

Appendix A

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

IVY ALICE WIMMER f/k/a
IVY ALICE MONTANO,

Plaintiff,

v

MARIO ALLAN MONTANO,

Case No. 12-802216-DO
Hon. Kameshia D. Gant

Defendant.

1

OPINION AND ORDER

Background

The complaint for divorce was filed October 26, 2012. A consent judgment of divorce was entered May 6, 2013. An examination of the court record reveals that since that time there are over 1237 docket entries, almost entirely attributable to the defendant Mario Montano. Further examination of the record reflects over 242 motions filed by the defendant, of varying lengths up to 233 pages. A detailed description of their content and length would prove too unwieldy for this opinion since the defendant has routinely filed up to 6 motions per week, virtually every week. Subsequent to the filing of these motions the defendant routinely calls the court to voluntarily withdraw or dismiss the pending motions on the eve of the scheduled hearing date. This behavior is designed to force the plaintiff to prepare a response and expend more costs. Motions aren't the only means that the defendant increases the pain felt by the plaintiff, his litigation tactics include a significant number of miscellaneous filings that require attention by the plaintiff Ivy Wimmer, f.k.a Ivy Montano.

The list below reflects only a few of these filings.

1. Affidavits.

a. December 5, 2016	142 pages
b. July 24, 2017	122 pages
c. September 1, 2017	199 pages.
d. October 2, 2017	187 pages.
e. December 12, 2017	154 pages.
f. December 12, 2017	170 pages
g. December 12, 2017	77 pages
h. December 12, 2017	97 pages
i. May 17, 2019	217 pages.
j. May 22, 2019	99 pages

2. Exhibits.

a. July 23, 2017	106 pages
b. July 24, 2017	176 pages
c. August 11, 2017	166 pages
d. September 1, 2017	171 pages
e. November 14, 2017	284 pages
f. November 14, 2017	124 pages
g. November 14, 2017	65 pages
h. November 16, 2017	148 pages
i. December 30, 2017	117 pages

Further examination of the record reveals that the sole litigable issue since the entry of the consent judgment in 2013, has been the issue of spousal support as reflected by the Michigan Court of Appeals in the December 4, 2018 opinion.

The Court of Appeals held in the instant case:

These consolidated appeals arise from defendant's voluminous, and often frivolous, post-divorce judgment motions. Docket Nos. 340339 and 340409 relate to defendant's repeated attempts to argue that his spousal support obligation is modifiable, despite the fact that the consent judgment of divorce says that obligation is nonmodifiable. In Docket No. 340830, defendant appeals the trial court's order requiring him to pay attorney fees and sanctions. In Docket No. 340996, defendant appeals the trial court's protective orders and an injunction imposing prefilings requirements on him. We affirm.^[1]

There is ample evidence presented to the trial court that defendant's litigation tactics were designed to inflate plaintiff's attorney fees and to annoy and burden plaintiff's

^[1] *Wimmer v Montano*, unpublished per curiam opinion of the Court of Appeals, issued December 4, 2018 (Docket Nos. 340339, 340409, 340830 and 340996), p 1.

counsel since July 2015. These filings have inflicted a significant financial burden on the plaintiff. As reflected by this Court's imposition of \$5,000 in sanctions in May 2017, an award of \$25,000 in attorney fees in August 2017, and an additional \$2,500 in sanctions for continuing to make frivolous filings. In an effort to mitigate the impact of these filings this Court issued several protective orders mandating the defendant file a "Motion Seeking Leave to File", accompanied with an affidavit certifying that the filing is not duplicative or frivolous. Four protective orders have been entered over the preceding 2 years in an effort to reduce the number of vexatious filings. However, the protective orders have failed to reduce the volume of filings by the defendant. Defendant has continued his vexatious filings undeterred.

A court may assess costs and attorney fees against a party as a sanction for bringing a frivolous claim. MCR 1.109(E)(7); MCL 2.625(A)(2); MCL 600.2591(1). A civil action is frivolous if any of the following conditions exist:

- (i) The party's primary purpose in initiating the action or asserting the defense was to harass, embarrass, or injure the prevailing party.
- (ii) The party had no reasonable basis to believe that the facts underlying that party's legal position were in fact true.
- (iii) The party's legal position was devoid of arguable legal merit. [MCL 600.2591(3)(a)(i)-(iii).] *Wimmer v Montano*, unpublished per curiam opinion of The Court of Appeals, issued (December 4, 2018) (Docket Nos. 340339, 340409, 340830 and 340996), p 5.

