

Supreme Court, U.S.

FILED

DEC 20 2020

OFFICE OF THE CLERK

No. 20-6489

IN THE SUPREME COURT OF THE UNITED STATES

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MARIO ALLAN MONTANO, Applicant,

v.

IVY ALICE WIMMER, Respondent.

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**EMERGENCY APPLICATION FOR A STAY OF EXECUTION PENDING THE  
DISPOSITION OF THE PETITION FOR WRIT OF CERTIORARI**

**APPENDIX**

# **Appendix A**

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

IVY ALICE WIMMER,

Petitioner,

v

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

MARIO ALLAN MONTANO,

Respondent.

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OPINION AND ORDER

**Background**

On June 20, 2107, 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 prefilings requirements on him. We affirm.<sup>11</sup>

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

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<sup>11</sup> *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.

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... *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 (10<sup>th</sup> 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 (10<sup>th</sup> 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 required 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

  
HON. KAMESHIA D. GANT,  
CIRCUIT COURT JUDGE

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

# **Appendix B**

**Court of Appeals, State of Michigan**

**ORDER**

**Ivy Alice Wimmer v Mario Allan Montano**

Docket No. **353685**

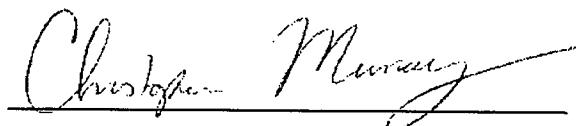
LC No. **2012-802216-DO**

---

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).

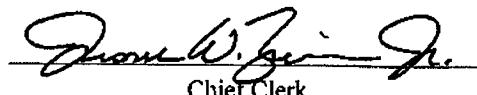


A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



JUL 14 2020

Date

  
Chief Clerk

# **Appendix C**

**Court of Appeals, State of Michigan**

**ORDER**

**Ivy Alice Wimmer v Mario Allan Montano**

Docket No. **353753**

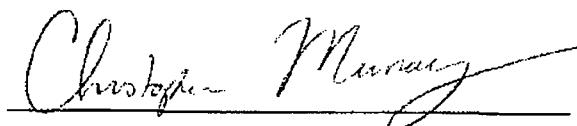
LC No. **2012-802216-DO**

---

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 D**

**Court of Appeals, State of Michigan**

**ORDER**

**IAW v MAM**

Docket No. **353820**

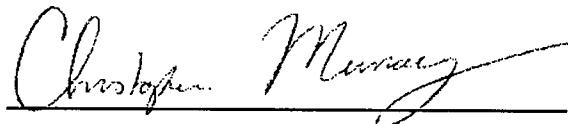
LC No. **2017-854298-PP**

---

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).



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



JUL 14 2020

Date

  
Chief Clerk

# **Appendix E**

# 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

Clerk

# **Appendix F**

# 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 G**

# 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

  
Clerk

# **Appendix H**

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

IVY ALICE WIMMER,

Petitioner,

-vs-

MARIO ALLAN MONTANO,

Respondent.

Case: 2017-854298-PP  
Hon. Kameshia D. Gant

---

**RESPONDENT'S VERIFIED MOTION FOR AN EX PARTE ORDER TO**  
**STAY EXECUTION PENDING DISPOSITION BY THE**  
**SUPREME COURT OF THE UNITED STATES**

NOW COMES the Respondent, MARIO ALLAN MONTANO for his Respondent's Verified Motion for an Ex Parte Order to Stay Execution Pending Disposition by the Supreme Court of the United States states as follows:

1. The Respondent seeks an ex parte order staying the execution of the Court's order issued on May 11, 2020 requiring the Respondent to purchase and file a \$2500 surety bond in order to file motions, objections and pleadings with this Court ("Bond Order") pending the filing and disposition of an appeal with the Supreme Court of the United States.
2. Specifically, the Respondent seeks the issuance and entry of the ex parte order staying the Bond Order ("Stay Order") presented in Exhibit A.
3. Provisions in MCR 3.207 and MCR 7.209(E) provide this Court jurisdiction to issue the Stay Order based on meeting the expectations of the provisions.
4. The Respondent appealed this Court's Bond Order initiating the application case of *Wimmer v. Montano*<sup>1</sup> ("COA 353820") with the Michigan Court of Appeals ("COA") on June 15, 2020.

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<sup>1</sup> *Wimmer v. Montano*, 353820 (Mich. Ct. App. July 14, 2020).

**WHEREFORE** the Respondent, MARIO ALLAN MONTANO requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an ex parte order to stay the execution of the bond order pending the docketing and disposition of a Petition for Writ of Certiorari with SCOTUS using or based on the order presented in Exhibit A.
- C. Grant the Respondent any other relief this Court deems appropriate.

# Appendix I

(Motion Filed with Court) MISCELLANEOUS

Montano, Mario (Pro Per) Mario Montano

11/23/2020 at 01:10:52 PM Rejected.

Respondent's Motion for  
an ex Parte Stay Pending  
SCOTUS Review

C. E. Ferris: Other:please file a bond in the amount of \$2500 per opn and ord filed on 5/12/20, thanks, ce (24761451)

Status Updates

Service Recipients / Status

| Status      | Date                   | Comments   |                                 |
|-------------|------------------------|--|---------------------------------|
| Rejected    | 11/23/2020 03:16:09 PM | C. E. Ferris: Other:please file a bond in the amount of \$2500 per opn and ord filed on 5/12/20, thanks, ce (24761451)                         |                                 |
| Paid        | 11/23/2020 01:13:06 PM | INFO: Payment Accepted. OrderId: , Tracking Id: cac8c3ba-8c80-4067-b5e2-78e690834bf0. Original Filing Id: 62769382-3854-4f83-b77d-150ef07faa0b | <a href="#">Payment Receipt</a> |
| Accepted    | 11/23/2020 01:13:05 PM | Pending Payment: Filing has not been reviewed, accepted or filed by the clerk and should not be considered filed at this time (24761451)       |                                 |
| In Progress | 11/23/2020 01:10:56 PM | Your filing (MISCELLANEOUS) has been received by the court. Tracking ID: 62769382-3854-4f83-b77d-150ef07faa0b                                  |                                 |
| Submitted   | 11/23/2020 01:10:52 PM | Submitted to the court by Mario Montano (Pro Per)  |                                 |

# **Appendix J**

## MICHIGAN COURT OF APPEALS

IVY ALICE WIMMER,  
Plaintiff-Appellee,

v.

MARIO ALLAN MONTANO,  
Defendant-Appellant.

