

ORIGINAL

FILED

10/15/2019

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 19-0573

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 19-0573

R. C. "RICK" LUSSY ("RCL") aka CANDIDATE,  
2016 AND 2020-2024 ELECTIONS,

Petitioner,

v.

HENRY PAUMIE LUSSY, LAUNA LYNN ROQUE,  
JENAHLEE MURIE BORNFF; WADE J. DAHOOD,  
JEFFREY WADE DAHOOD, INDIVIDUALLY OF  
KNIGHT & DAHOOD LAW FIRM, MERMA  
GREEN. ASSESSOR MONTANA STATE  
DEPARTMENT OF REVENUE; JEREMIAH C.  
LYNCH UNITED STATES MAGISTRATE; BRIAN  
M. MORRIS, ARTICLE III UNITED STATES JUDGE  
[NO. CV-17-79-BU & NINTH CIRCUIT COURT OF  
APEAL 18-35937]; TYLER GILMAN CLERK  
[NO.:CV-78-67-BU], KURT KRUEGER, DISTRICT  
COURT MONTANA STATE JUDGE [NO. DV 18-37;  
DV 18-38 & DP-18-31 [RE: FROMAL PROBATE  
DOROTHY HELEN LUSSY]; ANDRE BURKE  
DIRECTOR OVER OFFICE OF PRESIDIENT:  
AMERICAN BAR ASSOCIATION TRADE UNION;  
JON MUDD EXECUTIVE DIRECTOR: MONTANA  
BAR ASSOCIATION TRADE UNION & DIANA  
MOSS, PRESIDENT: AMERICAN ANTITRUST  
INSTITUTE,

Respondents/Defendants.

FILED

OCT 15 2019

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ORDER

Representing himself, Richard C. Lussy has filed a petition for a writ of mandate, pursuant to M. R. App. P. 14(5)(b)(i). Lussy includes several hundred pages of attachments.

To state a claim for mandamus, a party must show entitlement to the performance of a clear legal duty by the party against whom the writ is directed and the absence of a

plain, speedy, and adequate remedy at law. Section 27-26-102, MCA; *Smith v. Missoula Co.*, 1999 MT 330, ¶ 28, 297 Mont. 368, 992 P.2d 834. This type of proceeding, such as a writ of mandate, must be commenced in accordance with Montana's statutes. M. R. App. P. 14(2).

In his petition, Lussy lists various complaints concerning two civil cases in Montana. He also references at least one federal court proceeding and various federal claims. Lussy requests supervision over his various proceedings, detailing what facts are important, and stating what he contends is in error.

Upon review, it is not clear what legal duty Lussy wants mandated. His petition is difficult to understand or follow. It is clear that he does not like the outcomes in various courts. We point out that the Montana Supreme Court has no jurisdiction over any federal court or presiding federal judge or magistrate.

This Court declines to honor his requests because we have no jurisdiction over federal courts and Luss has not shown entitlement to mandamus. Lussy has not demonstrated that he is entitled to the performance of a clear legal duty. We point out that a court's issuance of a decision on a pending matter is a discretionary act, not mandatory. *Smith*, ¶ 28. We further point out that Lussy has found "a plain, speedy, and adequate remedy at law[]" because he has since filed two appeals with this Court. *Smith*, ¶ 28. Accordingly,

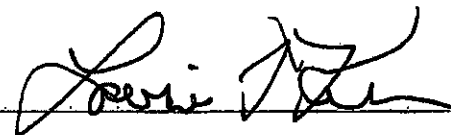
IT IS ORDERED that Lussy's Petition for a Writ of Mandate is DENIED and DISMISSED.

The Clerk is directed to send a copy to all parties of record and to Richard C. Lussy personally.

DATED this 15<sup>th</sup> day of October, 2019.



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Die m. Sch

John Baker

Jim Rice  
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- Lee County P...
- Sara Marie

Supreme Court No. OP 19-0573: Order Yahoo/Inbox


**clerkofsupremecourt@mt.gov**  
To: ricklussy@yahoo.com

Oct 15 at 6:40 PM

Attached is a filed and docketed Order - Final Disposition: Deny in Supreme Court Case No. OP 19-0573.

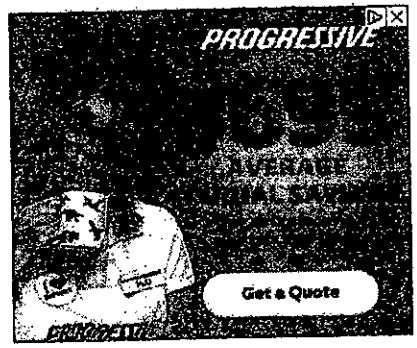
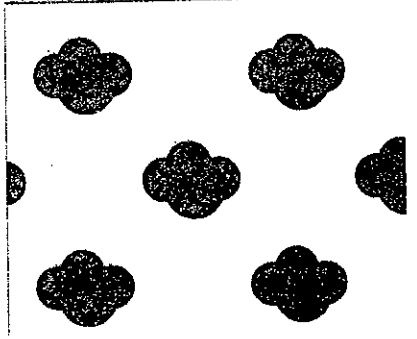
Sincerely,

Bowen Greenwood  
Clerk of the Supreme Court

  
Order - Final ....pdf  
120.7kB

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Richmond, VA 23101

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

February 5, 2021

Richard Lussy  
860 Sixth Ave. South  
P.O. Box 152  
Naples, FL 34106

RE: Petition for Rehearing  
20-5028, 20-5029

Dear Mr. Lussy:

The petition for rehearing received February 3, 2021 is herewith returned. Rehearing was denied in the above-entitled case on January 11, 2021. Pursuant to Rule 44.4 consecutive petitions for rehearing will not be received.

Sincerely,  
Scott S. Harris, Clerk

By:

  
Lisa Nesbitt

(202) 479-3038

Enclosures

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

2021/1/21

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

January 11, 2021

Mr. Richard Charles Lussy  
860 Sixth Avenue  
P.O. Box 152  
Naples, FL 34106

Re: Richard Charles Lussy  
v. Wade J. Dahood  
No. 20-5028

Dear Mr. Lussy:

The Court today entered the following order in the above-entitled case:

The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this petition.

Sincerely,



Scott S. Harris, Clerk

**ORIGINAL**

**FILED**

05/05/2020

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 19-0577

DA 19-0577

IN THE SUPREME COURT OF THE STATE OF MONTANA

2020 MT 118N

WADE J. DAHOOD,

Plaintiff and Appellee,

v.

RICHARD CHARLES LUSSY,

Defendant and Appellant.

**FILED**

**MAY 05 2020**

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

APPEAL FROM: District Court of the Third Judicial District,  
In and For the County of Anaconda-Deer Lodge, Cause No. DV 18-37  
Honorable Kurt Krueger, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Richard Charles Lussy, Self-Represented, Naples, Florida

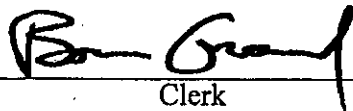
For Appellee:

Jeffrey W. Dahood, Self-Represented, Anaconda, Montana

Submitted on Briefs: March 11, 2020

Decided: May 5, 2020

Filed:

  
Clerk

Justice James Jeremiah Shea delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion, shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Richard Charles Lussy appeals from the orders and judgment of the Third Judicial District Court, Deer Lodge County, releasing Richard's liens filed on Appellee Wade J. Dahood's property and awarding Dahood damages. We affirm.

¶3 The document Richard filed on appeal is not so much a brief as a rambling and incoherent screed against the judiciary and the legal profession in general. This Court has no obligation to research a party's position or to develop a legal analysis to support it if the party fails to do so. *State v. Hicks*, 2006 MT 71, ¶ 22, 331 Mont. 471, 133 P.3d 206. "[A] district court's decision is presumed to be correct," and the appellant has the burden to demonstrate that an error was made. *State v. Gomez*, 2007 MT 111, ¶ 33, 337 Mont. 219, 158 P.3d 442. Richard has not even come close to meeting this burden.

¶4 Richard's conduct in this case is far from new. Richard's abuse of the Montana legal system is so ingrained and pervasive that nearly thirty-six years ago, on October 25, 1984, this Court found it necessary to issue an order enjoining him from proceeding pro se in any Montana court without obtaining leave to file or proceed. *Lussy v. Bennett*, 214 Mont. 301, 303, 692 P.2d 1232, 1234 (1984). Solely for the purpose of providing the victims of his abuse with some peace, we lifted that restraining order so as to affirm the



district court's summary judgment order in favor of the individuals Richard had sued.

*Lussy*, 214 Mont. at 309, 692 P.2d at 1236-37. We held:

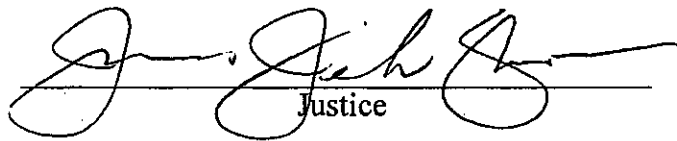
Richard C. Lussy, by his various [pro se] actions, has caused the courts of Montana some considerable difficulty. He has sued judges, attorneys and others left and right, charging conspiracies, abuse of 'Justinhoard,' and expounding like theories of law. While his misdirected efforts have caused the courts difficulty, the real tragedy is that he has cost himself a considerable amount of money and wasted time in his vain pursuits. However much we desire to keep the courts open to all persons seeking to adjust their rights, duties and responsibilities, we must also take into account the effect that his actions bring on other parties to his suits. In this case, the respondents are entitled to their peace. It is for that reason we lifted the restraining order heretofore entered against Mr. Lussy, to bring this particular case to a conclusion.

*Lussy*, 214 Mont. at 309, 692 P.2d at 1236-37.

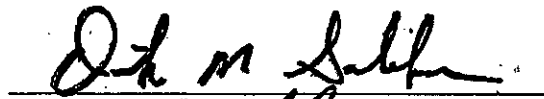
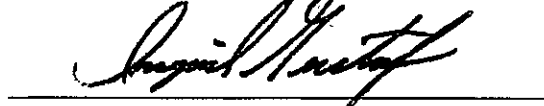


¶5 It is clear from the record in this case that the intervening decades have neither softened Richard's temperament, nor disabused him of his belief that the courts of this state are here to serve as a vehicle for his own malevolent pursuits. It is equally clear that the order prohibiting Richard from initiating any legal proceedings or filing any legal papers in any Montana court should have been promptly reinstated upon resolution of the appeal in *Lussy v. Bennett*. We now take the opportunity to remedy this oversight.

¶6 The order and judgment of the District Court is affirmed. Moreover, IT IS HEREBY ORDERED that Richard Charles Lussy is declared a vexatious litigant. Before Richard Charles Lussy is allowed to initiate any legal proceeding or file any pleading in any court of the State of Montana, he is required to obtain pre-filing approval from the court in which he seeks to file. The court may prohibit any such filing upon a determination that the claims asserted are harassing, frivolous, or legally not cognizable.

¶7 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. This appeal presents no constitutional issues, no issues of first impression, and does not establish new precedent or modify existing precedent. Affirmed.