Defendant does not appeal the trial court's finding that he made numerous frivolous and baseless filings. *Id. at 5 (citation omitted)*.

In domestic relations cases, "[a] party may, at any time, request that the court order the other party to pay all or part of the attorney fees and expenses related to the action or a specific proceeding, including a post-judgment proceeding." MCR 3.206(D)(1).

When the Michigan Court of Appeals affirmed this court in December 2018, there were over 650 docket entries. At the time of this writing, approximately 11 months later, there are over 1250 docket entries. The pace of filing has increased.

Recently, the Michigan Supreme Court denied Mr. Montano's application for leave to appeal in an order dated October 17, 2019. The motion to correct the record, and for relief was also denied in the same order.

The decision to require security is a matter within the sound discretion of the trial court...*Belfiori v Allis-Chalmers, Inc*, 107 Mich App 595, 599-600 (1981). The assertion of groundless allegations or a tenuous legal theory of liability may provide sufficient reason for ordering security to be posted. *Wells v Fruehauf Corp.*, 170 Mich App 326, 335 (1988), see also *Hall v Harmony Hills Recreation, Inc.*, 186 Mich App 265 (1990).

There must be a substantial reason for imposing security. *In re Surety Bond for Costs*, 226 Mich App 321 (1997). "A 'substantial reason' for requiring security may exist where there is a 'tenuous legal theory of liability,' or where there is good reason to believe that a party's allegations are 'groundless and unwarranted' "Id. at 331-332 (citation omitted).

"[E]ven onerous conditions" may be imposed upon a litigant as long as they are designed to assist the district court in curbing the particular abusive behavior involved. *Carter v United States*, 733 F.2d 735, 737 (10th Cir. 1984), *cert denied*, 469 US 1161 (1985) (quoting *In re Green*, 669 F.2d 779, 7896 (D.C.Cir.1981)). In sum, the right of access to the courts is neither absolute nor unconditional, *In re Green*, 669 F.2d at 785, and there is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious. *Phillips v. Carey*, 638 F.2d 207, 208 (10th Cir.), *cert denied*, 450 U.S. 985 (1981).

This Court has the authority to sua sponte or on motion require the posting of bond as security for costs. *Zapalski v Benton*, 178 Mich App 398, 404 (1989).

Defendant apparently resides in the state of South Carolina and has rarely attended court proceedings, insisting on being given remote access through the "Judge Online" service which has resulted in additional costs to the plaintiff. Further, defendant has demonstrated a willful disregard for this court and the Michigan Court of Appeals. Despite the best efforts of this court the defendant's vexatious, duplicative and frivolous litigation tactics have continued unabated.

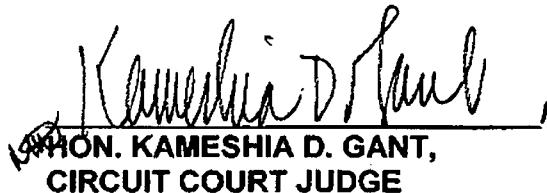
ORDER

Based on the foregoing Opinion,

- (1) ~~the defendant shall be required to file a surety bond with the Oakland County Clerk's Office for costs in the amount of \$2,500 for each motion, objection, or any other pleading filed with this court, to cover all costs and other recoverable expenses that may be awarded by the trial court. The surety bond for costs shall be returned to defendant should he prevail on the filing at issue. Failure to file the surety bond for costs shall result in the proposed filing being rejected as unfiled.~~
- (2) the protective orders dated November 6, 2017, December 14, 2017, October 16, 2017 and June 14, 2019 are hereby rescinded.
- (3) the defendant is required to attend all motion hearings ordered by this court as a result of defendant's filings and shall not be permitted the previously discretionary use of "Judge Online"
- (4) the defendant is no longer permitted to contact the Judge's chambers or the clerk's office via the telephone to either reject, withdraw or rescind his motion.