COA. 353685  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2012-802216-DO  
Hon. Kameshia D. Gant

---

### **MOTION TO STAY THE EXECUTION OF THIS COURT'S ORDER PENDING DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI**

NOW COMES the Defendant-Appellant, MARIO ALLAN MONTANO for his Motion to Stay the Execution of this Court's Order Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. This Court has jurisdiction to issue a stay a stay of proceedings of its orders and judgments pending an appeal as it deems just pursuant to MCR 7.209(H)(2).
2. Chief Justice Bridget McCormack of the Michigan Supreme Court ("MSC") issued an order in the case of *Wimmer v. Montano*<sup>1</sup> ("MSC 161121") on March 18, 2020 (Exhibit A).
3. Chief Justice McCormack granted the Defendant-Appellant ("Defendant") a waiver of fees in MSC 161121.
4. Chief Justice McCormack determined that the Defendant was too poor to pay motion fees of \$75 in MSC 161121 based on her order.
5. This Court issued an order dismissing this case ("COA Dismissal") on July 14, 2020 (Exhibit B).

---

<sup>1</sup> *Wimmer v. Montano*, 161121 (Mich. May 26, 2020).

16. Justice requires that this Court issue a stay of execution of the COA Dismissal pending the disposition of the Petition for Writ Certiorari pursuant to MCR 7.209(H)(2).

**WHEREFORE** the Defendant-Appellant, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the COA Dismissal pending disposition of the Petition for Writ of Certiorari.
- C. Grant the Defendant-Appellant any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

*/s/Mario Allan Montano*

Dated: December 7, 2020

---

**Mario Allan Montano**  
Defendant-Appellant

RECEIVED by MCOA 12/7/2020 12:47:42 PM

# **Appendix K**

## MICHIGAN COURT OF APPEALS

IVY ALICE WIMMER,  
Plaintiff-Appellee,

v.

MARIO ALLAN MONTANO,  
Defendant-Appellant.

COA. 353753  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2012-802216-DO  
Hon. Kameshia D. Gant

---

### **MOTION TO STAY THE EXECUTION OF THIS COURT'S ORDER PENDING DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI**

NOW COMES the Defendant-Appellant, MARIO ALLAN MONTANO for his Motion to Stay the Execution of this Court's Order Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. This Court has jurisdiction to issue a stay of proceedings of its orders and judgments pending an appeal as it deems just pursuant to MCR 7.209(H)(2).
2. Chief Justice Bridget McCormack of the Michigan Supreme Court ("MSC") issued an order in the case of *Wimmer v. Montano*<sup>1</sup> ("MSC 161121") on March 18, 2020 (Exhibit A).
3. Chief Justice McCormack granted the Defendant-Appellant ("Defendant") a waiver of fees in MSC 161121.
4. Chief Justice McCormack determined that the Defendant was too poor to pay motion fees of \$75 in MSC 161121 based on her order.
5. This Court issued an order dismissing this case ("COA Dismissal") on July 14, 2020 (Exhibit B).

---

<sup>1</sup> *Wimmer v. Montano*, 161121 (Mich. May 26, 2020).

RECEIVED by MCOA 12/7/2020 1:02:47 PM

16. Justice requires that this Court issue a stay of execution of the COA Dismissal pending the disposition of the Petition for Writ Certiorari pursuant to MCR 7.209(H)(2).

**WHEREFORE** the Defendant-Appellant, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the COA Dismissal pending disposition of the Petition for Writ of Certiorari.
- C. Grant the Defendant-Appellant any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

Dated: December 7, 2020

*/s/Mario Allan Montano*

---

**Mario Allan Montano**  
Defendant-Appellant

# **Appendix L**

**almontano29582@gmail.com**

---

**From:** info@truefiling.com  
**Sent:** Monday, December 7, 2020 2:00 PM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Court of Appeals Case No. 353685

The Michigan Court of Appeals has rejected your document filed into Case No. 353685, IVY ALICE WIMMER V MARIO ALLAN MONTANO.

**Filing Details**

**Rejection Reason:** The filing was rejected because this file is currently closed and sanctions have not been paid

**Document Type:** Motion - Regular

**Filing Name:** Motion for a Stay Pending SCOTUS Disposition

**Filed By:** Montano, Mario (Pro Se)

**From:** Mario Montano

You should contact the Court if you need further explanation.

\*\*\*\*\*This e-mail was sent from an unattended e-mail mailbox. Replies to this e-mail will be rejected. \*\*\*\*\*

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MiFILE is the Michigan judiciary's electronic-filing system for filing and serving documents online. This system is available 24 hours a day, 7 days a week.

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# **Appendix M**

**almontano29582@gmail.com**

---

**From:** info@truefiling.com  
**Sent:** Monday, December 7, 2020 2:01 PM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Court of Appeals Case No. 353753

The Michigan Court of Appeals has rejected your document filed into Case No. 353753, IVY ALICE WIMMER V MARIO ALLAN MONTANO.

**Filing Details**

**Rejection Reason:** The filing was rejected because this case is currently closed and sanctions have not been paid

**Document Type:** Motion - Regular

**Filing Name:** Motion for a Stay Pending SCOTUS Disposition

**Filed By:** Montano, Mario (Pro Se)

**From:** Mario Montano

You should contact the Court if you need further explanation.

\*\*\*\*\*This e-mail was sent from an unattended e-mail mailbox. Replies to this e-mail will be rejected. \*\*\*\*\*

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**CONFIDENTIALITY NOTICE:** This message and any associated documents have been sent via MiFILE and may contain confidential information. The information is intended for individuals or legally defined interested persons associated with the case to which this message applies. Any individual not associated with the case is prohibited from disseminating, distributing, or copying this message or any associated documents, downloading the associated documents, or taking any action on the contents of this message or any associated documents. If you have received this communication in error, please delete the message immediately. Thank you.

# **Appendix N**

**MICHIGAN SUPREME COURT**

IVY ALICE WIMMER,  
Plaintiff-Appellee,

MSC: 161466, 161645  
Hon. Bridget M. McCormack

v.

MARIO ALLAN MONTANO,  
Defendant-Appellant.

COA. 353685  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2012-802216-DO  
Hon. Kameshia D. Gant

---

**MOTION TO STAY THE EXECUTION OF THIS COURT'S  
ORDER PENDING DISPOSITION OF A PETITION FOR WRIT  
OF CERTIORARI**

**NOW COMES** the Defendant-Appellant, MARIO ALLAN MONTANO for his Motion to Stay the Execution of this Court's Order Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. MCR 7.305(I) states that the provisions in MCR 7.209 regarding a stay of execution apply to this Court.
2. MCR 7.209(D) as applied to this Court gives this Court jurisdiction to stay the orders of the Michigan Court of Appeals ("COA") on terms it deems just.
3. MCR 7.209(H)(2) as applied to this Court gives this Court jurisdiction to stay any judgment or order of a lower court and its own orders on terms it deems just.
4. This Court issued an order in MSC 161121 granting the Defendant-Appellant ("Defendant") a fee waiver on March 18, 2020.
5. This Court determined the Defendant was too poor to afford motion fees of \$75 or more on March 18, 2020.
6. The Defendant's financial situation has declined since March 18, 2020 and he still can't afford court fees of \$75 or higher.