  
Justice

We Concur:









  
  
  
  
Justices



















DA-19-0577 (lots)  
AK ADV 18-37

MONTANA STATE SUPREME COURT  
MONTANA STATE SUPREME COURT

Case Information				
Case Number:	DA 19-0577	Case Filing Date:	10/07/2019	Case Notes
Court:	Supreme Court	Status:	Closed	
Orig. Court:	Anaconda-Deer Lodge District Court	Classification Type:		
Case Type:	Direct Appeal - Civil - Other	Appearance Fee:		
Short Title:	Dahood v. Lussy	Additional Information:		
Full Title:	WADE J. DAHOOD, Plaintiff and Appellee, v. RICHARD CHARLES LUSSY, Defendant and Appellant.			
Summary:				
Citation:	2020 MT 118N			Case Header

+ - Party Information						Party Details	
Appellate Role		Party Name	Dist. List		Attorney(s)	Dist. List	
Appellant		Richard Charles Lussy			Pro Se		
Appellee		Jeffrey Wade Dahood			Pro Se		






Docketing Filter View						
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Docket Information						
Document Description	Court	Filing Date	Docket Entry Type	Filing Type	Status	PDF
<u>Notice - Incoming - U.S. Sup. Ct. - Cert. Ruling - Petition for Rehearing Denied. (DG)</u>	Supreme Court	01/14/2021	Notice - Incoming	U.S. Sup. Ct. - Cert. Ruling	Final	
<u>Notice - Incoming - U.S. Sup. Ct. - Decision - Denied (DA)</u>	Supreme Court	10/09/2020	Notice - Incoming	U.S. Sup. Ct. - Decision	Final	
<u>Notice - Incoming - U.S. Sup. Ct. - Cert. Filed (DG)</u>	Supreme Court	07/13/2020	Notice - Incoming	U.S. Sup. Ct. - Cert. Filed	Final	
<u>Fees - Postage Reimbursement Received (DG)</u>	Supreme Court	07/02/2020	Fees	Postage Reimbursement Received	Final	
<u>Notice - Outgoing - Postage Reimbursement Due for Return of District Court Record (DA)</u>	Supreme Court	05/29/2020	Notice - Outgoing	Postage Reimbursement Due for Return of District Court Record	Final	
<u>Event - Case Closed (DG)</u>	Supreme Court	05/21/2020	Event	Case Closed	Final	
<u>Record - DC Record Returned to District Court (DG)</u>	Supreme Court	05/21/2020	Record	DC Record Returned to District Court	Final	
<u>Notice - Outgoing - Remittitur Issued (DG)</u>	Supreme Court	05/21/2020	Notice - Outgoing	Remittitur Issued	Final	
<u>Opinion - Noncite/Memorandum - Justice Shea, affirmed (DG)</u>	Supreme Court	05/05/2020	Opinion	Noncite/Memorandum	Final	
<u>Order - the motion to add required joinder, etc., is DENIED. (DG)</u>	Supreme Court	03/17/2020	Order	Deny	Final	
<u>Order - Classified - Five Justice Panel (DA)</u>	Supreme Court	03/11/2020	Order	Classified - Five Justice Panel	Final	
<u>Event - Sent to Court-Pleading (DG)</u>	Supreme Court	03/06/2020	Event	Sent to Court-Pleading	Final	

<u>Motion to Add Required Joinder 9 Necessary Indispensable Parties for 100% Jury Trial Verdict with 4 Cameras. held for objection, if any. (DG)</u>	Supreme Court	02/25/2020	Motion - Opposed	Other	Final	
<u>Event - Case Sent to Court (DA)</u>	Supreme Court	02/21/2020	Event	Case Sent to Court	Final	
<u>Brief - Appellant Reply (DA)</u>	Supreme Court	02/21/2020	Brief	Appellant Reply	Final	
<u>Brief - Appellee's Response (DA)</u>	Supreme Court	02/05/2020	Brief	Appellee's Response	Final	
<u>Brief - Appellant's Opening (DA)</u>	Supreme Court	01/16/2020	Brief	Appellant's Opening	Final	
<u>Order - Deny - Richard's motion to remand for completion of record is DENIED; requests to file documents outside of the record or briefing are DENIED. (TS)</u>	Supreme Court	12/31/2019	Order	Deny	Final	
<u>Event - Sent to Court-Pleading (to Remand for Completion of Record &amp; Supporting Brief, no response filed) (JS)</u>	Supreme Court	12/24/2019	Event	Sent to Court-Pleading	Final	
<u>Notice - Outgoing - Transcript Filed (TS)</u>	Supreme Court	12/11/2019	Notice - Outgoing	Transcript Filed	Final	
<u>Record - Transcript Filed proceedings dated June 6, 2018. (TS)</u>	Supreme Court	12/11/2019	Record	Transcript Filed	Final	
<u>Motion - Opposed - to Remand for Completion of Record &amp; Supporting Brief - held for response (DA)</u>	Supreme Court	12/09/2019	Motion - Opposed	Other	Final	
<u>Notice - Incoming - Appellant opting out of mandatory appellate alternative dispute resolution (placed in file as NOA does not indicated that this matter is subject to mediation.) (JS)</u>	Supreme Court	11/08/2019	Notice - Incoming	Other	Final	
<u>Notice - Outgoing - District Court Record Filed (DA)</u>	Supreme Court	11/04/2019	Notice - Outgoing	District Court Record Filed	Final	
<u>DC Record Filed for Cause No. DV 18-37 consisting of 2 manila folders and 2 transcripts filed in District Court Record for February 5, 2019 and July 12, 2019 hearings as part of the Record (transcripts will be returned with record) (DA)</u>	Supreme Court	11/04/2019	Record	DC Record Filed	Final	
<u>Notice - Incoming - Notice to add transcript and waiting for order re. consolidation of cases. (placed in file) (JS)</u>	Supreme Court	11/01/2019	Notice - Incoming	Other	Final	
<u>Notice - Outgoing - Transcript Filed (BP)</u>	Supreme Court	10/31/2019	Notice - Outgoing	Transcript Filed	Final	
<u>Record - Transcript Filed - 7/12/19 (BP)</u>	Supreme Court	10/30/2019	Record	Transcript Filed	Final	
<u>Order - the motion to stay execution of judgment is DENIED; the motion to consolidate is DENIED; the motion for long distance telephonic conference call is DENIED. (TS)</u>	Supreme Court	10/29/2019	Order	Deny	Final	
<u>Notice - Outgoing - Transcript Filed (DG)</u>	Supreme Court	10/24/2019	Notice - Outgoing	Transcript Filed	Final	
<u>Record - Transcript Filed - electronically transmitted transcript of 2/5/19 hearing. (DG)</u>	Supreme Court	10/24/2019	Record	Transcript Filed	Final	
<u>Event - Sent to Court-Pleading (for Refund after consolidation; for Long distance telephonic conference call hearings, to consolidate DA 19-0577 and DA 19-0578; and to Stay Execution of Judgement pending Appeal) NO responses (JS)</u>	Supreme Court	10/17/2019	Event	Sent to Court-Pleading	Final	
<u>Notice - Outgoing - Appeal Notice (DG)</u>	Supreme Court	10/07/2019	Notice - Outgoing	Appeal Notice	Final	

DA -19-0577

(3 of 3)

MONTANA STATE SUPREME COURT

<u>Motion - Opposed - For Refund After Consolidation, held for objection. (DG)</u>	Supreme Court	10/07/2019	Motion - Opposed	Other	Final	
<u>Motion - Opposed - Motion for Long Distance Telephonic Conference Call Hearings, held for objection. (DG)</u>	Supreme Court	10/07/2019	Motion - Opposed	Other	Final	
<u>Motion - Opposed - Consolidate (DA 19-0577 and DA 19-0578), held for response. (DG)</u>	Supreme Court	10/07/2019	Motion - Opposed	Consolidate	Final	
<u>Motion - Opposed - Stay Execution of Judgment Pending Appeal, held for response. (DG)</u>	Supreme Court	10/07/2019	Motion - Opposed	Other	Final	
<u>Fees - Appearance Fee Received (DG)</u>	Supreme Court	10/07/2019	Fees	Appearance Fee Received	Final	
<u>Notice - Incoming - Notice of Appeal Filed (DG)</u>	Supreme Court	10/07/2019	Notice - Incoming	Notice of Appeal Filed	Final	

HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE  
125 West Granite St.  
Butte, MT. 59701

FILED  
9-8-2019  
SUSIE KRUEGER, CLERK

*Susie Krueger*  
CLERK

MONTANA THIRD JUDICIAL DISTRICT COURT  
DEER LODGE COUNTY

WADE J. DAHOOD,  
Plaintiff,

CAUSE NO. DV 18-37

Vs.

RICHARD C. LUSSY,  
Defendant.

JUDGMENT

The above entitled court having entered its Findings of Fact, Conclusions of Law and Order on the 5th day of April, 2019. The Clerk & Recorder having been ordered to release the liens filed on Plaintiff's property by Defendant, Richard C. Lussy, on the 9th day of April, 2019, and damages having been assessed and ordered by this Court on the 9th day of August, 2019.

Judgment is hereby entered on the Court's Orders of April 5, 2019, April 9, 2019 and August 9, 2019.

Dated this 6th day of September, 2019.

*[Signature]*  
HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE

HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE  
125 West Granite St.  
Butte, MT. 59701

**FILED**  
8-9-2019  
SUSIE KRUEGER, CLERK  
*Aunie Krueger*  
CLERK

MONTANA THIRD JUDICIAL DISTRICT COURT  
DEER LODGE COUNTY

WADE J. DAHOOD,  
Plaintiff,

CAUSE NO. DV 18-37

Vs.

RICHARD C. LUSSY,  
Defendant.

**ORDER AWARDING DAMAGES,  
ATTORNEY FEES AND COSTS**

A hearing on the Plaintiff's Motion for Damages, Attorney Fees and Costs was held on July 12, 2019 at the Butte-Silver Bow County Courthouse before the Honorable Judge Kurt Krueger.

Plaintiff, Wade J. Dahood, appeared with his attorney, Jeffrey W. Dahood, was sworn and gave testimony. Respondent, Richard C. Lussy, appeared Pro Se by telephone, was sworn and gave testimony. Based upon the evidence presented, the Court Orders as follows:

IT IS HEREBY ORDERED that the evidence sustained the damages prayed for by the Plaintiff in his Complaint and the Plaintiff is hereby awarded the sum of Seventy-Four Thousand Dollars (\$74,000.00).

IT IS FURTHER ORDERED that the Plaintiff is awarded attorney fees and costs as established by the Affidavit of Jeffrey W. Dahood filed with this Court in the sum of Nineteen Thousand Six Hundred Twenty-Three Dollars and 46/100 (\$19,623.46). The

attorney fees are awarded for both Cause No. DV-18-37 and DV-18-38, for a total  
amount of \$19,623.46 for both cases

Dated this 2 day of August, 2019.

  
HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE



HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE  
125 West Granite St.  
Butte, MT. 59701

FILED  
4.9.2019  
SUSIE KRUEGER, CLERK

*Susie Krueger*  
CLERK

MONTANA THIRD JUDICIAL DISTRICT COURT  
DEER LODGE COUNTY

WADE J. DAHOOD,  
Plaintiff,

CAUSE NO. DV 18-37

Vs.

RICHARD C. LUSSY,  
Defendant.

ORDER FOR  
RELEASE OF LIEN

The above entitled court having entered its Findings of Fact, Conclusions of Law and Order on the 5<sup>th</sup> day of April, 2019. The Clerk & Recorder of Anaconda-Deer Lodge County, State of Montana, is hereby ordered to remove the lien filed by the Defendant, RICHARD C. LUSSY, as follows:

Lien filed 11/28/2017, Book 352, Page 411, Anaconda-Deer Lodge County Clerk & Recorder, filed against property known as 113 E. Third St., Anaconda, Montana, Lot 3, Original Townsite; and 1016 W. Fifth Street, Anaconda, Montana, Lots 8 and 9 of the Western Addition.

