & DV-80-41.

**PP-11.)** RickLUSSYS physical proof against-Respondent-American-civil-tort-law-deniers: ABA slept thru USA success 8.3-year: American Revolutionary War of Independence (1775-to-1783) & 3.9-year American Civil War (1861-to-1865). In both wars: Old English hearsay-stare decisis is institutionalized-racist-discrimination with no written constitution<sup>48</sup> (Justice Brandeis).

**PP-12.)** Incorrect Order Pro Se Montana State Supreme Court incorrectly cited Lussy v Bennett. It does not include Francis R. Bennett, per Opinion ¶4 Case (4).

**PP-13.)** RickLUSSY gives constructive notice of 100-percent Counter-claim, Added 6+16=22-Third parties lawsuit. He caught this ABA-Judiciary in the act of cultural arrogance-by-idiocy.

#### **PETITIONER CONCLUSION:**

There exist no Ministerial Lawyer Exemption. No benefit to ABA-American tort-law-deniers as the “tool” to bluff: hearsay-stare decisis[FN#35 Judge Kruger; & FN#36 Pro Se Montana Supreme Court Justices]. Stare-Decisis is not-binding, not statute(s) & no Rule of Common Law: prohibit 100-percent jury verdict[FN#7 & #36] for jury decision.

**II. Concealed Caption Same Docket Number: Third Party Claim-Amended, Add Parties To Make Moot: Remittitur & “Vexatious” Via: Ray v Blair Not To Suppress Legislated Law By Fraudulent: Hearsay Stare Decisis Review For Constitution Complaint: Civil Fraud Pro Se Court To Impeach Officials.**

First: The noted Ray v. Blair[FN#12] remedy is to void-vitiate-vacate suppression of juror-voter-electors. Their decision-pretense-is-attempt-to-make-law.

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conspiracy of deception, nondisclosure, & destruction of evidence, ... often involves obstruction of justice. Black's Law Dictionary. 10th Edition (2014) p 446.

<sup>48</sup> The Court bow to lessons of experience ... In cases involving the Federal Constitution the position of this Court is unlike that of the highest Court of England, where the policy of stare decisis was

Not the perpetual potentate government lawyer judges-justices likened to overlords above citizen slave: RickLUSSY. Clarity requires registered voter taxpayers (“RVT”) are master-fee simple estate owners of monopoly government. To be held 100-percent harmless. The uniformed Military is the exception. Henceforth: elected & appointed government employees are to be warehoused<sup>[49]</sup> contract-specific with no standing to sue for more public pay-pensions for life. No Errors-&-Omissions are to be paid to immunize warehoused employees for professional malpractice/negligence services accomplished on government behalf. The government workers are 100-percent-accountable to the little people: RVT owners of government-a-mutual-company.

Second: Pro Se added parties below published fraudulent hearsay-Stare-Decisis: as remedy to RickLUSSY’S pleading citing tried-&-true legislated MCA law supported by U.S. Constitution[FN#16, #17, #18].

Third: the 100-percent concealment of counter-claim and third party claim with 6+16=22 added parties is to impeach for bad behavior Pro Se Judge Krueger’s nine Conclusions of Law [FN#35] and Pro Se Montana State Supreme Court Justices four Conclusions of Law [FN#36] is but one of the many causes for relief.

Fourth MOOOF is ministerial[FN#2] with no discretion[FN#3]. Hearsay-stare decisis is as a non-starter. MOOOF is the temporary privilege for public service.

Fifth: HenryPAUMIE, LaunaLynnROQUE & JenahleeMurieBORNFF RE Fraud on

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formulated and is strictly applied to all classes of cases. ... Source Burnet: 285 U.S. 393, 406-10 (1932) (Brandeis, J., dissenting) citations. page 809-810 “Rule 11 in the Constitutional Case” (1988) ibid.

<sup>[49]</sup>Rather versus CBS-Viacom ... (2) Rather was a warehoused employee, because employers do not owe employees a fiduciary duty, ... (3) Rather was warehoused and paid per provision included the prefatory clause “[e]xcept as otherwise specified in this Agreement.” Therefore Rather’s standing to sue was not actionable. Source: New York Supreme Court Appellate Division, First Department. Date Stamp 9/29/2009, 475-475A-475B-475C, INDEX 603121/67.

Mother-Father LUSSY estate with these three near identical LUSSY estate cases now before this U.S. Supreme Court. The Fourth Probate DP18-31 the Dahood Law Firm refused to file relying on manipulated & falsified public records by self-service.

**III. Review Of Majority Failed This Court's Flexible Approach: Ministerial-Oath-Of-Office ("MOOOF") Not Ministerial-Lawyer-Exception Cannot Disallow RickLUSSY Impeach Bad Official Behavior.**

Review For Constitutional Complaint of Civil Fraud On Pro Se Court By Pro Se Officers Of Court To Grant Certiorari To Impeach.

While the Pro Se Montana State Supreme Court duplicated Pro Se Judge Krueger distain as a proxy to peer-satisfied Pro Se Wade J. Dahood & Pro Se Jeffrey Wade Dahood, 100-percent market share, no competition, no consumer freedom of choice with express omissions, 100-percent concealment by insider trading. All recognized that this U.S. Supreme Court has the uppermost authority within this fragile electoral democracy after 1988-96-00-04-08-12-16 into August 18, 2020 County Property Appraiser Elections.

insightful, adroit Chief Justice Roberts repeatedly states his job is to decide cases. He need not explain the case. He neither, teach nor, explain the Who, What, When, Where or Why of his decision to grant Certiorari.