**WHEREFORE** the Defendant-Appellant, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the MSC Dismissal pending the Disposition of the Petition for Writ of Certiorari with SCOTUS.
- C. Enter an order to stay the execution of the COA Dismissal pending the Disposition of the Petition for Writ of Certiorari with SCOTUS.
- D. Grant the Defendant-Appellant any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

Dated: December 8, 2020

*/s/Mario Allan Montano*

---

**Mario Allan Montano**  
Defendant-Appellant

# **Appendix O**

**MICHIGAN SUPREME COURT**

IVY ALICE WIMMER,  
Plaintiff-Appellee,

MSC: 161471, 161666  
Hon. Bridget M. McCormack

v.

MARIO ALLAN MONTANO,  
Defendant-Appellant.

COA. 353753  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2012-802216-DO  
Hon. Kameshia D. Gant

---

**MOTION TO STAY THE EXECUTION OF THIS COURT'S  
ORDER PENDING DISPOSITION OF A PETITION FOR WRIT  
OF CERTIORARI**

**NOW COMES** the Defendant-Appellant, MARIO ALLAN MONTANO for his Motion to Stay the Execution of this Court's Order Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. MCR 7.305(I) states that the provisions in MCR 7.209 regarding a stay of execution apply to this Court.
2. MCR 7.209(D) as applied to this Court gives this Court jurisdiction to stay the orders of the Michigan Court of Appeals ("COA") on terms it deems just.
3. MCR 7.209(H)(2) as applied to this Court gives this Court jurisdiction to stay any judgment or order of a lower court and its own orders on terms it deems just.
4. This Court issued an order in MSC 161121 granting the Defendant-Appellant ("Defendant") a fee waiver on March 18, 2020.
5. This Court determined the Defendant was too poor to afford motion fees of \$75 or more on March 18, 2020.
6. The Defendant's financial situation has declined since March 18, 2020 and he still can't afford court fees of \$75 or higher.

**WHEREFORE** the Defendant-Appellant, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the MSC Dismissal pending the Disposition of the Petition for Writ of Certiorari with SCOTUS.
- C. Enter an order to stay the execution of the COA Dismissal pending the Disposition of the Petition for Writ of Certiorari with SCOTUS.
- D. Grant the Defendant-Appellant any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

Dated: December 8, 2020

*/s/Mario Allan Montano*

---

**Mario Allan Montano**  
Defendant-Appellant

# **Appendix P**

**almontano29582@gmail.com**

---

**From:** info@truefiling.com  
**Sent:** Tuesday, December 8, 2020 9:29 AM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Supreme Court Case No. 161466

The Michigan Supreme Court has rejected your document filed into Case No. 161466, IVY ALICE WIMMER V MARIO ALLAN MONTANO.

**Filing Details**

**Rejection Reason:** The MSC Clerk's Office rejected this bundle for the reasons stated in the Court's 10-05-2020 order. Moreover, the case is closed; no further filings will be accepted.

**Document Type:** Motion - Regular

**Filing Name:** Motion for a Stay Pending SCOTUS Disposition

**Filed By:** Montano, Mario (Pro Se)

**From:** Mario Montano

You should contact the Court if you need further explanation.

\*\*\*\*\*This e-mail was sent from an unattended e-mail mailbox. Replies to this e-mail will be rejected. \*\*\*\*\*

---

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# Appendix Q

**almontano29582@gmail.com**

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**From:** info@truefiling.com  
**Sent:** Tuesday, December 8, 2020 10:21 AM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Supreme Court Case No. 161471

The Michigan Supreme Court has rejected your document filed into Case No. 161471, IVY ALICE WIMMER V MARIO ALLAN MONTANO.

**Filing Details**

Rejection Reason: The MSC Clerk's Office rejected this bundle for the reasons stated in the Court's 10-05-2020 order. Moreover, the case is closed; no further filings will be accepted.

Document Type: Motion - Regular

Filing Name: Motion for a Stay Pending SCOTUS Disposition

Filed By: Montano, Mario (Pro Se)

From: Mario Montano

You should contact the Court if you need further explanation.

\*\*\*\*\*This e-mail was sent from an unattended e-mail mailbox. Replies to this e-mail will be rejected. \*\*\*\*\*

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# Appendix R

## MICHIGAN COURT OF APPEALS

IVY ALICE WIMMER,  
Petitioner-Appellee,

v.

MARIO ALLAN MONTANO,  
Respondent-Appellant.

COA. 353820  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2017-854298-PP  
Hon. Kameshia D. Gant

---

### **MOTION TO STAY THE EXECUTION OF THIS COURT'S ORDER PENDING DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI**

NOW COMES the Respondent-Appellant, MARIO ALLAN MONTANO for his Motion to Stay the Execution of this Court's Order Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. This Court has jurisdiction to issue a stay a stay of proceedings of its orders and judgments pending an appeal as it deems just pursuant to MCR 7.209(H)(2).
2. The Honorable Kameshia D. Gant (“Trial Court”) was assigned to the case of *Wimmer v. Montano*<sup>1</sup> (“Trial Case”) on May 4, 2019.
3. The Trial Court issued a sua sponte Opinion and Order (“Opinion”) on May 11, 2020 (Exhibit A).
4. The Opinion states that the Respondent must purchase a surety bond in the amount of \$2,500 and file the bond with each motion, objection and pleading he files with the Trial Court where failure to do so results in the rejection of his filing (“Bond Order”).<sup>2</sup>
5. The Respondent appealed the Bond Order initiating the application of *Wimmer v. Montano*<sup>3</sup> (“this case”) with the Michigan Court of Appeals (“COA”) on June 15, 2020.

---

<sup>1</sup> *Wimmer v. Montano*, 2017-854298-PP (6<sup>th</sup> Mich. Cir. Ct. June 20, 2017).

<sup>2</sup> Exhibit B at 5 ¶ 1.

<sup>3</sup> *Wimmer v. Montano*, 353820 (Mich. Ct. App. July 14, 2020).

RECEIVED by MCOA 12/18/2020 6:34:37 PM

16. The Respondent has been deprived of any ability to litigate the Trial, file an appeal with the COA or file any document with the COA in an existing case to defend himself.
17. The Respondent sought a stay of the bond order with the Trial Court but his motion for the stay was rejected because he did not post the \$2500 bond (Exhibit D)
18. The Bond Order and the COA Dismissal are not yet final orders since SCOTUS has discretionary review over the orders.
19. The Respondent has been deprived of any ability to litigate his Trial Case and all cases in the COS are orders that are not yet final.
20. This is an extreme deprivation of justice against the Respondent.
21. Justice requires that this Court issue a stay of execution of the Bond Order and the COA Dismissal pending the disposition of the Petition for Writ Certiorari pursuant to MCR 7.209(H)(2).