Dated this 9<sup>th</sup> day of April, 2019.

*[Signature]*  
HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE

37

HONORABLE KURT KRUEGER  
DISTRICT COURT JUDGE  
155 West Granite Street  
Butte, MT 59701

**FILED**  
4-17-2019  
SUSIE KRUEGER, CLERK

*Susie Krueger*  
CLERK

**MONTANA THIRD JUDICIAL DISTRICT COURT  
DEER LODGE COUNTY**

WADE J. DAHOOD,	)	
	)	CAUSE NO. DV 18-37
Plaintiff,	)	
vs.	)	
	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
RICHARD C. LUSSY,	)	AND ORDER
Defendant.	)	
	)	
	)	
	)	

The Court held a hearing on this matter on the 5<sup>th</sup> day of February, 2019 on Plaintiff's Motions to Dismiss the Counterclaim, Amended Counterclaim, and Third Party Claims filed by the Defendant. The hearing was held in the Jury Room of the Second Judicial District Court, Department No. II before the Honorable Kurt Krueger. Plaintiff, WADE J. DAHOOD, was present and represented by Jeffrey W. Dahood of Knight and Dahood. Defendant RICHARD C. LUSSY appeared by telephone. Based upon the arguments presented to this Court, the Court now finds the following:

**FINDINGS OF FACT:**

The Pro Se filings of the Defendant are voluminous and are extremely confusing to the Court. The Plaintiff's arguments made no legal or logical sense and are rambling and incomprehensible. The Defendant has failed to sufficiently plead any factual allegations upon which relief may be granted.

Defendant made arguments which rather than state a cause of action or provide facts which would raise a cause of action against Plaintiff merely provided summations as to why the Defendant feels he has been wronged by the Plaintiff. He did not provide sufficient factual or other evidence to establish any cause of action exists for which he may be granted relief in this matter.

The only evidence which was provided was that Defendant admitted he had no judgment, contract, or other authority to support his liens against the property of the Plaintiff. This action arises from the Plaintiff requesting that the liens filed by the Defendant against the property of the Plaintiff be stricken from the County Clerk & Recorder of Deer Lodge County, Montana, and for damages claimed by the Plaintiff and against the Defendant.

#### **CONCLUSIONS OF LAW:**

To survive a Rule 12(b)(6) motion, the complaint/counterclaim "must contain sufficient factual, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009) (quoting *Bell Atl. Corp. vs. Twombly*, 550 U.S. 544, 570 (2007)).

The Montana Supreme Court in *Ryan v. City of Bozeman*, 279 Mont 507, 511-13, 928 P.2d 228, 230-32 (1996) stated it is the claimant's burden to "adequately plead a cause of action". Moreover, in *Mysse v. Martens*, 279 Mont. 253, 266, 926 P.2d 765, 773 (1996), the Montana Supreme Court held that a complaint must state the factual basis of all elements of a cognizable legal claim. Even Montana's liberal notice pleading works against the Defendant. In *Jones v. Montana University System*, 2007 MT 82 82, 142, 337 Mont. 1, 155 P.3d 1247, it was held:

"The liberal notice pleading requirements of M.R.Civ. P. 12(b)(6) do 'not go so far to excuse omission of that which is material and necessary in order to entitle relief,' and the 'complaint must state something more than facts which, at most, would breed only a suspicion' that the claimant may be entitled to relief."

See also *Anderson v. Recontract Company*, 2017 MT 313 (2017).

The United States Supreme Court has held on the sufficiency of facts and claims in a complaint that a complaint does not need to be completely detailed with factual allegations. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56, 127 S. Ct. 1955, 1964-65, 167 L. Ed. 2d 929, 75 (2007). The Supreme Court has further explained, "a plaintiff's obligation to provide the 'grounds' of his 'entitlement to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do. *Papasan v. Allain*, 478 U.S. 265, 286, 106 S.Ct. 2932, 92 L.Ed.2d 209 (1986). The Court also stated, on a motion to dismiss, courts "are not bound to accept as true a legal conclusion couched as a factual allegation." Conjecture and speculation are not enough to survive a Motion to Dismiss. *Bell Atl. Corp.* at 555-56.

In a previous case involving the Defendant, the Montana Supreme Court stated that, "we find appellant's pro se brief incoherent for all practical legal purposes and does not merit further consideration." *Richard C. Lussy v. Davidson*, 683 P.2d. 915, 210 Mont. 353 (1984). The Defendant's incoherent filings continue to be an issue today.

The Court agrees that in trying to read the filings of the Defendant they make no legal or logical sense. Defendant's claims are difficult if not impossible to understand. A cause of action cannot even be interpreted to be pled in any of the numerous Counterclaims and Third-Party Claims filed by the Defendant.

Plaintiff has further requested an Order enjoining the Defendant from filing any further pleadings. This is based upon the authority and precedent set forth in *Lussy v.*

*Bennett*, 214 Mont. 301, 692 P2d, 1232, 1234 (1984). The Court in that case enjoined Richard C. Lussy from proceeding pro se in any Montana court without requesting a leave to file or proceed, and staying all pending actions brought by him pro se. The Court finds merit in continuing this ruling and applying it to this case.

As a result of the admissions of the Defendant during the open Court hearing, the facts alleged by the Plaintiff in his Complaint were established.

Rule 56 of the Montana Rules of Civil Procedure states at paragraph (c)(1)(a):

"A party may move for summary judgment at any time."

After the admissions by the Defendant, the Plaintiff moved for summary judgment. The Plaintiff is entitled to summary judgment based on the facts and evidence presented in this case and the admissions of the Defendant.

**ORDER:**

**IT IS HEREBY ORDERED** that the Motion to Dismiss all Counterclaims, Amended Counterclaims, Third Party Claims of the Defendant is GRANTED.

**IT IS FURTHER ORDERED** that the Defendant RICHARD C. LUSSY is enjoined and prohibited from proceeding or filing any further pleadings pro se without leave of Court.

**FINALLY, IT IS ORDERED** that the oral Motion for Summary Judgment presented by the Plaintiff at the time of hearing is GRANTED.

Dated this 29 day of March, 2019.

  
HONORABLE KURT KRUEGER  
District Court Judge

Date: 2/18/2021

Time: 02:35 PM

Page 1 of 4

Anaconda-Deer Lodge County District Court

Case Register Report

DV-12-2018-0000037-DS

User: JLECHMAN

WADE J. DAHOOD, et al. vs. Richard C. Lussy, et al.

Filed: 3/7/2018

Subtype: Damages

**Status History**

Open	3/7/2018
Closed	4/4/2019
Active	5/24/2019
Closed	9/18/2019

**Plaintiffs**

Pl. no. 1 DAHOOD, WADE J.

**Attorneys**

Dahood, Jeffrey Wade	(Primary attorney)	Send Notices
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Pl. no. 2 Lussy, Richard C.

**Attorneys**

PRO SE,	(Primary attorney)	Send Notices
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**Defendants**

Def. no. 1 Lussy, Richard C.

**Attorneys**

PRO SE,	(Primary attorney)	Send Notices
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Def. no. 2 DAHOOD, WADE J.

**Attorneys**

Dahood, Jeffrey Wade	(Primary attorney)	Send Notices
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Def. no. 3 Dahood, Jeffrey W.

Def. no. 4 Lussy, Henry Paumie

Def. no. 5 Roque, Launa Lynn

Def. no. 6 Bornff, Jenahlee Murie

**Judge History**

Date	Judge	Reason for Removal
6/22/2018	Krueger, Kurt	Current
3/7/2018	Dayton, Ray	Recused

**Register of Actions**

Doc. Seq.	Entered	Filed	Text	Judge
1.000	03/07/2018	03/07/2018	Complaint to Strike Illegal Lien and for Civil Damages	Dayton, Ray
2.000	03/07/2018	03/07/2018	Summons Issued and Returned to Attorney for Service	Dayton, Ray
3.000	04/30/2018	04/30/2018	Answer, Counterclaim & Third Party Claim	Dayton, Ray
4.000	04/30/2018	04/30/2018	Summons' Issued to Counter Defendants and Returned to Richard Lussy for Service	Dayton, Ray
5.000	05/09/2018	05/09/2018	Order Setting Scheduling Conference	Dayton, Ray
6.000	05/17/2018	05/17/2018	Motion to Dismiss Counterclaim	Dayton, Ray
7.000	05/17/2018	05/17/2018	Brief in Support of Motion to Dismiss Counterclaim	Dayton, Ray
8.000	05/23/2018	05/23/2018	Order Resetting Scheduling Conference	Dayton, Ray

## Anaconda-Deer Lodge County District Court

User: JLECHMAN

## Case Register Report

DV-12-2018-0000037-DS

WADE J. DAHOOD, et al. vs. Richard C. Lussy, et al.

## Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
9.000	05/25/2018	05/25/2018	Motion to Amend Counterclaim & 3rd Party Claim MCA Rule 15	Dayton, Ray
10.000	06/04/2018	06/01/2018	Consolidated Answer to Dismiss Motion of Amended Counterclaim by R.C. Lussy Against all Five Defendants, Not Merna Green; to Enforce US Seventh Amendment 100% Jury Verdict & No Constitutional Viewpoint Discrimination to Make Illegal Law	Dayton, Ray
11.000	06/05/2018	06/05/2018	Motion to Dismiss Amended Counterclaim	Dayton, Ray
12.000	06/05/2018	06/05/2018	Brief in Support of Motion to Dismiss Amended Counterclaim	Dayton, Ray
13.000	06/11/2018	06/11/2018	Self-Recusal Exparte Request of: Hon. Ray J. Dayton District Court Judge, Anaconda-Deer Lodge County, to Enforce U.S. (1819) Missing 13th Amendment & US 7th Amendment: 100% Jury Verdict Per: Pre-employment Oath to Preserve & Protect U.S. Constitution	Dayton, Ray
14.000	06/22/2018	06/20/2018	Order of Recusal and Assumption of Jurisdiction	Dayton, Ray
15.000	06/22/2018	06/22/2018	Answer (June 17, 2018 from Signed June 5, 2018) Motion to Dismiss Amended Counterclaim Complaint as Fraud on the Court by Named Lawyer-Officers of the Court (Exhibit A-3751) Voids all Orders & Judgments Denying Richard C. Lussy Right to Self Defense & To Enforce U.S. (1819) Missing 13th Amendment Thru US. 7th Amendment a 100% Jury Verdict With 4-Video Cameras Pursuant Sworn Judge Pre-Employment Loyalty Oath to Prserve & Protect the U.S. Constitution: 100% Jury Trial Verdict	Krueger, Kurt
16.000	07/23/2018	07/23/2018	Attorney in fact Written Contract Pro Se	Krueger, Kurt
17.000	08/14/2018	08/14/2018	Objection to Richard C. Lussy Filing Counterclaim Amended	Krueger, Kurt
18.000	08/27/2018	08/27/2018	Brief Affidavit Support Against	Krueger, Kurt
19.000	08/27/2018	08/27/2018	Motion to Enforce	Krueger, Kurt
20.000	09/10/2018	09/10/2018	Objection to amended Counter-Claim and Third Party Claim and Motion for Order Restricting and Limiting Further Filing By Richard C. Lussy	Krueger, Kurt
21.000	09/11/2018	09/10/2018	Motion to File Second Amended Counterclaim with Attached Brief to Allow Fourteen Days @Second Amended and 3rd Party Counterclaim	Krueger, Kurt
22.000	09/11/2018	09/10/2018	Brief Affidavit - Support Filing of the Second AMended Counterclaim and Third Party Counter Claim: Fourteen Days after Postmark	Krueger, Kurt
23.000	09/11/2018	09/10/2018	Motion: Pre-question qualify 50 Interrogatory Judge @Recusal	Krueger, Kurt
24.000	09/11/2018	09/10/2018	Brief Affidavit: Supporty Qualify 50 Interrogatory Public Servant Lawyer Judge-Justice recusal @Before Accepting RCL Jurisdiction	Krueger, Kurt
25.000	09/20/2018	09/20/2018	Proposed Order Leave to Amend Complaint with Proposed Counter-claim -Amended attached	Krueger, Kurt

## Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
26.000	09/25/2018	09/25/2018	Claim - Notice of First WJD Lien	Krueger, Kurt
27.000	10/02/2018	10/01/2018	Defendant & Third Party Claimant Plaintiff Objection to JWD Deny 2nd Complaint Amendment & Restrict Further Filing By RCL	Krueger, Kurt
28.000	12/24/2018	12/19/2018	Order Setting Motions Hearing	Krueger, Kurt
29.000	01/02/2019	01/02/2019	Motion for Long Distance Telephonic Court Hearings	Krueger, Kurt
30.000	01/02/2019	01/02/2019	Brief in Support Long Distance Telephonic Court Hearings Motion	Krueger, Kurt
31.000	01/18/2019	01/18/2019	Order Granting Motion to Appear Telephonically	Krueger, Kurt
32.000	02/05/2019	02/05/2019	Minute Entry - Minutes attached from hearing held in Silver Bow County on 2-5-2019	Krueger, Kurt
33.000	02/27/2019	02/27/2019	Copy of cover letter and 1st page of Opening Brief from Rick Lussy - sent to my office	Krueger, Kurt
34.000	04/01/2019	04/01/2019	Transcript of Proceedings dated 2-5-2019	Krueger, Kurt
35.000	04/05/2019	04/04/2019	Findings of Fact, Conclusions of Law and Order	Krueger, Kurt
36.000	04/09/2019	04/09/2019	Motion for Release of Lien	Krueger, Kurt
37.000	04/09/2019	04/09/2019	Order for Release of Lien	Krueger, Kurt
38.000	04/12/2019	04/12/2019	Motion for Hearing on Damages, Attorney fees and Costs	Krueger, Kurt
39.000	04/12/2019	05/24/2019	Order Setting Motions Hearing	Krueger, Kurt
40.000	07/09/2019	07/09/2019	Affidavit OF Jeffrey W. Dahood	Krueger, Kurt
41.000	07/17/2019	07/12/2019	Minute Entry - Motion and Damage Hearing held on 7-12-2019 with mintues attached	Krueger, Kurt
→ 42.000	08/12/2019	08/12/2019	Order Awarding Damages Attorney Fees And Costs	Krueger, Kurt
43.000	08/23/2019	08/23/2019	Transcript of Proceedings	Krueger, Kurt
→ 44.000	08/29/2019	08/29/2019	Judgment	Krueger, Kurt
45.000	09/17/2019	09/17/2019	Notice of Entry of Judgment	Krueger, Kurt
46.000	10/11/2019	10/07/2019	Notice of Filing Notice of Appeal	Krueger, Kurt
47.000	10/15/2019	10/15/2019	Combined Motion with Brief-Affidavit in Support of Motion to Stay Execution of the Judgment During Appeal	Krueger, Kurt
48.000	10/15/2019	10/15/2019	Proposed Order for Stay of Execution of the Judgment Under Appeal	Krueger, Kurt
49.000	10/15/2019	10/15/2019	Copies of NOtice of Appeal from Mr. Lussy filed	Krueger, Kurt
50.000	10/29/2019	10/29/2019	Motion for Order from this Court to put in the file Granting Leave to File: Stay of Judgment Execution during appeals	Krueger, Kurt
51.000	10/29/2019	10/29/2019	Brief with Affidavit: for Order from this Court to put file Granting Leave to File: Stay of Judgment Execution During Appeals	Krueger, Kurt
52.000	10/29/2019	10/29/2019	Proposed Order from this Court to put in the file Granting Leave to File Stay of Judgment Execution	Krueger, Kurt
53.000	11/04/2019	11/04/2019	Notice of Receipt of File from the Supreme Court	Krueger, Kurt



Date: 2/18/2021

Anaconda-Deer Lodge County District Court

User: JLECHMAN

Time: 02:35 PM

Case Register Report

Page 4 of 4

DV-12-2018-0000037-DS

WADE J. DAHOOD, et al. vs. Richard C. Lussy, et al.

Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
54.000	11/18/2019	11/07/2019	Transfer Receipt from Supreme Court	Krueger, Kurt
55.000	12/30/2019	12/30/2019	Copy of Letter from Mr. Lussy and Response from Clerks office	Krueger, Kurt
56.000	05/28/2020	05/28/2020	REMITTITUR--Ordered, AFFIRMED.	Krueger, Kurt

ORIGINAL

FILED

03/17/2020

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 19-0578

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 19-0578

See 3/23/

HENRY PAUMIE LUSSY,

Plaintiff and Appellee,

v.

RICHARD C. LUSSY,

Defendant and Appellant.

FILED

MAR 17 2020

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana  
ORDER

Representing himself, Richard Charles Lussy (Richard) has filed a "Motion to Add Required Joinder 9-Necessary-Indispensable [sic] Parties for 100% Jury [Trial] Verdict with Four-Cameras" and a brief in support. Counsel for Appellee Henry Paumie Lussy has not filed a response.

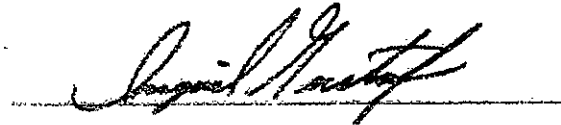
Richard acknowledges in his pleadings that briefing has concluded in this appeal. Citing to the Montana Rules of Civil Procedure, however, Richard seeks to add nine additional parties. He requests that "these nine necessary and indispensable parties" be added "to an Amended Complaint Pleading for a second opinion . . . ."

Richard's Motion is improper and not well taken for several reasons. As a procedural point, in the State of Montana, the Montana Rules of Civil Procedure apply to district courts and not the Supreme Court. M. R. Civ. P. 1. The time for joinder or to amend a complaint has long since passed. See M. R. Civ. P. 10, 15, 19, and 20. The parties that Richard seeks to add at this late point in appellate review are not necessary and indispensable. These parties include the District Court Judge, the Clerk of District Court, as well as a federal judge and federal magistrate. Moreover, these named individuals were not parties in the original underlying civil case in the Anaconda-Deer Lodge County District Court. M. R. App. P. 2(4) and (6). Lastly, this case on appeal has been classified and sent to this Court. This is not the time for an appellant, such as Richard, to file a motion. M. R. App. P. 16 and 19. A decision will be issued in due course. Therefore,

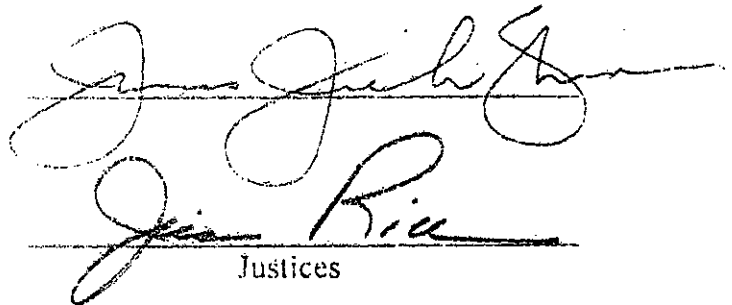
IT IS ORDERED that Richard's "Motion to Add Required Joinder 9-Necessary-Indispensable [sic] Parties for 100% Jury [Trial] Verdict with Four-Cameras" is DENIED.

The Clerk of the Supreme Court is directed to provide a copy of this Order to all counsel of record and to Richard Charles Lussy.

DATED this 17<sup>th</sup> day of March, 2020.





  
Justices

FILED

03/11/2020

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 19-0578

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 19-0578

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HENRY PAUMIE LUSSY,

Plaintiff and Appellee,

v.

ORDER

RICHARD C. LUSSY,

Defendant and Appellant.

---

Pursuant to the Internal Operating Rules of this Court, this cause is classified for submission on briefs to a five-justice panel of this Court.

The Clerk is directed to provide a copy hereof to Richard C. Lussy, to all counsel of record, and to the Honorable Kurt Krueger, District Judge.

For the Court,

Electronically signed by:  
Mike McGrath  
Chief Justice, Montana Supreme Court  
March 11 2020

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

*See 1/21/2021*

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

January 11, 2021

Mr. Richard Charles Lussy  
860 Sixth Avenue  
P.O. Box 152  
Naples, FL 34106


Re: Richard Charles Lussy  
v. Henry Paumie Lussy  
No. 20-5029

Dear Mr. Lussy:

The Court today entered the following order in the above-entitled case:

The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this petition.

Sincerely,



Scott S. Harris, Clerk

FILED

05/05/2020

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 19-0578

DA 19-0578

IN THE SUPREME COURT OF THE STATE OF MONTANA

2020 MT 115N

HENRY P. LUSSY,

Plaintiff and Appellee,

v.

RICHARD C. LUSSY,

Defendant and Appellant.

APPEAL FROM: District Court of the Third Judicial District,  
In and For the County of Anaconda/Deer Lodge, Cause No. DV-18-38  
Honorable Kurt Krueger, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Richard C. Lussy, Self-Represented, Naples, Florida

For Appellee:

Jeffrey W. Dahood, Knight & Dahood, Anaconda, Montana

Submitted on Briefs: March 11, 2020

Decided: May 5, 2020

Filed:

  
Clerk

Justice James Jeremiah Shea delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion, shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Richard Charles Lussy appeals from the orders and judgment of the Third Judicial District Court, Deer Lodge County, releasing Richard's liens filed on Appellee Henry Paumie Lussy's property. We affirm.

¶3 The document Richard filed on appeal is not so much a brief as a rambling and incoherent screed against the judiciary and the legal profession in general. This Court has no obligation to research a party's position or to develop a legal analysis to support it if the party fails to do so. *State v. Hicks*, 2006 MT 71, ¶ 22, 331 Mont. 471, 133 P.3d 206. "[A] district court's decision is presumed to be correct," and the appellant has the burden to demonstrate that an error was made. *State v. Gomez*, 2007 MT 111, ¶ 33, 337 Mont. 219, 158 P.3d 442. Richard has not even come close to meeting this burden.

¶4 Richard's conduct in this case is far from new. Richard's abuse of the Montana legal system is so ingrained and pervasive that nearly thirty-six years ago, on October 25, 1984, this Court found it necessary to issue an order enjoining him from proceeding pro se in any Montana court without obtaining leave to file or proceed. *Lussy v. Bennett*, 214 Mont. 301, 303, 692 P.2d 1232, 1234 (1984). Solely for the purpose of providing the

victims of his abuse with some peace, we lifted that restraining order so as to affirm the district court's summary judgment order in favor of the individuals Richard had sued.