NOV 13 2019

Date



J. MON. KAMESHIA D. GANT,
CIRCUIT COURT JUDGE

Appendix B

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

IVY ALICE WIMMER,

Petitioner,

v

MARIO ALLAN MONTANO,

**Case No. 17-854298-PP
Hon. Kameshia D. Gant**

Respondent.

OPINION AND ORDER

Background

On June 20, 2017, Mrs. Ivy Alice Wimmer ("Petitioner") filed a Petition for a Domestic Relation Personal Protection Order ("Petition") against Mario Allan Montano ("Respondent"). After reviewing the Petition, the Court issued an ex parte personal protection order ("PPO") against Respondent. That Order was to remain in effect until June 20, 2018. Since the date of issuance, the Court has extended said PPO four (4) times. The last being on November 1, 2018, when upon stipulation of the parties, the Court extended the PPO for the fourth time. Thus, said PPO will expire on November 1, 2020.

Since its issuance, the Respondent has violated the PPO two times, September 7, 2017, and April 24, 2018. On November 1, 2018, when counsel represented both parties, the Court signed a stipulated order wherein the Respondent agreed to enter a no contest plea to the first violation dated September 7, 2017 ("Violation #1"). The Court held 10 (ten) days in abeyance as punishment for any further violations. Based on the Court's acceptance of Respondent's no contest plea to Violation #1, the Petitioner agreed to withdraw the second violation dated April 24, 2018 ("Violation #2"). The plea bargain was also contingent upon Respondent dismissing several Oakland County Circuit Court

Cases (Case No. 2018-166152-CZ, Case No. 2017-158684-CZ), as well as several Court of Appeals Cases (Case Nos. 340996, 344436 and, 344765) within two (2) weeks of the date of the order. If proof of dismissal were not received, Violation #2 would automatically be reinstated. The parties further stipulated to extend the PPO for two (2) more years, until November 1, 2020. Lastly, the Respondent agreed to follow the Michigan Court Rules regarding filing motions with one exception; the Petitioner was only to be served via the e-file system.

Despite having agreed to the terms of the plea agreement, the Respondent immediately began filing motions. The following timeline outlines the series of events that occurred over the next few days:

- On November 7, 2018, Respondent filed a Motion to Modify PPO.
- On November 8, 2018, an Order of Dismissal under Court of Appeals Case No. 344765 and 344456 were filed with this Court.
- On November 9, 2018, Respondent filed a Motion to Amend the Consent Order and Agreement entered on November 1, 2018, and a Motion to Modify the PPO, scheduling both motions for a hearing on November 14, 2018.
- Then, on November 13, 2018, Respondent filed a Notice of Hearing Cancellation and Withdrawal of his Motion to Amend the Consent Agreement, as well as, his Motion to Modify PPO.

Since 2018, the Respondent has filed a voluminous amount of pleadings, the most recent being a Notice of Filing Application for Leave to Appeal, which was filed with this Court on March 26, 2020.

An examination of the court record reveals that since the inception of this case are over 1300 docket entries, almost entirely attributable to Respondent. Further review of the record reflects over 75 motions and over 60 briefs filed by the Respondent of varying lengths up to 97 pages. Of note, under the parties' companion case identified as Ivy Alice Wimmer f/k/a Ivy Alice Montano v. Mario Allan Montano, Case No. 12-802216-DO

("Divorce Action"), an examination of the court record reveals that from the time the Consent Judgment of Divorce was entered on May 6, 2013, there are over 1237 docket entries, almost entirely attributable to the Defendant in that case, Mario Montano. Further examination of the record reflects over 242 motions filed by the Defendant, varying in length up to 233 pages. A detailed description of their content and length would prove too unwieldy for this Opinion since the defendant has routinely filed up to 6 motions per week, virtually every week. As a result, this court issued an opinion dated November 14, 2019, under the Divorce Action. This is noteworthy as Respondent is not only filing numerous pleadings in this case but he is also filing various pleadings concurrently in the Divorce Action as well.

This behavior is designed to force the Petitioner to prepare a response and expend more costs. Filing motions aren't the only means that Respondent harasses the Petitioner. Respondent's litigation tactics include a significant number of miscellaneous filings that also require attention by Petitioner, some with as many as 764 pages.