**WHEREFORE** the Respondent-Appellant, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the COA Dismissal pending disposition of the Petition for Writ of Certiorari.
- C. Enter an order to stay the execution of the Bond Order pending disposition of the Petition for Writ of Certiorari.
- D. Grant the Respondent-Appellant any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

Dated: December 18, 2020

*/s/Mario Allan Montano*

---

**Mario Allan Montano**  
Respondent-Appellant

RECEIVED by MCOA 12/18/2020 6:34:37 PM

# **Appendix S**

**almontano29582@gmail.com**

---

**From:** info@truefiling.com  
**Sent:** Saturday, December 19, 2020 12:16 PM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Court of Appeals Case No. 353820

The Michigan Court of Appeals has rejected your document filed into Case No. 353820, IAW V MAM.

**Filing Details**

**Rejection Reason:** The filing was rejected because filer is prohibited by Court order from filing in any non-criminal appeal until outstanding costs are paid.

**Document Type:** Motion - Regular

**Filing Name:** Motion for a Stay Pending SCOTUS Disposition

**Filed By:** Montano, Mario (Pro Se)

**From:** Mario Montano

You should contact the Court if you need further explanation.

\*\*\*\*\*This e-mail was sent from an unattended e-mail mailbox. Replies to this e-mail will be rejected. \*\*\*\*\*

---

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# **Appendix T**

**MICHIGAN SUPREME COURT**

IVY ALICE WIMMER,  
Petitioner-Appellee,

v.

MARIO ALLAN MONTANO,  
Respondent-Appellant.

MSC: 161473, 161668  
Hon. Bridget M. McCormack

COA: 353820  
Hon. Christopher M. Murray

6<sup>th</sup> Judicial Circuit (Oakland County)  
Trial Ct. No: 2017-854298-PP  
Hon. Kameshia D. Gant

---

**MOTION TO STAY THE EXECUTION ORDERS PENDING  
DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI**

NOW COMES the Respondent-Appellant, MARIO ALLAN MONTANO for his Motion to Stay the Execution of Orders Pending Disposition of a Petition for Writ of Certiorari states as follows:

1. This Court has jurisdiction to issue a stay a stay of proceedings of its orders and judgments pending an appeal as it deems just pursuant to MCR 7.305(I) and MCR 7.209(H)(2).
2. The Honorable Kameshia D. Gant (“**Trial Court**”) was assigned to the case of *Wimmer v. Montano*<sup>1</sup> (“**Trial Case**”) on May 4, 2019.
3. The Trial Court issued a sua sponte Opinion and Order (“**Opinion**”) on May 11, 2020 (Exhibit A).
4. The Opinion states that the Respondent must purchase a surety bond in the amount of \$2,500 and file the bond with each motion, objection and pleading he files with the Trial Court where failure to do so results in the rejection of his filing (“**Bond Order**”).<sup>2</sup>

---

<sup>1</sup> *Wimmer v. Montano*, 2017-854298-PP (6<sup>th</sup> Mich. Cir. Ct. June 20, 2017).

<sup>2</sup> Exhibit B at 5 ¶ 1.

**WHEREFORE** the Respondent-Appellant, MARIO ALLAN MONTANO hereby requests this Honorable Court to:

- A. Enter an order granting this motion.
- B. Enter an order to stay the execution of the MSC Dismissal pending disposition of the Petition for Writ of Certiorari.
- C. Enter an order to stay the execution of the COA Dismissal pending disposition of the Petition for Writ of Certiorari.
- D. Enter an order to stay the execution of the Bond Order pending disposition of the Petition for Writ of Certiorari.
- E. Grant the Respondent-Appellant any other relief this Court deems appropriate.

*I declare that the statements above are true to the best of my information, knowledge and belief.*

Dated: December 19, 2020

*/s/Mario Allan Montano*

---

**Mario Allan Montano**  
Respondent-Appellant

# **Appendix U**

**almontano29582@gmail.com**

---

**From:** info@truefiling.com  
**Sent:** Saturday, December 19, 2020 2:30 PM  
**To:** almontano29582@gmail.com  
**Subject:** MiFILE: Filing Rejected Notification – MI Supreme Court Case No. 161473

The Michigan Supreme Court has rejected your document filed into Case No. 161473, IAW V MAM.

**Filing Details**

**Rejection Reason:** The filing was rejected because filer did not pay motion fee.

**Document Type:** Motion - Regular

**Filing Name:** Motion for a Stay Pending SCOTUS Disposition

**Filed By:** Montano, Mario (Pro Se)

**From:** Mario Montano

You should contact the Court if you need further explanation.

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---

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# **Appendix V**

# Order

Michigan Supreme Court  
Lansing, Michigan

March 18, 2020

Bridget M. McCormack,  
Chief Justice

161121(37)

David F. Viviano,  
Chief Justice Pro Tem

IVY ALICE WIMMER, f/k/a IVY ALICE  
MONTANO,  
Plaintiff-Appellee,

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

v

MARIO ALLAN MONTANO,  
Defendant-Appellant.

SC: 161121  
COA: 351762  
Oakland CC: 2012-802216-DO

On order of the Chief Justice, the motion of defendant-appellant to waive the filing fees is GRANTED in this case only.



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.

March 18, 2020

Clerk

# **Appendix W**

# Case Search

## Case Docket Number Search Results - 353685

### Appellate Docket Sheet

**COA Case Number: 353685**

**MSC Case Number: 161645**

IVY ALICE WIMMER V MARIO ALLAN MONTANO

|   |                     |       |     |
|---|---------------------|-------|-----|
| 1 | WIMMER IVY ALICE    | PL-AE | PRO |
| 2 | MONTANO MARIO ALLAN | DF-AT | PRO |

**COA Status:** Case Concluded; File Archived      **MSC Status:** Closed

**(05/29/2020) 1 App For Leave to Appeal - Civil**

Proof of Service Date: 05/29/2020

Register of Actions: Y

Answer Due: 06/19/2020

Fee Code: I

Filed By Pro Per

**05/11/2020 2 Order Appealed From**

From: OAKLAND CIRCUIT COURT

Case Number: 2012-802216-DO

Trial Court Judge: 69425 GANT KAMESHIA D

Nature of Case:

Civil Miscellaneous

**(05/29/2020) 4 Motion: Waive Fees**

Proof of Service Date: 05/29/2020

For Party: 2 MONTANO MARIO ALLAN DF-AT

Fee Code: I

Answer Due: 06/05/2020

**05/29/2020 5 Transcript Filed By Party**

Date: 05/29/2020

Timely: Y

Reporter: 8970 - BACON LINDA M

Hearings:

09/04/2019

02/19/2020

**06/02/2020 3 Correspondence Sent**

For Party: 2 MONTANO MARIO ALLAN DF-AT

Comments: Letter advising that mail addressed to COA judges will not be accepted for filing. Further instances will be rejected without notice.