*Lussy*, 214 Mont. at 309, 692 P.2d at 1236-37. We held:

Richard C. Lussy, by his various [pro se] actions, has caused the courts of Montana some considerable difficulty. He has sued judges, attorneys and others left and right, charging conspiracies, abuse of 'Justinhoard,' and expounding like theories of law. While his misdirected efforts have caused the courts difficulty, the real tragedy is that he has cost himself a considerable amount of money and wasted time in his vain pursuits. However much we desire to keep the courts open to all persons seeking to adjust their rights, duties and responsibilities, we must also take into account the effect that his actions bring on other parties to his suits. In this case, the respondents are entitled to their peace. It is for that reason we lifted the restraining order heretofore entered against Mr. Lussy, to bring this particular case to a conclusion.

*Lussy*, 214 Mont. at 309, 692 P.2d at 1236-37.

¶5 It is clear from the record in this case that the intervening decades have neither softened Richard's temperament, nor disabused him of his belief that the courts of this state are here to serve as a vehicle for his own malevolent pursuits. It is equally clear that the order prohibiting Richard from initiating any legal proceedings or filing any legal papers in any Montana court should have been promptly reinstated upon resolution of the appeal in *Lussy v. Bennett*. We now take the opportunity to remedy this oversight.

¶6 The order and judgment of the District Court is affirmed. Moreover, IT IS HEREBY ORDERED that Richard Charles Lussy is declared a vexatious litigant. Before Richard Charles Lussy is allowed to initiate any legal proceeding or file any pleading in any court of the State of Montana, he is required to obtain pre-filing approval from the court in which



he seeks to file. The court may prohibit any such filing upon a determination that the claims asserted are harassing, frivolous, or legally not cognizable.

¶7 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. This appeal presents no constitutional issues, no issues of first impression, and does not establish new precedent or modify existing precedent. Affirmed.

/S/ JAMES JEREMIAH SHEA

We Concur:

/S/ DIRK M. SANDEFUR  
/S/ INGRID GUSTAFSON  
/S/ LAURIE McKINNON  
/S/ JIM RICE

DA 19-0578

(1 of 3)








AKA

DA-19-0578  
DV-18-38

Montana State Supreme Court



















Case Information				
Case Number:	DA 19-0578	Case Filing Date:	10/07/2019	Case Notes
Court:	Supreme Court	Status:	Closed	
Orig. Court:	Anaconda-Deer Lodge District Court	Classification Type:	Five Justice Panel	
Case Type:	Direct Appeal - Civil - Other	Appearance Fee:	Paid	
Short Title:	H. Lussy v. R. Lussy	Additional Information:		
Full Title:	HENRY PAUMIE LUSSY, Plaintiff and Appellee, v. RICHARD C. LUSSY, Defendant and Appellant.			
Summary:				
Citation:	2020 MT 115N			<u>Case Header</u>







+ - Party Information					Party Details	
Appellate Role		Party Name	Dist. List		Attorney(s)	Dist. List
Appellant	<input type="checkbox"/>	Richard Charles Lussy			Pro Se	
Appellee	<input type="checkbox"/>	Henry Paumie Lussy			Jeffrey Wade Dahood	
					Wade J. Dahood	
Other	<input type="checkbox"/>	Revenue, Department of			Timothy Charles Fox	

Docketing Filter View						
Display:			View:			
Docket Information						
Document Description	Court	Filing Date	Docket Entry Type	Filing Type	Status	PDF
<u>Notice - Incoming - U.S. Sup. Ct. - Cert. Ruling - Petition for Rehearing Denied. (DG)</u>	Supreme Court	01/14/2021	Notice - Incoming	U.S. Sup. Ct. - Cert. Ruling	Final	
<u>Notice - Incoming - U.S. Sup. Ct. - Decision - Denied (DA)</u>	Supreme Court	10/09/2020	Notice - Incoming	U.S. Sup. Ct. - Decision	Final	
<u>Notice - Incoming - U.S. Sup. Ct. - Cert. Filed (DG)</u>	Supreme Court	07/13/2020	Notice - Incoming	U.S. Sup. Ct. - Cert. Filed	Final	
<u>Event - Case Closed (DG)</u>	Supreme Court	05/21/2020	Event	Case Closed	Final	
<u>Record - DC Record Returned to District Court (DG)</u>	Supreme Court	05/21/2020	Record	DC Record Returned to District Court	Final	
<u>Notice - Outgoing - Remittitur Issued (DG)</u>	Supreme Court	05/21/2020	Notice - Outgoing	Remittitur Issued	Final	
<u>Opinion - Noncite/Memorandum - Justice Shea, Affirms. (BP)</u>	Supreme Court	05/05/2020	Opinion	Noncite/Memorandum	Final	
<u>Order - the motion to add required joinder, etc., is DENIED. (DG)</u>	Supreme Court	03/17/2020	Order	Deny	Final	
<u>Order - Classified - Five Justice Panel (DA)</u>	Supreme Court	03/11/2020	Order	Classified - Five Justice Panel	Final	
<u>Event - Sent to Court-Pleading (DG)</u>	Supreme Court	03/06/2020	Event	Sent to Court-Pleading	Final	

DA 19-0578 (2 of 3)

MONTANA STATE SUPREME COURT

<u>Motion to Add Required Joinder 9 Necessary Indispensable Parties for 100% Jury Trial Verdict with 4 Cameras, held for objection, if any. (DG)</u>	Supreme Court	02/25/2020	Motion - Opposed	Other	Final	
Event - Case Sent to Court (DA)	Supreme Court	02/21/2020	Event	Case Sent to Court	Final	
Brief - Appellant Reply (DA)	Supreme Court	02/21/2020	Brief	Appellant Reply	Final	
Brief - Appellee's Response (DA)	Supreme Court	02/05/2020	Brief	Appellee's Response	Final	
Brief - Appellant's Opening (DA)	Supreme Court	01/16/2020	Brief	Appellant's Opening	Final	
Notice - Outgoing - Transcript Filed (DA)	Supreme Court	01/03/2020	Notice - Outgoing	Transcript Filed	Final	
<u>Record - Transcript Filed: Transcript dated June 6, 2018 in case DA 19-0577 ordered to be included in DA 19-0578. (TS)</u>	Supreme Court	12/31/2019	Record	Transcript Filed	Final	
<u>Order - Richard's motion to remand for completion of record is DENIED: the requests to file documents outside of the record are DENIED; the Clerk is directed to place a copy of the 6/6/18 transcript from DA 19-0577 in this case; the Clerk shall withdraw the 11/25/19 filing of the 4/6/18 transcript of a federal proceeding. (TS)</u>	Supreme Court	12/31/2019	Order	Deny	Final	
<u>Event - Sent to Court-Pleading (Motion to Remand for Completion of Record &amp; Supporting Brief) (JS)</u>	Supreme Court	12/19/2019	Event	Sent to Court-Pleading	Final	
<u>Motion - Opposed - to Remand for Completion of Record &amp; Supporting Brief - held for response (DA)</u>	Supreme Court	12/09/2019	Motion - Opposed	Other	Final	
Notice - Outgoing - Transcript Filed (TB)	Supreme Court	11/25/2019	Notice - Outgoing	Transcript Filed	Final	
<u>Record - Transcript Filed hearing of 6 Apr 2018 ( removed pursuant to Order dated 12-31-2019 ) (TB)</u>	Supreme Court	11/25/2019	Record	Transcript Filed	Final	
<u>Notice - Incoming - Appellant opting out of mandatory appellate alternative dispute resolution (placed in file as NOA does not indicated that this matter is subject to mediation.) (JS)</u>	Supreme Court	11/08/2019	Notice - Incoming	Other	Final	
<u>Notice - Outgoing - District Court Record Filed (DA)</u>	Supreme Court	11/04/2019	Notice - Outgoing	District Court Record Filed	Final	
<u>DC Record Filed for Cause No. DV 18-38 consisting of 2 manila folders and 2 transcripts filed in District Court Record for February 5, 2019 and July 12, 2019 hearings as part of the Record (transcripts will be returned with record)(original transcripts filed in DA 19-0577) (DA)</u>	Supreme Court	11/04/2019	Record	DC Record Filed	Final	
Notice - Outgoing - Transcript Filed (BP)	Supreme Court	10/31/2019	Notice - Outgoing	Transcript Filed	Final	
Record - Transcript Filed - 7/12/19 (BP)	Supreme Court	10/30/2019	Record	Transcript Filed	Final	
<u>Order - the motion to stay execution of judgment is DENIED; the motion to consolidate is DENIED; the motion for long distance telephonic conference call is DENIED. (TS)</u>	Supreme Court	10/29/2019	Order	Deny	Final	
<u>Notice - Outgoing - Transcript Filed Transcript of 5 Feb 2019 (TB)</u>	Supreme Court	10/24/2019	Notice - Outgoing	Transcript Filed	Final	
<u>Record - Transcript Filed 5 feb 2019 (TB)</u>	Supreme Court	10/24/2019	Record	Transcript Filed	Final	

<u>Event - Sent to Court-Pleading (for Refund after consolidation; for Long distance telephonic conference call hearings, to consolidate DA 19-0577 and DA 19-0578; and to Stay Execution of Judgement pending Appeal) NO responses (JS)</u>	Supreme Court	10/17/2019	Event	Sent to Court-Pleading	Final	
<u>Notice - Outgoing - Appeal Notice (DG)</u>	Supreme Court	10/07/2019	Notice - Outgoing	Appeal Notice	Final	
<u>Motion - Opposed - For Refund After Consolidation, held for objection. (DG)</u>	Supreme Court	10/07/2019	Motion - Opposed	Other	Final	
<u>Motion - Opposed - Motion for Long Distance Telephonic Conference Call Hearings, held for objection. (DG)</u>	Supreme Court	10/07/2019	Motion - Opposed	Other	Final	
<u>Motion - Opposed - Consolidate (DA 19-0577 and DA 19-0578), held for response. (DG)</u>	Supreme Court	10/07/2019	Motion - Opposed	Consolidate	Final	
<u>Motion - Opposed - Stay Execution of Judgment Pending Appeal, held for response. (DG)</u>	Supreme Court	10/07/2019	Motion - Opposed	Other	Final	
<u>Fees - Appearance Fee Received (DG)</u>	Supreme Court	10/07/2019	Fees	Appearance Fee Received	Final	
<u>Notice - Incoming - Notice of Appeal Filed (DG)</u>	Supreme Court	10/07/2019	Notice - Incoming	Notice of Appeal Filed	Final	

FILED

05/05/2020

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 19-0578

DA 19-0578

IN THE SUPREME COURT OF THE STATE OF MONTANA

2020 MT 115N

---

HENRY P. LUSSY,

Plaintiff and Appellee,

v.

RICHARD C. LUSSY,

Defendant and Appellant.

---

APPEAL FROM: District Court of the Third Judicial District,  
In and For the County of Anaconda/Deer Lodge, Cause No. DV-18-38  
Honorable Kurt Krueger, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Richard C. Lussy, Self-Represented, Naples, Florida

For Appellee:


Jeffrey W. Dahood, Knight & Dahood, Anaconda, Montana

---

Submitted on Briefs: March 11, 2020

Decided: May 5, 2020

Filed:

  
Clerk

100%  
concordant  
11 Eval.  
BWS

Justice James Jeremiah Shea delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion, shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports. ←

¶2 Richard Charles Lussy appeals from the orders and judgment of the Third Judicial District Court, Deer Lodge County, releasing Richard's liens filed on Appellee Henry Paumie Lussy's property. We affirm.