Respondent's behavior in this case, is consistent with his behavior in the divorce case, wherein the Court of Appeals held:

These consolidated appeals arise from defendant's voluminous, and often frivolous, post-divorce judgment motions. Docket Nos. 340339 and 340409 relate to defendant's repeated attempts to argue that his spousal support obligation is modifiable, despite the fact that the consent judgment of divorce says that obligation is nonmodifiable. In Docket No. 340830, defendant appeals the trial court's order requiring him to pay attorney fees and sanctions. In Docket No. 340996, defendant appeals the trial court's protective orders and an injunction imposing pre-filing requirements on him. We affirm.

There is ample evidence presented to the trial court that the Respondent's litigation tactics were designed to annoy and burden the Petitioner. To date, four protective orders have been entered over the preceding two years in an effort to reduce the number of vexatious filings. However, the protective orders have failed to reduce the volume of

Wimmer v. Montano, unpublished per curiam opinion of the Court of Appeals, issued December 4, 2018 (Docket Nos. 340339, 340409, 340830 and 340996) p1.

filings by the defendant. The Respondent has continued his vexatious filings undeterred. In fact, just recently, Mr. Montano filed a Complaint for Superintending Control with the Court of Appeals, which was rejected on April 21, 2020.

A court may assess costs and attorney fees against a party as a sanction for bringing a frivolous claim. MCR 1.109(E)(7), MCL 2.625(A)(2), MCL 600.2591(1). A civil action is frivolous if any of the following conditions exist:

- (i) The party's primary purpose in initiating the action or asserting the defense was to harass, embarrass, or injure the prevailing party;
- (ii) The party had no reasonable basis to believe that the facts underlying that party's legal position were in fact true;
- (iii) The party's legal position was devoid of arguable legal merit. [MCL 600.2591(3)(a)(i)-(iii); *Wimmer v Montano*, unpublished per curiam opinion of The Court of Appeals, issued (December 4, 2018) (Docket Nos. 340339, 340409, 340830 and 340996), p. 5.]

In domestic relations cases, "[a] party may, at any time, request that the court order the other party to pay all or part of the attorney fees and expenses related to the action or a specific proceeding, including a post-judgment proceeding." MCR 3.206(D)(1).

The decision to require security is a matter within the sound discretion of the trial court. *Bellion v Allis-Chalmers, Inc.*, 107 Mich App 595, 599-600 (1981). The assertion of groundless allegations or a tenuous legal theory of liability may provide sufficient reason for ordering security to be posted. *Wells v Fruehauf Corp.*, 170 Mich App 326, 335 (1988); see also *Hall v Harmony Hills Recreation, Inc.*, 186 Mich App 265 (1990).

There must be a substantial reason for imposing security. *In re Surety Bond for Costs*, 226 Mich App 321 (1997). A substantial reason for requiring security may exist where there is a tenuous legal theory of liability, or where there is good reason to believe that a party's allegations are groundless and unwarranted. *Id.* at 331-332 (citation omitted).

"[E]ven onerous conditions" may be imposed upon a litigant as long as they are designed to assist the district court in curbing the particular abusive behavior involved. *Carter v. United States*, 733 F.2d 735, 737 (10th Cir. 1984), cert denied, 469 U.S. 1161, (1985) (quoting *In re Green*, 669 F.2d 779, 7896 (D.C.Cir.1981)). In sum, the right of access to the courts is neither absolute nor unconditional. *In re Green*, 669 F.2d at 785, and there is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious. *Phillips v. Carey*, 638 F.2d 207, 208 (10th Cir.), cert denied, 450 U.S. 985 (1981). This Court has the authority to sua sponte or on motion require the posting of bond as security for costs. *Zapalski v. Benton*, 178 Mich App 398, 404 (1989).

The Respondent apparently resides in the state of South Carolina and has rarely attended court proceedings, insisting on being given remote access through the "Judge Online" service which has resulted in additional costs to the plaintiff. Further, defendant has demonstrated a willful disregard for this court and the Michigan Court of Appeals. Despite the best efforts of this court the defendant's vexatious, duplicative and frivolous litigation tactics have continued unabated.