One can utilize three tests. Over years one can analyze violations of Establishment Clause, it failed to recognize the analytical flexibility of three tests considered by the majority were (1) the Lemon test named for Lemon v. Kurtzman, 403 U.S. 602, 612-613 (1971), (2) the "endorsement test" proposed by Justice O'Connor in her concurring opinion in Lynch and (3) the "coercion test" promulgated in Lee v. Weisman, 05 U.S. 577 (1992). See App., pp.8-11. The majority did not, however,

consider the fact that this Court has not limited its evaluation of the Establishment-Rule-Of-Law-Clause to these three tests. In fact, in Lynch, this Court stated, "... we have repeatedly emphasized our unwillingness to be confined to any single test or criterion in this sensitive area." Lynch 465 U.S. at 679, citing, Tilton v. Richardson, 403 U.S. 672, 677-678 (1971).

The flexibility of this Court's analysis is best exemplified in Marsh v. Chambers, 463 U.S. 783, 792 (1983). In Marsh, this Court held that the Nebraska Legislature's practice of opening its daily sessions with hearsay: stare-decisis: judge-made-case-study-precedent at both the national, state levels and affirmed legislative codes are sometimes based upon historical acceptance of practice which has become "part of society". As applied United-States-Constitution does not require judges-justices in judiciary to be lawyers. Lawyering is organized, just not a religion to be worshiped-as-a-tribal-state-religion as in the attempted fictional-ministerial-lawyer-exemption to obstruct block & stop Non-Lawyer, Pro Se Petitioner RickLUSSY right to self-defense.

[A]n accused, in exercise of a free and intelligent choice and considered approval of court, may waive trial by jury, and so, likewise, may waive his constitutional right to assistance of counsel. P. 317 U. S. 275. 126 F.2d reversed. Certiorari, 316 U.S. 655.

Argument for flexibility is tailor-made-for (1819) Missing 13th Amendment aka Titles of Nobility Amendment remedy as reliant upon the ministerial-oath-of-office ("MOOOF") contract is the true societal skeleton of public servant employment.

U.S. Supreme Court, ... and with considered approval of court, ... and so, likewise, may waive his constitutional right to assistance of counsel. P. 317 U. S. 275. 126 F.2d reversed. Certiorari, 316 U.S. 655, in Adams v. United States ex rel. McCann - 317 U.S. 269 (1942).

Right to assistance of counsel & the correlative right to dispense with a lawyer's are not legal formalisms as is the practiced ministerial-lawyer-exemption.

"...that fairness ... does not force a lawyer upon a defendant. He may waive his right to assist of counsel if he knows what he is doing & his choice is made with eyes open." Johnson v. Zerbst, 304 US 458, 304 U. S. 468, 304 U. S. 469.

Concurrent as above: Johnson includes flexibility of Marsh, when considered in conjunction with historical references to pro se non-lawyer free speech in self defense.

Given progenitor: Pro Se State Judge Krueger, Clerk Kruger and Pro Se Montana State Supreme Court Justices are not-of-good behavior[FN#18] given the eleven Constitutional citizen issues[FN#12] and twenty-seven Issues of First Impression[FN#13] all denied as "no" as none for both by Pro Se State Supreme Court Justices ready for even more malicious lawyer-judge-public record manipulation and falsification without the required constitutional 100-percent JTV-DP-R[FN#7] as they are simply too hard for the ABA-criteria setting three year law schools.

## CONCLUSION

"Dismissed" by Remittitur without particularity demonstrates opposition for opponents-own-bad behavior instigated the Lawyer Trade Union Enterprise Oath: can almost, but not entirely justify their incompetence<sup>50</sup> not-just-bias. The recommended remedy is F.R.Civ.P. 12(h)&15(a)(2) remand back 100-percent JTV-DP-R[FN#6]).

Jury verdict second opinion on falsely accusing RickLUSSY: "... not so much a brief as a rambling and incoherent screed against the judiciary and the legal profession in general." (Memorandum Opinion 5/5/2020 both cases)

Concluding Montana State Supreme Court's: "Remittitur"[FN#37] opened their door for

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<sup>50</sup>"Not competent (& bias) attorney: where after reasonable inquiry, a competent attorney could not form a reasonable belief that the pleading is well grounded." Eastway Constr. Corp. v. City of New York, 762 F.2d 243, 254 (2d Cir, 1985) cert denied, 108 S. Ct 269 (1987).

a brand new “vexatious” litigant charge, never noticed, in this Montana a-written-pleading State. Not argued to enter official not-good-behavior require personal-individual account by incorrectly applying: ministerial-lawyer-exemption-a-fiction-to-pre-employment: Ministerial-Oath-Of-Office- (“MOOOF”)-Contract. This case shouldn’t be thrown out now in its infancy, while leaving difficult legal questions for another day: A jury decision: “...rambling and incoherent screed against the judiciary and the legal profession in general” (Mont.-Supreme-Court-Opinion ¶3 page 2, 5/5/20).

Opposition with no factual merit, words are used as weapons to oppress. Viewpoints are not explorations of truth. Word weapons dominate groups to use & maintain their place in the power structure. Words can thus be a form of violence that has to be regulated. Regulated by this petition-of-speech: Rules of Common Law (Fed.R.Civ.P. 12(h)&15(a)(2))<sup>51</sup> with Rule 11 duty for opposing counsel: Dahood-Whyte to withdraw their baseless pleading to allow Certiorari to Grant: reverse-or-modify remittitur to amend-to-add 6+16=22-parties-by court order. June 30, 2020 Respectfully submitted,

Richard C. (Charles) Lussy   
Plaintiff/Appellant/Petitioner, Pro Se, Non-Lawyer.

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<sup>51</sup> Fed.R.Civ.P. 12(h)(2)(A) in any pleading allowed or ordered under rule 7(a) &15(a) Amendments (2) Other Amendments. In all other cases, a party may amend its pleadings ...The court should freely give leave when justice so requires.