¶3 The document Richard filed on appeal is not so much a brief as a rambling and incoherent screed against the judiciary and the legal profession in general. This Court has no obligation to research a party's position or to develop a legal analysis to support it if the party fails to do so. *State v. Hicks*, 2006 MT 71, ¶ 22, 331 Mont. 471, 133 P.3d 206. "[A] district court's decision is presumed to be correct," and the appellant has the burden to demonstrate that an error was made. *State v. Gomez*, 2007 MT 111, ¶ 33, 337 Mont. 219, 158 P.3d 442. Richard has not even come close to meeting this burden.

¶4 Richard's conduct in this case is far from new. Richard's abuse of the Montana legal system is so ingrained and pervasive that nearly thirty-six years ago, on October 25, 1984, this Court found it necessary to issue an order enjoining him from proceeding pro se in any Montana court without obtaining leave to file or proceed. *Lussy v. Bennett*, 214 Mont. 301, 303, 692 P.2d 1232, 1234 (1984). Solely for the purpose of providing the

victims of his abuse with some peace, we lifted that restraining order so as to affirm the district court's summary judgment order in favor of the individuals Richard had sued.

*Lussy*, 214 Mont. at 309, 692 P.2d at 1236-37. We held:

Richard C. Lussy, by his various [pro se] actions, has caused the courts of Montana some considerable difficulty. He has sued judges, attorneys and others left and right, charging conspiracies, abuse of 'Justinhoard,' and expounding like theories of law. While his misdirected efforts have caused the courts difficulty, the real tragedy is that he has cost himself a considerable amount of money and wasted time in his vain pursuits. However much we desire to keep the courts open to all persons seeking to adjust their rights, duties and responsibilities, we must also take into account the effect that his actions bring on other parties to his suits. In this case, the respondents are entitled to their peace. It is for that reason we lifted the restraining order heretofore entered against Mr. Lussy, to bring this particular case to a conclusion.

*Lussy*, 214 Mont. at 309, 692 P.2d at 1236-37.

¶5 It is clear from the record in this case that the intervening decades have neither softened Richard's temperament, nor disabused him of his belief that the courts of this state are here to serve as a vehicle for his own malevolent pursuits. It is equally clear that the order prohibiting Richard from initiating any legal proceedings or filing any legal papers in any Montana court should have been promptly reinstated upon resolution of the appeal in *Lussy v. Bennett*. We now take the opportunity to remedy this oversight.

¶6 The order and judgment of the District Court is affirmed. Moreover, IT IS HEREBY ORDERED that Richard Charles Lussy is declared a vexatious litigant. Before Richard Charles Lussy is allowed to initiate any legal proceeding or file any pleading in any court of the State of Montana, he is required to obtain pre-filing approval from the court in which

he seeks to file. The court may prohibit any such filing upon a determination that the claims asserted are harassing, frivolous, or legally not cognizable.

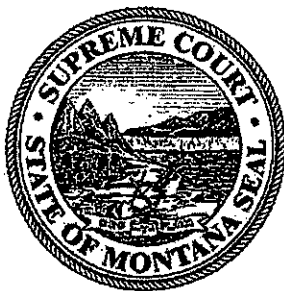
¶7 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. This appeal presents no constitutional issues, no issues of first impression, and does not establish new precedent or modify existing precedent. Affirmed.

/S/ JAMES JEREMIAH SHEA

We Concur:

/S/ DIRK M. SANDEFUR  
/S/ INGRID GUSTAFSON  
/S/ LAURIE McKINNON  
/S/ JIM RICE





Doc  
5/27/2020  
WUB

IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003

May 21, 2020

NOTICE OF FILING

Supreme Court No.  
DA 19-0578

HENRY PAUMIE LUSSY,

Plaintiff and Appellee,

v.

RICHARD C. LUSSY,

Defendant and Appellant.

REMITTITUR for the above-named case has been issued on this date.

Sincerely,

Bowen Greenwood  
Clerk of the Supreme Court

WADE J. DAHOOD, ESQ.  
JEFFREY W. DAHOOD, ESQ.  
KNIGHT & DAHOOD  
113 E. THIRD ST.  
P. O. BOX 727  
ANACONDA, MT. 59711  
TELEPHONE: 406-563-3424  
FAX: 406-563-7519

FILED  
9-6-2019  
SUSIE KRUEGER, CLERK

*Susie Krueger*  
CLERK

MONTANA THIRD JUDICIAL DISTRICT COURT  
DEER LODGE COUNTY

HENRY P. LUSSY,  
Plaintiff,

CAUSE NO. DV-18-38

Vs.

JUDGMENT

RICHARD C. LUSSY,  
Defendant.

The above entitled court having entered its Findings of Fact, Conclusions of Law and Order on the 5th day of April, 2019. The Clerk & Recorder having been ordered to release the liens filed on Plaintiff's property by Defendant, Richard C. Lussy, on the 9th day of April, 2019, and damages having been assessed and ordered by this Court on the 9th day of August, 2019.

Judgment is hereby entered on the Court's Orders of April 5, 2019, April 9, 2019 and August 9, 2019.

Dated this 6th day of September 2019.

*[Signature]*  
HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE

HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE  
125 West Granite St.  
Butte, MT. 59701

**FILED**  
8-9-2019  
SUSIE KRUEGER, CLERK  
*Susie Krueger*  
CLERK

MONTANA THIRD JUDICIAL DISTRICT COURT  
DEER LODGE COUNTY

HENRY P. LUSSY,  
Plaintiff,

CAUSE NO. DV-18-38

Vs.

RICHARD C. LUSSY,  
Defendant.

**ORDER AWARDING DAMAGES,**  
**ATTORNEY FEES AND COSTS**

A hearing on the Plaintiff's Motion for Damages, Attorney Fees and Costs was held on July 12, 2019 at the Butte-Silver Bow County Courthouse before the Honorable Judge Kurt Krueger.

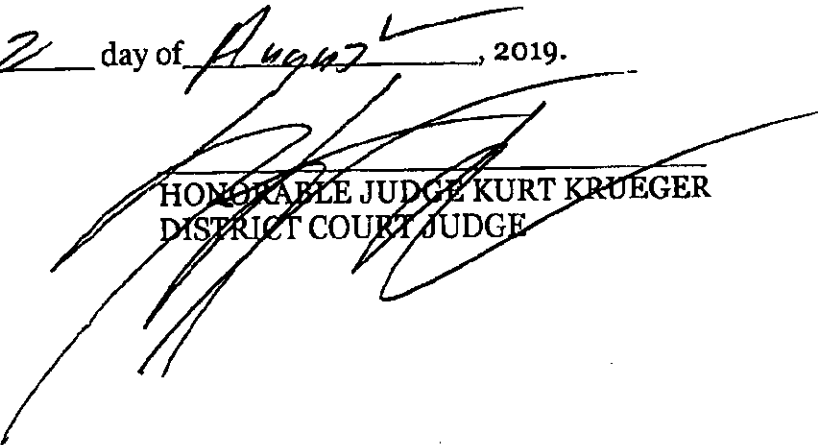
Plaintiff, Wade J. Dahood, appeared with his attorney, Jeffrey W. Dahood, was sworn and gave testimony. Respondent, Richard C. Lussy, appeared Pro Se by telephone, was sworn and gave testimony. Based upon the evidence presented, the Court Orders as follows:

IT IS HEREBY ORDERED that the evidence sustained the damages prayed for by the Plaintiff in his Complaint and the Plaintiff is hereby awarded the sum of Seventy-Four Thousand Dollars (\$74,000.00).

IT IS FURTHER ORDERED that the Plaintiff is awarded attorney fees and costs as established by the Affidavit of Jeffrey W. Dahood filed with this Court in the sum of Nineteen Thousand Six Hundred Twenty-Three Dollars and 46/100 (\$19,623.46). The

attorney fees are awarded for both Cause No. DV-18-37 and DV-18-38, for a total amount of \$19,623.46 for both cases

Dated this 2 day of August, 2019.



HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE

WADE J. DAHOOD, ESQ.  
JEFFREY W. DAHOOD, ESQ.  
KNIGHT & DAHOOD  
113 E. THIRD ST.  
P. O. BOX 727  
ANACONDA, MT. 59711  
TELEPHONE: 406-563-3424  
FAX: 406-563-7519

FILED  
4.9.2019  
SUSIE KRUEGER, CLERK

*Susie Krueger*  
CLERK

MONTANA THIRD JUDICIAL DISTRICT COURT  
DEER LODGE COUNTY

HENRY P. LUSSY,  
Plaintiff,

CAUSE NO. DV-18-38

Vs.

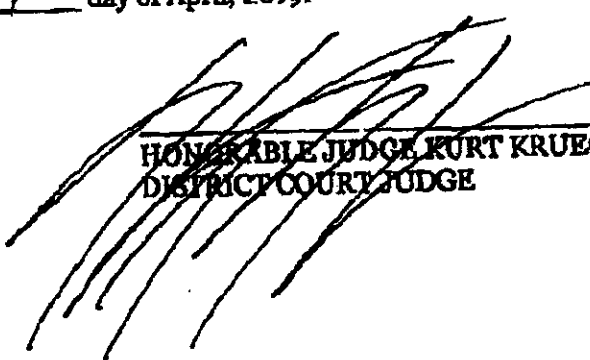
**ORDER FOR RELEASE  
OF LIEN**

RICHARD C. LUSSY,  
Defendant.

The above entitled court having entered its Findings of Fact, Conclusions of Law and Order on the 5th day of April, 2019. The Clerk & Recorder of Anaconda-Deer Lodge County, State of Montana, is hereby ordered to remove the lien filed by the Defendant, RICHARD C. LUSSY, as follows:

Lien filed 11/30/2015 and 12/22/2015, Book 334, Page 911, Book 334, Page 912, Book 335, Page 447, Clerk & Recorder, Anaconda-Deer Lodge County, Montana, and filed against property known as 1818 Tammany Ave., Anaconda, Montana; 301 Main Street, Anaconda, Montana, and 305 Main Street, Anaconda, Montana.

Dated this 7<sup>th</sup> day of April, 2019.

  
HONORABLE JUDGE KURT KRUEGER  
DISTRICT COURT JUDGE

48

**HONORABLE KURT KRUEGER**  
**DISTRICT COURT JUDGE**  
155 West Granite Street  
Butte, MT 59701

**FILED**  
4-4-2019  
SUSIE KRUEGER, CLERK  
*Susie Krueger*  
CLERK

**MONTANA THIRD JUDICIAL DISTRICT COURT**  
**DEER LODGE COUNTY**

---

**HENRY P. LUSSY,**

**Plaintiff,**

**vs.**

**RICHARD C. LUSSY,**  
**Defendant.**

**CAUSE NO. DV 18-38**

**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW**  
**AND ORDER**

---

The Court held a hearing on this matter on the 5<sup>th</sup> day of February, 2019 on Plaintiff's Motions to Dismiss the Counterclaim, Amended Counterclaim, and Third Party Claims filed by the Defendant. The hearing was held in the Jury Room of the Second Judicial District Court, Department No. II before the Honorable Kurt Krueger. Plaintiff, HENRY P. LUSSY, was present and represented by Jeffrey W. Dahood of Knight and Dahood. Defendant RICHARD C. LUSSY appeared by telephone. Based upon the arguments presented to this Court, the Court now finds the following:

**FINDINGS OF FACT:**

The Pro Se filings of the Defendant are voluminous and are extremely confusing to the Court. The Plaintiff's arguments made no legal or logical sense and are rambling and incomprehensible. The Defendant has failed to sufficiently plead any factual allegations upon which relief may be granted.