ORDER

Based on the foregoing Opinion;

- (1) the Respondent shall be required to file a surety bond with the Oakland County Clerk's Office for costs in the amount of \$2,500 for each motion, objection, or any other pleading filed with this Court, to cover all costs and other recoverable expenses that may be awarded by the trial court. The surety bond for costs shall be returned to defendant should he prevail on the filing at issue. Failure to file the surety bond for costs shall result in the proposed filing being rejected as unfiled.
- (2) the Respondent is require to attend all motion hearings ordered by this Court as a result of Respondent's filings and shall not be permitted the previously discretionary use of "Judge Online".

(3) the Respondent is no longer permitted to contact the Judge's chambers or the clerk's office via the telephone to either reject, withdraw or rescind his motion.

May 11, 2020

Date

KAMESHIA D. GANT
HON. KAMESHIA D. GANT,
CIRCUIT COURT JUDGE

A TRUE COPY
LISA BROWN
Oakland County Clerk- Register of Deeds
By _____ Deputy _____

Appendix C

STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

WIMMER,IVY,ALICE,

v

MONTANO,MARIO,ALLAN,

Plaintiff,

Defendant,

NO: 2012-802216-DO

HON. KAMESHIA D. GANT

In the matter of:

ORDER REGARDING MOTION

Motion Title: Defendant's Motion for Relief from Protective Orders, Sanctions and Other Relief

FILED Received for Filing Oakland County Clerk 5/12/2020 9:59 AM

The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

In addition: This Court having reviewed Defendant's above-referenced motion, which was orginally filed on August 26, 2019, takes note that this matter was previously addressed on February 19, 2020, when the parties appeared in court for oral arguments. Therefore, pursuant to MCR 2.119 (E)(3) the Court hereby dispenses with oral argument.

For reasons previously articulated in the Court's ruling during the February 19, 2020, motion hearing, the Defendant is required to post a \$2,500 bond as set forth in the Court's Opinion and Order dated November 13, 2019. Once the required bond is posted, the Court will address Defendant's Motion.

DATED: 05/11/2020



HON. KAMESHIA D. GANT
Circuit Court Judge

Appendix D

STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

WIMMER,IVY,ALICE,

V

MONTANO,MARIO,ALLAN,

Plaintiff,

Defendant,

NO: 2012-802216-DO

HON. KAMESHIA D. GANT

In the matter of:

ORDER REGARDING MOTION

Motion Title: Defendant's Motion for Relief from the Support Enforcement Order Entered on March 14, 2019, and Other Relief

5/12/2020 10:00 AM

Oakland County Clerk

FILED Received for Filing

The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

In addition: This Court having reviewed Defendant's above-referenced motion, which was orginally filed on August 5, 2019, takes note that this matter was previously addressed on February 19, 2020, when the parties appeared in court for oral arguments. Therefore, pursuant to MCR 2.119 (E)(3) the Court hereby dispenses with oral argument.

For reasons previously articulated in the Court's ruling during the February 19, 2020, motion hearing, the Defendant is required to post a \$2,500 bond as set forth in the Court's Opinion and Order dated November 13, 2019. Once the required bond is posted, the Court will address Defendant's Motion.

DATED: 05/11/2020



HON. KAMESHIA D. GANT
Circuit Court Judge

Appendix E

STATE OF MICHIGAN IN-THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MONTANO,IVY,ALICE,

v

MONTANO,MARIO,ALLAN,

Plaintiff,

NO: 2012-802216-DO

Defendant,

HON. KAMESHIA D. GANT

In the matter of:

ORDER REGARDING MOTION

Motion Title: Defendant's Second Amended Motion to Remove and Forever Bar Attorneys from Your Legal Service, PLLC

FILED Received for Filing Oakland County Clerk 5/21/2020 9:22 AM

The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

In addition: This Court having reviewed Defendant's above-referenced motion, which was originally filed on June 21, 2019, takes note that this matter was previously addressed on February 19, 2020, when the parties appeared in court for oral arguments. Therefore, pursuant to MRC 2.119(E)(3) the Court hereby dispenses with oral arguments.