**06/09/2020 7 Submitted on Administrative Motion Docket**

Event: 4 Waive Fees

District: T

**06/09/2020 8 Order: Waive Fees Deny**

View document in PDF format

Event: 4 Waive Fees

Panel: ELG

Comments: \$375 due 6/30

06/10/2020 9 Motion: Reconsideration of Order  
Proof of Service Date: 06/10/2020  
Filed By Pro Per  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Answer Due: 06/24/2020

06/15/2020 13 Other  
Date: 06/14/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: notice of filing app in Sup Ct

06/16/2020 17 Submitted on Reconsideration Docket  
Event: 9 Reconsideration of Order  
District: T

06/16/2020 18 Order: Reconsideration - Deny - Appeal Remains Open  
[View document in PDF format](#)  
Event: 9 Reconsideration of Order  
Panel: ELG  
Comments: \$375 due 6/30

07/14/2020 28 Submitted on Administrative Motion Docket  
Event: 1 App For Leave to Appeal - Civil  
District: T

|            |   |
|------------|---|
| 07/14/2020 | 29 Order: Dismissal - Administrative - Filing Defect  |
|            | <a href="#">View document in PDF format</a>           |
|            | Event: 1 App For Leave to Appeal - Civil              |
|            | Panel: CMM  |
|            | Amount: \$750.00                                      |
|            | Comments: DISMISSED for failure to pay fees- SANCTION |

07/17/2020 30 Other  
Date: 07/17/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: notice of filing app in Sup Court

# Appendix X

# Case Search

## Case Docket Number Search Results - 353753

### Appellate Docket Sheet

**COA Case Number:** 353753

**MSC Case Number:** 161666

IVY ALICE WIMMER V MARIO ALLAN MONTANO

|   |                     |       |     |
|---|---------------------|-------|-----|
| 1 | WIMMER IVY ALICE    | PL-AE | PRO |
| 2 | MONTANO MARIO ALLAN | DF-AT | PRO |

**COA Status:** Case Concluded; File Archived      **MSC Status:** Closed

**06/05/2020** **1 App For Leave to Appeal - Civil**

Proof of Service Date: 06/05/2020

Register of Actions: Y

Answer Due: 06/26/2020

Filed By Pro Per

05/21/2020 2 Order Appealed From

From: OAKLAND CIRCUIT COURT

Case Number: 2012-802216-DO

Trial Court Judge: 69425 GANT KAMESHIA D

Nature of Case:

Civil Miscellaneous

05/21/2020 3 Order Appealed From

From: OAKLAND CIRCUIT COURT

Case Number: 2012-802216-DO

Trial Court Judge: 69425 GANT KAMESHIA D

Nature of Case:

Civil Miscellaneous

05/22/2020 4 Order Appealed From

From: OAKLAND CIRCUIT COURT

Case Number: 2012-802216-DO

Trial Court Judge: 69425 GANT KAMESHIA D

Nature of Case:

Civil Miscellaneous

**06/05/2020** **5 Motion: Waive Fees**

Proof of Service Date: 06/05/2020

Filed By Pro Per

For Party: 2 MONTANO MARIO ALLAN DF-AT

Answer Due: 06/12/2020

06/05/2020 6 No Transcript Will Be Filed

Date: 06/05/2020

Comments: no hearings held

06/16/2020 9 Submitted on Administrative Motion Docket

Event: 5 Waive Fees

District: T

06/16/2020 10 Order: Waive Fees - Deny

[View document in PDF format](#)

### Event: 5 Waive Fees

### Panel: ELG

Comments: \$1125 due 7/7

06/16/2020 11 Correspondence Received

Date: 06/16/2020

For Party: 2 MONTANO MARIO ALLAN DF-AT

Filed By Pro Per

Comments: Notice of Filing Application to Supreme Court

Sample

Category

| Category | Count |
|----------|-------|
| 1        | 1000  |
| 2        | 200   |
| 3        | 150   |
| 4        | 100   |
| 5        | 80    |
| 6        | 70    |
| 7        | 60    |
| 8        | 50    |
| 9        | 40    |
| 10       | 30    |

06/22/2020 19 Motion: Reconsideration of Order

Proof of Service Date: 06/22/2020

Filed By Pro Per

For Party: 2 MONTANO MARIO ALLAN DF-AT

Answer Due: 07/06/2020

Comments: of order denying waiver of fees-received on 6/20/20 on weekend-docketed next business day.

06/23/2020 21 Submitted on Reconsideration Docket

**Event: 19 Reconsideration of Order**

**District: T**

06/23/2020 22 Order: Reconsideration - Deny - Appeal Remains Open

### [View document in PDF format](#)

## View document in PDF format

Event: 191

Panel: EEG

07/14/2020 31 Submitted on Administrative Motion Docket  
Event: 1 App For Leave to Appeal - Civil

|            |   |
|------------|---|
| 07/14/2020 | 32 Order: Dismissal - Administrative - Filing Defect  |
|            | <a href="#">View document in PDF format</a>           |
|            | Event: 1 App For Leave to Appeal - Civil              |
|            | Panel: CMM  |
|            | Amount: \$750.00                                      |
|            | Comments: DISMISSED for failure to pay fees- SANCTION |

07/17/2020 33 Other  
Date: 07/17/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: notice of filing app in supreme court

# **Appendix Y**

# Case Search

## Case Docket Number Search Results - 353820

### Appellate Docket Sheet

**COA Case Number: 353820**

**MSC Case Number: 161668**

IAW V MAM

---

|   |     |       |     |
|---|-----|-------|-----|
| 1 | IAW | PT-AE | PRO |
| 2 | MAM | RS-AT | PRO |

---

**COA Status:** Case Concluded; File Archived      **MSC Status:** Closed

**(06/15/2020)** **1 App For Leave to Appeal - Civil**

Proof of Service Date: 06/15/2020

Register of Actions: Y

Answer Due: 07/06/2020

Filed By Pro Per

**05/11/2020** **2 Order Appealed From**

From: OAKLAND CIRCUIT COURT

Case Number: 2017-854298-PP

Trial Court Judge: 69425 GANT KAMESHIA D

Nature of Case:

PPO

**06/15/2020** **3 No Transcript Will Be Filed**

Date: 06/15/2020

**(06/15/2020)** **4 Motion: Waive Fees**

Proof of Service Date: 06/15/2020

Filed By Pro Per

For Party: 2 MAM RS-AT

Answer Due: 06/22/2020

**06/15/2020** **6 Motion: Motion**

Proof of Service Date: 06/15/2020

Filed By Pro Per

For Party: 2 MAM RS-AT

Answer Due: 06/22/2020

Comments: Motion for Change of Venue - motion withdrawn - see event 16

**06/16/2020** **7 Submitted on Administrative Motion Docket**

Event: 4 Waive Fees

District: T

**(06/16/2020)** **8 Order: Waive Fees - Deny**

View document in PDF format

Event: 4 Waive Fees

Panel: ELG

Comments: \$375 due 7/7

**06/16/2020** **9 Correspondence Received**

Date: 06/16/2020

For Party: 2 MAM RS-AT  
Filed By Pro Per  
Comments: motion for immediate consideration withdrawn

06/16/2020 10 Other  
Date: 06/16/2020  
For Party: 2 MAM RS-AT  
Filed By Pro Per  
Comments: notice of application with Michigan Supreme Court

06/17/2020 16 Correspondence Received  
Date: 06/17/2020  
For Party: 2 MAM RS-AT  
Filed By Pro Per  
Comments: motion for change of venue withdrawn

06/22/2020 18 Motion: Reconsideration of Order  
Proof of Service Date: 06/22/2020  
Filed By Pro Per  
For Party: 2 MAM RS-AT  
Answer Due: 07/06/2020  
Comments: of order denying waiver of fees-received on 6/21 on weekend-docketed next business day

06/23/2020 20 Submitted on Reconsideration Docket  
Event: 18 Reconsideration of Order  
District: T

06/23/2020 21 Order: Reconsideration - Deny - Appeal Remains Open  
[View document in PDF format](#)  
Event: 18 Reconsideration of Order  
Panel: ELG  
Comments: fees due 7/7



# **Appendix Z**

# Case Search

## Case Docket Number Search Results - 161466

### Appellate Docket Sheet

**COA Case Number: 353685**

**MSC Case Number: 161645**

IVY ALICE WIMMER V MARIO ALLAN MONTANO

---

|   |                     |       |     |
|---|---------------------|-------|-----|
| 1 | WIMMER IVY ALICE    | PL-AE | PRO |
| 2 | MONTANO MARIO ALLAN | DF-AT | PRO |

**COA Status:** Case Concluded; File Archived      **MSC Status:** Closed



(06/15/2020) **10 SCt: Inter Application**  
Supreme Court No: 161466  
Answer Due: 07/13/2020  
Fee: Indigent Person  
For Party: 2  
Filed By Pro Per  
Comments: Docketed without fees to determine DFAT's entitlement to fee waiver. If MSC denies entitlement, DFAT will be invoiced for application and motion fees (\$525).

(06/15/2020) **11 SCt Motion: Waive Fees**  
Party: 2  
Filed by Pro Per

06/15/2020 **12 SCt Motion: Immediate Consideration**  
Party: 2  
Filed by Pro Per  
[REDACTED]

06/17/2020 **19 SCt Correspondence Received**  
Proof Of Service Date: 06/17/2020  
Filed By Pro Per  
Comments: Correspondence requesting to withdraw motion for immediate consideration of motion to waive fees

06/24/2020 **20 SCt Motion: Dismiss**  
Party: 2  
Filed by Pro Per  
Comments: Docketed without fees; if MSC denies fee waiver (event 11), DFAT will be invoiced for \$75.00 motion fee

06/25/2020 **21 SCt: Miscellaneous Filing**  
Filing Date: 06/25/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: includes Withdrawal of Application

06/25/2020 **22 SCt: Miscellaneous Filing**  
Filing Date: 06/25/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per

06/29/2020 **23 SCt: Miscellaneous Filing**

Filing Date: 06/29/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: Notice of withdrawing motion to dismiss

|            |   |
|------------|---|
| 07/08/2020 | 24 Sct: Miscellaneous Filing<br>Filing Date: 07/08/2020<br>For Party: 2 MONTANO MARIO ALLAN DF-AT<br>Filed By Pro Per<br>Comments: Correspondence re rescinding intended dismissal of case. |
| 07/09/2020 | 25 Sct: Miscellaneous Filing<br>Filing Date: 07/09/2020<br>For Party: 2 MONTANO MARIO ALLAN DF-AT<br>Filed By Pro Per<br>Comments: Notice of Filing Withdrawal.                             |

07/17/2020 31 SCt: Application for Leave to SCt  
Supreme Court No: 161645  
Answer Due: 08/14/2020  
Fee: Invoiced  
For Party: 2  
Filed By Pro Per  
(Comments: Fee temporarily waived for the Court to determine AT's eligibility for waiver.)

07/20/2020 32 SCt Motion: Stay  
Party: 2  
Filed by Pro Per  
Comments: Fee temporarily waived pending decision on motion to waive fees

07/27/2020 33 SCt Motion: Dismiss  
Party: 2  
Filed by Pro Per  
Comments: 161456 - Fee temporarily waived pending decision on motion to waive fees

07/28/2020 34 SCt: Miscellaneous Filing  
Filing Date: 07/28/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Bono

Filed By Pro Per  
Comments: "Notice of Ex Parte Order for Entry Pursuant to MCR 7.305(I) and MCR 7.209(I)"; order included  
08/04/2020 35 Sct Motion: Miscellaneous  
Party: 2  
Filed by Pro Per

Comments: Motion to amend application; amended app included. Fees temporarily waived pending decision on motion to waive fees.

08/04/2020 36 SCt: Miscellaneous Filing  
 Filing Date: 08/04/2020  
 For Party: 2 MONTANO MARIO ALLAN DF-AT  
 Filed By Pro Per  
 Comments: Trial court transcript

08/05/2020 37 SCt Motion: Consolidate  
 Party: 2  
 Filed by Pro Per  
 Comments: Motion to consolidate 161666 with 161645

08/10/2020 38 SCt Motion: Stay  
 Party: 2  
 Filed by Pro Per  
 Comments: Motion for immediate stay order; fee temporarily waived pending decision on motion to waive fees

08/12/2020 39 SCt Motion: Immediate Consideration  
 Party: 2  
 Filed by Pro Per  
 Comments: Motion for immediate consideration of motion for stay; fee temporarily waived pending decision on motion to waive fees

08/20/2020 40 SCt: Trial Court Record Received  
 1 files

08/25/2020 42 SCt: Miscellaneous Filing  
 Filing Date: 08/25/2020  
 For Party: 2 MONTANO MARIO ALLAN DF-AT  
 Filed By Pro Per  
 Comments: "Acknowledgment Regarding this Court Granting the Amended Application for Leave to Appeal"