46

Defendant made arguments which rather than state a cause of action or provide facts which would raise a cause of action against Plaintiff merely provided summations as to why the Defendant feels he has been wronged by the Plaintiff. He did not provide sufficient factual or other evidence to establish any cause of action exists for which he may be granted relief in this matter.

The only evidence which was provided was that Defendant admitted he had no judgment, contract, or other authority to support his liens against the property of the Plaintiff. This action arises from the Plaintiff requesting that the liens filed by the Defendant against the property of the Plaintiff be stricken from the County Clerk & Recorder of Deer Lodge County, Montana, and for damages claimed by the Plaintiff and against the Defendant.

#### **CONCLUSIONS OF LAW:**

To survive a Rule 12(b)(6) motion, the complaint/counterclaim "must contain sufficient factual, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009) (quoting *Bell Atl. Corp. vs. Twombly*, 550 U.S. 544, 570 (2007)).

The Montana Supreme Court in *Ryan v. City of Bozeman*, 279 Mont 507, 511-13, 928 P.2d 228, 230-32 (1996) stated it is the claimant's burden to "adequately plead a cause of action". Moreover, in *Mysse v. Martens*, 279 Mont. 253, 266, 926 P.2d 765, 773 (1996), the Montana Supreme Court held that a complaint must state the factual basis of all elements of a cognizable legal claim. Even Montana's liberal notice pleading works against the Defendant. In *Jones v. Montana University System*, 2007 MT 82 82, 142, 337 Mont. 1, 155 P.3d 1247, it was held:

"The liberal notice pleading requirements of M.R.Civ. P. 12(b)(6) do 'not go so far to excuse omission of that which is material and necessary in order to entitle relief,' and the 'complaint must state something more than facts which, at most, would breed only a suspicion' that the claimant may be entitled to relief."

See also *Anderson v. Reconstruct Company*, 2017 MT 313 (2017).

The United States Supreme Court has held on the sufficiency of facts and claims in a complaint that a complaint does not need to be completely detailed with factual allegations. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56, 127 S. Ct. 1955, 1964-65, 167 L. Ed. 2d 929, 75 (2007). The Supreme Court has further explained, "a plaintiff's obligation to provide the 'grounds' of his 'entitlement to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do. *Papasan v. Allain*, 478 U.S. 265, 286, 106 S.Ct. 2932, 92 L.Ed.2d 209 (1986). The Court also stated, on a motion to dismiss, courts "are not bound to accept as true a legal conclusion couched as a factual allegation." Conjecture and speculation are not enough to survive a Motion to Dismiss. *Bell Atl. Corp.* at 555-56.

In a previous case involving the Defendant, the Montana Supreme Court stated that, "we find appellant's pro se brief incoherent for all practical legal purposes and does not merit further consideration." *Richard C. Lussy v. Davidson*, 683 P.2d. 915, 210 Mont. 353 (1984). The Defendant's incoherent filings continue to be an issue today.

The Court agrees that in trying to read the filings of the Defendant they make no legal or logical sense. Defendant's claims are difficult if not impossible to understand. A cause of action cannot even be interpreted to be pled in any of the numerous Counterclaims and Third-Party Claims filed by the Defendant.

Plaintiff has further requested an Order enjoining the Defendant from filing any further pleadings. This is based upon the authority and precedent set forth in *Lussy v.*



*Bennett*, 214 Mont. 301, 692 P2d, 1232, 1234 (1984). The Court in that case enjoined Richard C. Lussy from proceeding pro se in any Montana court without requesting a leave to file or proceed, and staying all pending actions brought by him pro se. The Court finds merit in continuing this ruling and applying it to this case.

As a result of the admissions of the Defendant during the open Court hearing, the facts alleged by the Plaintiff in his Complaint were established.

Rule 56 of the Montana Rules of Civil Procedure states at paragraph (c)(1)(a):

"A party may move for summary judgment at any time."

After the admissions by the Defendant, the Plaintiff moved for summary judgment. The Plaintiff is entitled to summary judgment based on the facts and evidence presented in this case and the admissions of the Defendant.

**ORDER:**

**IT IS HEREBY ORDERED** that the Motion to Dismiss all Counterclaims, Amended Counterclaims, Third Party Claims of the Defendant is GRANTED.

**IT IS FURTHER ORDERED** that the Defendant RICHARD C. LUSSY is enjoined and prohibited from proceeding or filing any further pleadings pro se without leave of Court.

**FINALLY, IT IS ORDERED** that the oral Motion for Summary Judgment presented by the Plaintiff at the time of hearing is GRANTED.

Dated this 29 day of March, 2019.

  
HONORABLE KURT KRUEGER  
District Court Judge

Date: 2/18/2021  
Time: 02:33 PM  
Page 1 of 4

**Anaconda-Deer Lodge County District Court**  
Case Register Report  
DV-12-2018-0000038-DS  
**Henry P. Lussy, et al. vs. Richard C. Lussy, et al.**

User: JLECHMAN

*DV-18-38*  
*CASE B*  
*Part II*

Filed: 3/7/2018  
Subtype: Damages

**Status History**

Open	3/7/2018
Closed	4/4/2019
Active	5/24/2019
Closed	9/18/2019

**Plaintiffs**

Pl. no. 1 Lussy, Henry P.

**Attorneys**

Dahood, Wade J. (Primary attorney) Send Notices

Pl. no. 2 Lussy, Richard C.

**Defendants**

Def. no. 1 Lussy, Richard C.  
Def. no. 2 Lussy, Henry Paumie  
Def. no. 3 DAHOOD, WADE J.  
Def. no. 4 Dahood, Jeffrey W.  
Def. no. 5 Roque, Launa Lynn  
Def. no. 6 Bornff, Jenahlee Murie  
Def. no. 7 Green, Merna

**Attorneys**

Willette, R. Samuel (Primary attorney) Send Notices

**Judge History**

Date	Judge	Reason for Removal
6/22/2018	Krueger, Kurt	Current
3/7/2018	Dayton, Ray	Recused

**Register of Actions**

Doc. Seq.	Entered	Filed	Text	Judge
1.000	03/07/2018	03/07/2018	Complaint to Strike Illegal Lien and for Civil Damages	Dayton, Ray
2.000	03/07/2018	03/07/2018	Summons Issued and Returned to Attorney for Service	Dayton, Ray
3.000	04/30/2018	04/30/2018	Answer, Counterclaim & Third Party Claim	Dayton, Ray
4.000	04/30/2018	04/30/2018	Summons' Issued to Counter Defendants and Returned to Richard Lussy for Service	Dayton, Ray
5.000	05/09/2018	05/09/2018	Order Setting Scheduling Conference	Dayton, Ray
6.000	05/17/2018	05/17/2018	Motion to Dismiss Counterclaim	Dayton, Ray
7.000	05/17/2018	05/17/2018	Brief in Support of Motion to Dismiss Counterclaim	Dayton, Ray
8.000	05/23/2018	05/23/2018	Order Resetting Scheduling Conference	Dayton, Ray
9.000	05/25/2018	05/25/2018	Motion to Amend Counterclaim & 3rd Party Claim MCA Rule 15	Dayton, Ray

Anaconda-Deer Lodge County District Court  
Case Register Report  
DV-12-2018-0000038-DS  
Henry P. Lussy, et al. vs. Richard C. Lussy, et al.

User: JLECHMAN

C-10 B  
Part II

Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
10.000	06/04/2018	06/04/2018	Consolidated Answer to Dismiss Motion of Amended Counterclaim by R.C. Lussy Against all Five Defendants, Not Merna Green; to Enforce US Seventh Amendment 100% Jury Verdict & No Constitutional Viewpoint Discrimination to Make Illegal Law	Dayton, Ray
11.000	06/05/2018	06/05/2018	Motion to Dismiss Amended Counter Claim	Dayton, Ray
12.000	06/05/2018	06/05/2018	Brief in Support of Motion to Dismiss Amended Counterclaim	Dayton, Ray
13.000	06/11/2018	06/11/2018	Self-Recusal Exparte Request of: Hon. Ray J. Dayton District Court Judge, Anaconda-Deer Lodge County, to Enforce U.S. (1819) Missing 13th Amendment & US 7th Amendment: 100% Jury Verdict Per: Pre-employment Oath to Preserve & Protect U.S. Constitution	Dayton, Ray
14.000	06/18/2018	06/18/2018	Return of Service	Dayton, Ray
15.000	06/22/2018	06/22/2018	Order of Recusal and Assumption of Jurisdiction	Dayton, Ray
16.000	06/22/2018	06/22/2018	Answer (June 17, 2018 from Signed June 5, 2018) Motion to Dismiss Amended Counterclaim Complaint as Fraud on the Court by Named Lawyer-Officers of the Court (Exhibit A-3751) Voids all Orders & Judgments Denying Richard C. Lussy Right to Self Defense & To Enforce U.S. (1819) Missing 13th Amendment Thru US. 7th Amendment a 100% Jury Verdict With 4-Video Cameras Pursuant Sworn Judge Pre-Employment Loyalty Oath to Prserve & Protect the U.S. Constitution: 100% Jury Trial Verdict	Krueger, Kurt
17.000	07/05/2018	07/05/2018	Unopposed Default Motion and Affidavit against 3rd Party Def.	Krueger, Kurt
18.000	07/23/2018	07/23/2018	Attorney in fact written contgract pro se	Krueger, Kurt
19.000	07/23/2018	07/23/2018	Brief in Support of Clerk Default Entry	Krueger, Kurt
20.000	07/27/2018	07/27/2018	Clerk's Order of Default on Merna Green, Montana Dept of Reveune	Krueger, Kurt
21.000	08/14/2018	08/14/2018	Objection to Richard C. Lussy Filing Counterclaim Amended	Krueger, Kurt
22.000	08/20/2018	08/17/2018	Notice of Appearance as Counsel for Merna Green in Her Capacity as an Employee of the State of Montana Department of Revenue	Krueger, Kurt
23.000	08/20/2018	08/17/2018	Third Party Defendant Merna Green's MOtion to Set Aside the Order of Default and Motion to Dismiss Green as Counter-Defendant for Lack of Personal Jurisdiction	Krueger, Kurt
24.000	08/20/2018	08/20/2018	Affidavit of Janet Myers	Krueger, Kurt
25.000	08/22/2018	08/21/2018	Motion for Telephonic Hearing Default Judgment	Krueger, Kurt
26.000	08/22/2018	08/22/2018	Brief in Support of Court Ordered Default Judgment	Krueger, Kurt
27.000	08/27/2018	08/27/2018	Motion to Enforce	Krueger, Kurt
28.000	08/27/2018	08/27/2018	Brief Affidavit Support Against	Krueger, Kurt

Date: 2/18/2021

## Anaconda-Deer Lodge County District Court

User: JLECHMAN

Time: 02:33 PM

## Case Register Report

Page 3 of 4

DV-12-2018-0000038-DS

Henry P. Lussy, et al. vs. Richard C. Lussy, et al.