For reasons previously articulated in the Court's ruling during the February 19, 2020, motion hearing, the Defendant is required to post a \$2,500 bond as set forth in the Court's Opinion and Order dated November 13, 2019. Once the required bond is posted, the Court will address Defendant's Motion.

DATED: 05/20/2020



HON. KAMESHIA D. GANT
Circuit Court Judge

Appendix F

STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MONTANO,IVY,ALICE,

v

MONTANO,MARIO,ALLAN,

Plaintiff,

Defendant,

NO: 2012-802216-DO

HON. KAMESHIA D. GANT

In the matter of:

ORDER REGARDING MOTION

Motion Title: Defendant's Motion for Relief from the 11-19-14 Order Denying Modification of Spousal Support

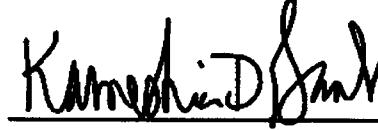
The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

In addition: This Court having reviewed Defendant's above-referenced motion, which was originally filed on July 26, 2019, hereby dispenses with oral argument pursuant to MRC 2.119(E)(3).

For reasons previously articulated in the Court's ruling during the February 19, 2020, motion hearing, the Defendant is required to post a \$2,500 bond as set forth in the Court's Opinion and Order dated November 13, 2019. Once the required bond is posted, the Court will address Defendant's Motion.

DATED: 05/20/2020



HON. KAMESHIA D. GANT
Circuit Court Judge

Appendix G

STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MONTANO,IVY,ALICE,

v

MONTANO,MARIO,ALLAN,

Plaintiff,

Defendant,

NO: 2012-802216-DO

HON. KAMESHIA D. GANT

In the matter of:

ORDER REGARDING MOTION

Motion Title: Defendant's Motion to Dismiss Plaintiff's Motion for Unpaid Support and Other Relief

FILED Received for Filing Oakland County Clerk 5/22/2020 9:09 AM

The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

In addition: This Court having reviewed Defendant's above-referenced motion, which was originally filed on September 13, 2019, takes note that this matter was previously addressed on February 19, 2020, when the parties appeared in court for oral arguments. Therefore, pursuant to MRC 2.119(E)(3) the Court hereby dispenses with oral arguments.

For reasons previously articulated in the Court's ruling during the February 19, 2020, motion hearing, the Defendant is required to post a \$2,500 bond as set forth in the Court's Opinion and Order dated November 13, 2019. Once the required bond is posted, the Court will address Defendant's Motion.

DATED: 05/20/2020



HON. KAMESHIA D. GANT
Circuit Court Judge

Appendix H

Court of Appeals, State of Michigan

ORDER

Ivy Alice Wimmer v Mario Allan Montano

Docket No. 353685

LC No. 2012-802216-DO

Elizabeth L. Gleicher, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because a review of the defendant's affidavit of indigency shows the ability to pay.

Within 21 days of the Clerk's certification of this order, defendant shall pay to the Clerk of the Court the entry fee of \$375. Failure to comply with this order will result in the dismissal of the application for leave to appeal.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



JUN - 9 2020

Date

James W. Zinn Jr.
Chief Clerk

Appendix I

Court of Appeals, State of Michigan

ORDER

Ivy Alice Wimmer v Mario Allan Montano

Docket No. 353753

LC No. 2012-802216-DO

Elizabeth L. Gleicher, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because a review of the defendant's affidavit of indigency shows the ability to pay.

Within 21 days of the Clerk's certification of this order, defendant shall pay to the Clerk of the Court the entry fee of \$1,125 for the three orders being appealed. Failure to comply with this order will result in the dismissal of the application for leave to appeal.

Elizabeth Bois

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



JUN 16 2020

Date

James W. Finn Jr.
Chief Clerk

Appendix J

Court of Appeals, State of Michigan

ORDER

IAW v MAM

Docket No. 353820

LC No. 2017-854298-PP

Elizabeth L. Gleicher, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because a review of the defendant's affidavit of indigency shows the ability to pay.

Within 21 days of the Clerk's certification of this order, defendant shall pay to the Clerk of the Court the entry fee of \$375. Failure to comply with this order will result in the dismissal of the application for leave to appeal.