09/02/2020 43 SCt: Trial Court Record Received  
 1 files

09/08/2020 44 SCt Correspondence Received  
 Proof Of Service Date: 09/08/2020  
 Filed By Pro Per  
 Comments: AT intends to file complaint with Ct of Claims if MSC rejects mtns filed wo fees; motion rejected

09/10/2020 45 SCt Correspondence Received  
 Proof Of Service Date: 09/10/2020  
 Filed By Pro Per

09/16/2020 46 SCt: Miscellaneous Filing  
 Filing Date: 09/16/2020  
 For Party: 2 MONTANO MARIO ALLAN DF-AT  
 Filed By Pro Per  
 Comments: Notices - withdrawing filings

09/30/2020 47 SCt: Miscellaneous Filing  
 Filing Date: 09/30/2020  
 For Party: 2 MONTANO MARIO ALLAN DF-AT  
 Filed By Pro Per  
 Comments: Correspondence related to MSC 161299.

10/01/2020 48 SCt: Miscellaneous Filing  
 Filing Date: 10/01/2020  
 For Party: 2 MONTANO MARIO ALLAN DF-AT  
 Filed By Pro Per  
 Comments: Correspondence related to MSC 161152.

**10/05/2020 49 SCt Order: Close/Fail Pay Fees**

[View document in PDF format](#)

Comments: MSC Nos. 161466 & 161645 are administratively closed for failure to pay fees. Clerk shall not accept filings from AT in any civil matter until sanctions ordered in Nos. 161152 & 161299 are fully paid. Clerical correction to say DFAT not PLAT.

**10/26/2020 51 SCt Correspondence Received**

Proof Of Service Date: 10/26/2020

Filed By Pro Per

Comments: Notice of filing stay of execution with SCOTUS

**12/07/2020 52 SCt Correspondence Received**

Proof Of Service Date: 12/07/2020

Comments: SCOTUS notice of petition for writ of cert being filed (SCOTUS No. 20-6489).

**12/17/2020 56 File Closed-Out**

File Location: F

Case Listing Complete

# **Appendix AA**

# Case Search

## Case Docket Number Search Results - 161471

### Appellate Docket Sheet

**COA Case Number: 353753**

**MSC Case Number: 161666**

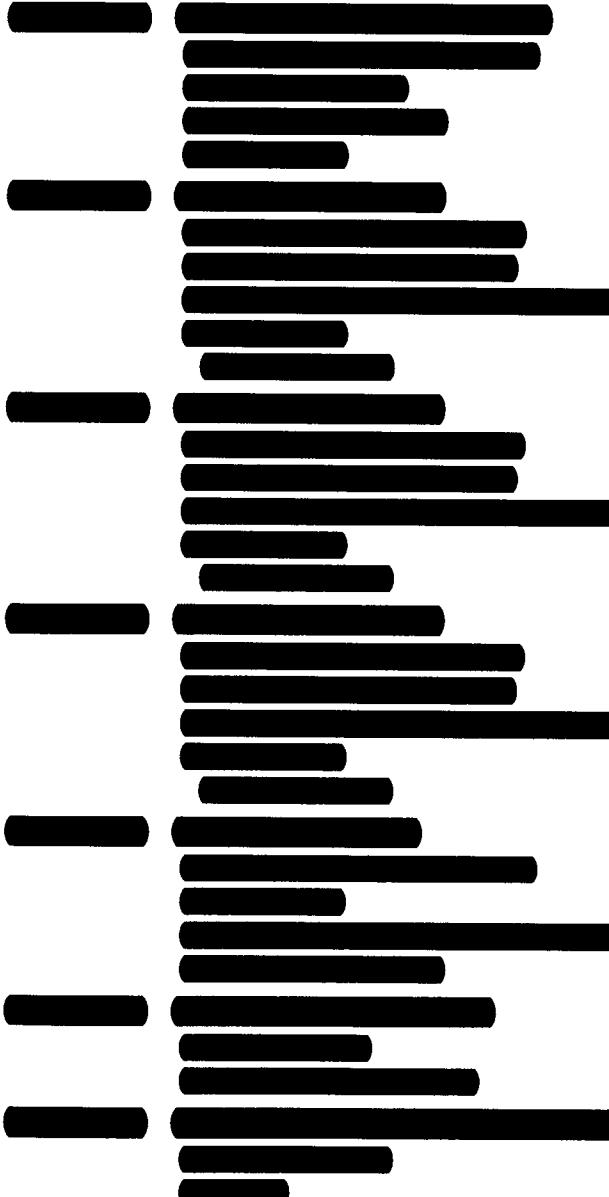
IVY ALICE WIMMER V MARIO ALLAN MONTANO

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|   |                     |       |     |
|---|---------------------|-------|-----|
| 1 | WIMMER IVY ALICE    | PL-AE | PRO |
| 2 | MONTANO MARIO ALLAN | DF-AT | PRO |

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**COA Status:** Case Concluded; File Archived      **MSC Status:** Closed

A large vertical column of black redaction bars, approximately 15 lines high, positioned to the right of the COA and MSC status information.

|            |  |
|------------|--|
| 06/16/2020 | <b>12 SCt: Inter Application</b><br>Supreme Court No: 161471<br>Answer Due: 07/14/2020<br>For Party: 2<br>Filed By Pro Per<br>Comments: Docketed without fees to determine DFAT's entitlement to fee waiver. If MSC denies fee waiver, DFAT will be invoiced for application and motion fees (\$600.00). |
| 06/16/2020 | <b>13 SCt Motion: Waive Fees</b><br>Party: 2<br>Filed by Pro Per   |
| 06/16/2020 | <b>14 SCt Motion: Immediate Consideration</b><br>Party: 2<br>Filed by Pro Per  |
| 06/16/2020 | <b>15 SCt Motion: Consolidate</b><br>Party: 2<br>Filed by Pro Per  |
| 06/16/2020 | <b>16 SCt Case Caption</b><br>Proof Of Service Date: 06/16/2020  |
| 06/17/2020 | <b>17 SCt Correspondence Received</b><br>Proof Of Service Date: 06/17/2020<br>Filed By Pro Per<br>Comments: Correspondence requesting to withdraw motion for immediate consideration of motion to waive fees   |
| 06/17/2020 | <b>18 SCt Correspondence Received</b><br>Proof Of Service Date: 06/17/2020<br>Filed By Pro Per<br>Comments: Correspondence re filing proof of service; response attached   |

06/25/2020 25 SCt: Miscellaneous Filing  
Filing Date: 06/25/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: Withdrawal of Application

06/29/2020 26 SCt: Miscellaneous Filing  
Filing Date: 06/29/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: Notice of withdrawing motion to dismiss

07/08/2020 27 SCt: Miscellaneous Filing  
Filing Date: 07/08/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: Letter re rescinding intended dismissal of case.