Leggett Fox

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



JUN 16 2020

Date _____

James W. Fini Jr.
Chief Clerk

Appendix K

Court of Appeals, State of Michigan

ORDER

Ivy Alice Wimmer v Mario Allan Montano

Docket No. **353685**

LC No. **2012-802216-DO**

Elizabeth L. Gleicher, Judge, acting under MCR 7.211(E)(2), orders:

The motion for reconsideration of this Court's order denying the waiver of fees is DENIED. Appellant must pay the full amount owed to the Clerk of the Court within 14 days of certification of this order. Failure to comply with this order will result in the dismissal of the application for leave to appeal.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



JUN 16 2020

Date



Jerome W. Zimmer Jr.

Chief Clerk

Appendix L

Court of Appeals, State of Michigan

ORDER

Ivy Alice Wimmer v Mario Allan Montano

Docket No. **353753**

LC No. **2012-802216-DO**

Elizabeth L. Gleicher, Judge, acting under MCR 7.211(E)(2), orders:

The motion for reconsideration of this Court's order denying the waiver of fees is DENIED. Appellant must pay the full amount owed to the Clerk of the Court on or before July 7, 2020. Failure to comply with this order will result in the dismissal of the application for leave to appeal.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



JUN 23 2020

Date



Chief Clerk

Appendix M

Court of Appeals, State of Michigan

ORDER

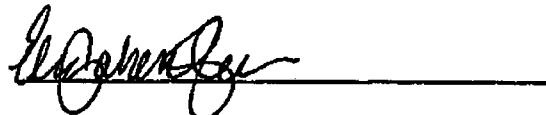
IAW v MAM

Docket No. **353820**

LC No. **2017-854298-PP**

Elizabeth L. Gleicher, Judge, acting under MCR 7.211(E)(2), orders:

The motion for reconsideration of this Court's order denying the waiver of fees is DENIED. Appellant must pay the full amount owed to the Clerk of the Court on or before July 7, 2020. Failure to comply with this order will result in the dismissal of the application for leave to appeal.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUN 23 2020

Date


Chief Clerk

Appendix N

Court of Appeals, State of Michigan

ORDER

Ivy Alice Wimmer v Mario Allan Montano

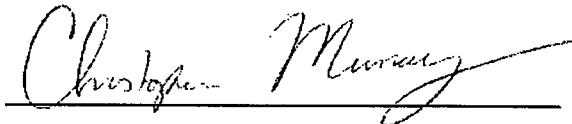
Docket No. **353685**

LC No. **2012-802216-DO**

Christopher M. Murray, Chief Judge, acting under MCR 7.201(B)(3), orders:

The application for leave to appeal is DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and 7.216(A)(10). Defendant has failed to correct the defect in this filing by paying to the Clerk of the Court the \$375 entry fee. Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

On its own motion pursuant to MCR 7.216(C)(1), the Court ASSESSES SANCTIONS on the basis that defendant's appeal is frivolous and vexatious. Defendant Mario Allan Montano is ordered to pay sanctions in the amount of \$750.00 to the Clerk of this Court within 28 days of the Clerk's certification of this order. The Clerk of the Court is ordered to return without accepting any further filings by, or on behalf of, Mario Allan Montano in any non-criminal matter until he has made the payment required by this order. MCR 7.216(A)(7).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



JUL 14 2020

Date


Chief Clerk

Appendix O

Court of Appeals, State of Michigan

ORDER

Ivy Alice Wimmer v Mario Allan Montano

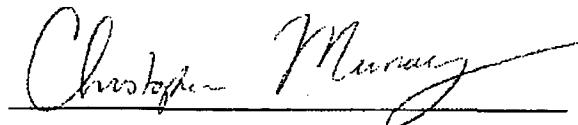
Docket No. **353753**

LC No. **2012-802216-DO**

Christopher M. Murray, Chief Judge, acting under MCR 7.201(B)(3), orders:

The application for leave to appeal is DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and 7.216(A)(10). Defendant has failed to correct the defect in this filing by paying to the Clerk of the Court the \$1,125 entry fee. Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