07/09/2020 28 SCt: Miscellaneous Filing  
Filing Date: 07/09/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: Notice of Filing Withdrawal.

07/20/2020 34 SCt: Application for Leave to SCt  
Supreme Court No: 161666  
Answer Due: 08/17/2020  
Fee: Invoiced  
For Party: 2  
Filed By Pro Per

Comments: Filing fee temporarily waived to determine AT's eligibility. Will be invoiced for all fees if not eligible.  
Interlocutory application in MSC No. 161471.

07/20/2020 35 SCt Motion: Stay  
Party: 2  
Filed by Pro Per  
Comments: Fee temporarily waived pending decision on motion to waive fees

07/27/2020 36 SCt Motion: Dismiss  
Party: 2  
Filed by Pro Per

Comments: 161471 - Fee temporarily waived pending decision on motion to waive fees

07/28/2020 37 SCt: Miscellaneous Filing  
Filing Date: 07/28/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: "Notice of Ex Parte Order for Entry Pursuant to MCR 7.305(I) and MCR 7.209(I)"; order included

08/05/2020 38 SCt Motion: Miscellaneous  
Party: 2  
Filed by Pro Per  
Comments: Motion to amend application; amended app included. Fee temporarily waived pending decision on motion to waive fees.

08/10/2020 39 SCt Motion: Stay  
Party: 2  
Filed by Pro Per  
Comments: Motion for immediate stay order; fee temporarily waived pending decision on motion to waive fees.

08/12/2020 40 SCt Motion: Immediate Consideration  
Party: 2  
Filed by Pro Per  
Comments: Motion for immediate consideration of motion for stay; fee temporarily waived pending decision on motion to waive fees

09/16/2020 41 SCt: Miscellaneous Filing  
Filing Date: 09/16/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: Notices - withdraw filings

09/30/2020 42 SCt: Miscellaneous Filing  
Filing Date: 09/30/2020  
For Party: 2 MONTANO MARIO ALLAN DF-AT  
Filed By Pro Per  
Comments: Letter, allegations, and request to Clerk's Office

**10/05/2020 43 SCt Order: Close/Fail Pay Fees**  
View document in PDF format  
Comments: MSC Nos. 161471 & 161666 are administratively closed for failure to pay fees. Clerk shall not accept filings from AT in any civil matter until sanctions ordered in Nos. 161152 & 161299 are fully paid. Clerical correction to say DFAT not PLAT.

10/24/2020 44 SCt Correspondence Received  
Proof Of Service Date: 10/24/2020  
Filed By Pro Per  
Comments: Notice of filing stay of execution with SCOTUS

12/07/2020 45 SCt Correspondence Received  
Proof Of Service Date: 12/07/2020  
Comments: SCOTUS notice of petition for writ of cert being filed (SCOTUS No. 20-6489).

12/17/2020 49 File Closed-Out  
File Location: F

Case Listing Complete

# **Appendix BB**

# Case Search

## Case Docket Number Search Results - 161473

### Appellate Docket Sheet

**COA Case Number: 353820**

**MSC Case Number: 161668**

IAW V MAM

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|   |     |       |     |
|---|-----|-------|-----|
| 1 | IAW | PT-AE | PRO |
| 2 | MAM | RS-AT | PRO |

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**COA Status:** Case Concluded; File Archived      **MSC Status:** Closed

A large portion of the page, starting below the COA and MSC status lines, is heavily redacted with black bars of varying lengths. The redacted area contains several sets of docket entries, each consisting of a date, a filing number, and a party name. The redacted text is mostly illegible but follows the standard format of a docket sheet.

06/16/2020 11 SCt: Inter Application  
Supreme Court No: 161473  
Answer Due: 07/14/2020  
For Party: 2  
Filed By Pro Per  
Comments: Docketed without fees to determine DFAT's entitlement to fee waiver. If MSC denies fee waiver, DFAT will be invoiced for application and motion fees (\$600.00)

06/16/2020 12 SCt Motion: Waive Fees  
Party: 2  
Filed by Pro Per

06/16/2020 13 SCt Motion: Immediate Consideration  
Party: 2  
Filed by Pro Per

06/16/2020 14 SCt Motion: Consolidate  
Party: 2  
Filed by Pro Per

06/16/2020 15 SCt Case Caption  
Proof Of Service Date: 06/16/2020

06/17/2020 17 SCt Correspondence Received  
Proof Of Service Date: 06/17/2020  
Filed By Pro Per  
Comments: Correspondence requesting to withdraw motion for immediate consideration of motion to waive fees

06/24/2020 22 SCt Motion: Dismiss  
Party: 2



Filing Date: 07/28/2020  
For Party: 2 MAM RS-AT  
Filed By Pro Per  
Comments: "Notice of Ex Parte Order for Entry Pursuant to MCR 7.305(I) and MCR 7.209(I)"; order included - 161668

08/07/2020 38 SCt Motion: Miscellaneous  
Party: 2  
Filed by Pro Per  
Comments: Motion to amend app and interlocutory app; fee temporarily waived pending decision on motion to waive fees; amended app included

08/10/2020 39 SCt Motion: Stay  
Party: 2  
Filed by Pro Per  
Comments: Motion for immediate stay order; fee temporarily waived pending decision on motion to waive fees

08/12/2020 40 SCt Motion: Immediate Consideration  
Party: 2  
Filed by Pro Per  
Comments: Motion for immediate consideration of motion for stay; fee temporarily waived pending decision on motion to waive fees

09/16/2020 41 SCt: Miscellaneous Filing  
Filing Date: 09/16/2020  
For Party: 2 MAM RS-AT  
Filed By Pro Per  
Comments: Notices - withdraw filings

10/05/2020 42 SCt Order: Close/Fail Pay Fees  
View document in PDF format  
Comments: MSC Nos. 161473 & 161668 are administratively closed for failure to pay fees. Clerk shall not accept filings from AT in any civil matter until sanctions ordered in Nos. 161152 & 161299 are fully paid. Clerical correction to say DFAT not PLAT.

10/26/2020 43 SCt: Miscellaneous Filing  
Filing Date: 10/26/2020  
For Party: 2 MAM RS-AT  
Filed By Pro Per  
Comments: Notice of filing stay of execution with SCOTUS

12/07/2020 44 SCt Correspondence Received  
Proof Of Service Date: 12/07/2020  
Comments: SCOTUS notice of petition for writ of cert being filed (SCOTUS No. 20-6489).

12/17/2020 47 File Closed-Out  
File Location: F

Case Listing Complete