On its own motion pursuant to MCR 7.216(C)(1), the Court ASSESSES SANCTIONS on the basis that defendant's appeal is frivolous and vexatious. Defendant Mario Allan Montano is ordered to pay sanctions in the amount of \$750.00 to the Clerk of this Court within 28 days of the Clerk's certification of this order. The Clerk of the Court is ordered to return without accepting any further filings by, or on behalf of, Mario Allan Montano in any non-criminal matter until he has made the payment required by this order. MCR 7.216(A)(7).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



JUL 14 2020

Date


Chief Clerk

Appendix P

Court of Appeals, State of Michigan

ORDER

IAW v MAM

Docket No. **353820**

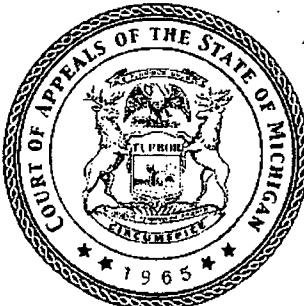
LC No. **2017-854298-PP**

Christopher M. Murray, Chief Judge, acting under MCR 7.201(B)(3), orders:

The application for leave to appeal is DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and 7.216(A)(10). Defendant has failed to correct the defect in this filing by paying to the Clerk of the Court the \$375 entry fee. Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

On its own motion pursuant to MCR 7.216(C)(1), the Court ASSESSES SANCTIONS on the basis that defendant's appeal is frivolous and vexatious. Defendant Mario Allan Montano is ordered to pay sanctions in the amount of \$750.00 to the Clerk of this Court within 28 days of the Clerk's certification of this order. The Clerk of the Court is ordered to return without accepting any further filings by, or on behalf of, Mario Allan Montano in any non-criminal matter until he has made the payment required by this order. MCR 7.216(A)(7).

Christopher Murray



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUL 14 2020

Date

Jerome W. Zimmer Jr.
Chief Clerk

Appendix Q

Order

Michigan Supreme Court
Lansing, Michigan

October 5, 2020

Bridget M. McCormack,
Chief Justice

161466
161645

David F. Viviano,
Chief Justice Pro Tem

IVY ALICE WIMMER,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

MARIO ALLAN MONTANO,
Defendant-Appellant.

SC: 161466, 161645
COA: 353685
Oakland CC: 2012-802216-DO

On order of the Chief Justice, the interlocutory application and the application for leave to appeal are administratively dismissed for the failure of defendant-appellant to pay the outstanding fees. The clerk of the Court shall not to accept further filings from the defendant-appellant in any civil matter until the sanctions ordered by this Court in No. 161152, *IW v MM* (\$500.00) and No. 161299, *Montano v Court of Appeals* (\$1,000.00) are paid in full.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 5, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster".

Clerk

Appendix R

Order

Michigan Supreme Court
Lansing, Michigan

October 5, 2020

Bridget M. McCormack,
Chief Justice

161471
161666

David F. Viviano,
Chief Justice Pro Tem

IVY ALICE WIMMER,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

MARIO ALLAN MONTANO,
Defendant-Appellant.

SC: 161471, 161666
COA: 353753
Oakland CC: 2012-802216-DO

On order of the Chief Justice, the interlocutory application and the application for leave to appeal are administratively dismissed for the failure of defendant-appellant to pay the outstanding fees. The clerk of the Court shall not to accept further filings from the defendant-appellant in any civil matter until the sanctions ordered by this Court in No. 161152, *IW v MM* (\$500.00) and No. 161299, *Montano v Court of Appeals* (\$1,000.00) are paid in full.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 5, 2020

Clerk

Appendix S

Order

Michigan Supreme Court
Lansing, Michigan

October 5, 2020

Bridget M. McCormack,
Chief Justice

161473
161668

David F. Viviano,
Chief Justice Pro Tem

IAW,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

MAM,
Defendant-Appellant.

SC: 161473, 161668
COA: 353820
Oakland CC: 2017-854298-PP

On order of the Chief Justice, the application for leave to appeal is administratively dismissed for the failure of plaintiff-appellant to pay the outstanding fees. The clerk of the Court shall not to accept further filings from the plaintiff-appellant in any civil matter until the sanctions ordered by this Court in No. 161152, *IW v MM* (\$500.00) and No. 161299, *Montano v Court of Appeals* (\$1,000.00) are paid in full.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 5, 2020

A handwritten signature of Larry S. Royster.

Clerk