C-410 B

Part II

## Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
29.000	08/29/2018	08/29/2018	Motion to Amend Counter Claim & 3rd Party Claim MCA Rule 15	Krueger, Kurt
30.000	08/29/2018	08/29/2018	Counter Claim Plaintiff Pro Se: Oppose Merna Green's Default Set Aside and to Retain Clerk Default while proceeding...	Krueger, Kurt
31.000	09/10/2018	09/10/2018	Objection to amended Counter-Claim and Third Party Claim and Motion for Order Restricting and Limiting Further Filing By Richard C. Lussy	Krueger, Kurt
32.000	09/11/2018	09/10/2018	Third-Party Defendant Myrna Green's Reply in Support of Motion to Set Aside the Order of Default and Motion to Dismiss Green as Third-Party Defendant for lack of Personal Jurisdiction	Krueger, Kurt
33.000	09/11/2018	09/10/2018	Brief Affidavit - Support the Filing of the Second Amended Counterclaim and 3rd Party Claim within fourteen days of postmark	Krueger, Kurt
34.000	09/11/2018	09/10/2018	Motion Pre-question qualify 50 Inetrogatory Judge @ recusal	Krueger, Kurt
35.000	09/11/2018	09/10/2018	Brief Affidavit-Support Qualify 50 Interrogatory Public Servant Lawyer Judge-Justice Recusal	Krueger, Kurt
36.000	09/20/2018	09/20/2018	Proposed Order Leave to Amend Complaint with Prosposed Counter-Claim Amended	Krueger, Kurt
37.000	09/25/2018	09/25/2018	Claim - Notice of First HPL Lien:	Krueger, Kurt
38.000	10/02/2018	10/01/2018	Defendant & Third Party Claimant Plaintiff Objection to Deny 2nd Complaint Amendment and Restrict Further Filing by RCL	Krueger, Kurt
39.000	10/02/2018	10/01/2018	Third Party Counter-Claimant Plaintiff Opposes Myrna Green's Motion to Set Aside Clerk Default and Dismissal for Lack of Personal Jurisdiction	Krueger, Kurt
40.000	12/24/2018	12/24/2018	Order Setting Motions Hearing - DV-18-38	Krueger, Kurt
41.000	01/02/2019	01/02/2019	Motion for Long Distance Telephonic Court Hearings	Krueger, Kurt
42.000	01/02/2019	01/02/2019	Brief in Support of Long Distance Telehponic Court Hearing Motion	Krueger, Kurt
43.000	01/18/2019	01/18/2019	Order Granting Motion to Appear Telephonically	Krueger, Kurt
44.000	02/05/2019	02/05/2019	Minute Entry - Minutes attached from hearing held in Silver Bow County on 2-5-2019	Krueger, Kurt
45.000	04/01/2019	04/01/2019	Transcript of Proceedings dated 2-5-2019	Krueger, Kurt
46.000	04/05/2019	04/04/2019	Findings of Fact, Conclusions of Law and and Order	Krueger, Kurt
47.000	04/09/2019	04/09/2019	Motion for Release of Lien	Krueger, Kurt
48.000	04/09/2019	04/09/2019	Order for Release of Lien	Krueger, Kurt
49.000	04/12/2019	04/12/2019	Motion for hearing on Damages, Attorney fees and Costs	Krueger, Kurt
50.000	04/12/2019	05/24/2019	Order Setting Motions Hearing	Krueger, Kurt
51.000	07/17/2019	07/12/2019	Minute Entry - Motion and Damage Hearing held on 7-12-2019 with mintues attached	Krueger, Kurt
52.000	07/23/2019	07/23/2019	Affidavit of Jeffrey Dahood	Krueger, Kurt

Anaconda-Deer Lodge County District Court  
Case Register Report  
DV-12-2018-0000038-DS  
Henry P. Lussy, et al. vs. Richard C. Lussy, et al.

User: JLECHMAN

Exhibit B  
Part II

Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
→ 53.000	08/12/2019	08/12/2019	Order Awarding Damages Attorney Fees And Costs	Krueger, Kurt
54.000	08/23/2019	08/23/2019	Transcript of Proceedings	Krueger, Kurt
→ 55.000	08/29/2019	08/29/2019	Judgment	Krueger, Kurt
56.000	09/17/2019	09/17/2019	Notice of Entry of Judgment	Krueger, Kurt
57.000	10/11/2019	10/07/2019	Notice filing Notice of Appeal	Krueger, Kurt
58.000	10/15/2019	10/15/2019	Combined Motion with Brief-Affidavit in Support of Motion to Stay Execution of the Judgment during Appeal	Krueger, Kurt
59.000	10/15/2019	10/15/2019	Copies of Notice of Appeal from Mr. Lussy filed	Krueger, Kurt
60.000	10/29/2019	10/29/2019	Motion for Order from this Court to Put in the File Granting Leave to File Stay of Execution during appeals	Krueger, Kurt
61.000	10/29/2019	10/29/2019	Brief with Affidavit: for Order from this Court to put in the File Granting Leave to File Stay of Execution during appeals.	Krueger, Kurt
62.000	10/29/2019	10/29/2019	Proposed Order from this Court to put in the file Granting Leave to file: Stay of Execution during appeal	Krueger, Kurt
63.000	11/04/2019	11/04/2019	Notice of Receipt of File from the Supreme Court	Krueger, Kurt
64.000	11/18/2019	11/07/2019	Transfer Receipt from Supreme Court	Krueger, Kurt
65.000	11/25/2019	11/25/2019	Notice of Filing re: Receipt of Transcript of Record on Appeal	Krueger, Kurt
66.000	12/30/2019	12/30/2019	Copy of Letter from Mr. Lussy and Response from Clerk's office	Krueger, Kurt
67.000	05/28/2020	05/28/2020	REMITTITUR--Ordered, AFFIRMED.	Krueger, Kurt



**ORIGINAL**

1/16/2020

**FILED**

01/16/2020

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 19-0578

IN THE: SUPREME COURT OF THE STATE OF MONTANA

**CASE NO. DA 19-0578**

HENRY PAUMIE LUSSY,

Plaintiff-Appellee )

-vs-

RICHARD C. LUSSY

Defendant-Appellant )

**FILED**

JAN 16 2020

**DEFENDANT COUNTERCLAIM**

RICHARD C. LUSSY

Counter-Claimant Plaintiff-Appellant )

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

-vs-

HENRY PAUMIE LUSSY,

Counter-Defendant-Appellee )

**THIRD PARTY CLAIM-AMENDED**

**AMENDED DEFENDANT ADDING PARTIES**

RICHARD C. LUSSY Counter-Claimant Plaintiff-Appellant )

-vs-

HENRY PAUMIE LUSSY, WADE J. DAHOOD, JEFFREY W. )

DAHOOD, LAUNA LYNN ROQUE, JENAHLEE MURIE BORNFF, )

MERNA GREEN ASSESSOR MONTANA DEPARTMENT OF REVENUE )

Counter-Defendants-Appellees 3<sup>RD</sup> Parties)

**INITIAL BRIEF:**

**APPELLANT LISTS: 34-Manifest Abuses of Discretion: JUDGE KRUEGER**

**ON APPEAL FROM THE MONTANA THIRD JUDICIAL DISTRICT COURT,**

**COUNTY OF DEER LODGE**

**CAUSE NO. DV-18-38**

**HONORABLE KURT KRUEGER PRESIDING DISTRICT COURT JUDGE**

**Appearances:**

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**Montana Department of Revenue. Appellee**

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## MONTANA SUPREME COURT STANDARDS OF REVIEW<sup>[1]</sup>

**"Service Is Our Only Product"** allows individual personal responsibility Montana State Constitution Article II § 16<sup>[2]</sup> in comity with Florida Statute 768.28(9)(a).<sup>[3]</sup>

Richard C. Lussy ("RCL") restates appeal reference standard in (document certification) ("d.c. # to fill in") requirement pertaining to malicious public records now before this Montana Supreme Court based on prior use to throw: 1988-92-96-00-04-08-12-16 Florida Property Appraiser Elections with then-to-now opponent Pro Se Dahoods' incorrect claim of hearsay-*stare decisis*-rendition to create-from-clear-air Montana Rules of Civil Procedure i.e. non-binding: Bell Atlantic Corporation v Twombly 550 US 544 US Sup. Court (d.c. #43, #45 page 6 L 18-22 DV 18-37/38) that void-vitiate-vacate Montana Code Annotated/Montana State Constitution/U.S. Constitution as the imperial judiciary where America's religion is to worship lawyers lies in eight-Florida elections past, ad nausea into the future.

Judge Kurt Krueger-Juris Doctor ("KK-JD") verbal-order that also denied RCL phone-talk/E-mail Clerk Krueger-for-records on appeal in communications from Naples-Florida to Helena upon Butte Judge Krueger's jurisdiction.

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<sup>[1]</sup> Source: *Standards of Review in Montana Appellate Courts Documents* by Jeffrey T. Renz Alexander Blewett III School of Law University of Montana (2015) *Faulty Publications-Journal & Other Writings*.

<sup>[2]</sup> Montana State Constitution Article II, § 16. State Subject To Suit. The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property. ... after July 1, 1973.

<sup>[3]</sup> Waiver Sovereign Immunity Florida Statute 768.28 (9)(a) No officer, employee, or agent of the state or of any of its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. (emphasis)

This Honorable Court will exercise the greatest self-restraint in interfering with constitutionally mandated processes to remand for jury decision the foremost source of Montana State<sup>[4]</sup>-U.S. Federal Law<sup>[5]</sup> compliance with both Montana & US Constitutions, to apply Mont. Rules of Appellate Procedure review of Montana Rules of Civil Procedure to standards of review. All prequalify & implement petition for second opinion after remand to District Court for jury trial verdict under camera after amending complaint adding indispensable parties Judge Krueger & Clerk Krueger with Footnote No. 26 to secure a deep pocket(s) prospective judgment as Pro Se Wade J. Dahood ("WJD") only had \$120,000 to settle his part in CV 78-67-BU (d.c. #1, #1 sole Exhibit DV 18-37/38), to reopen (Exhibit A-8538 in Appendix) v Mark Davidson: Story-behind-story in Appendix.

A standard of review is not a standard for decision. All attorney's duties include knowledge to understand the standards of review as emphasized by Hon. James C. Nelson; *"How to Be Ready For your Day in Court,"* source: Montana Lawyer September 1995 at 10. Review must include (1) District Court's application of law for correctness, (2) while the opposing view is whether the District Court abused its discretion, in a review for factual findings for clear error. (3) A district court's determination whether legal authority exists for an award of attorney fees<sup>[6]</sup><sup>[7]</sup>

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<sup>[4]</sup> Montana State Constitution Article II Declaration of Rights § 26. (1889) Right of trial by jury is secured to all & shall remain inviolate. But upon default of appearance or by consent of parties expressed in such manner as law may provide ... In all civil actions, two-thirds of jury may render a verdict ...

<sup>[5]</sup> US Amendment VII (1791) In Suits at common law ...the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

<sup>[6]</sup> Two identical Appellant Pro Se RCL: d.c. DV 18-37(DA 19-577) & DV 18-38(DA 19-578) RE: 3-Orders for correction including Judge K. Kruger Judgment \$74,000 punitive damages include \$19,623.46 attorney fees. With no written

701)[FN#10] proclamations.<sup>[16]</sup> Remedy is 100-percent continue to jury decision (MCA 25-7-103[FN#11]) as after forty-one years (CV-78-67-BU,<sup>[17]</sup> records destroyed.<sup>[18]</sup> This Federal case is free to reopen. RCL has been targeted-stalked-attacked-bullied-badgered-tormented by American Bar Association ("ABA") sibling Montana Bar Association 24/7 sabotage surveillance agents ("SSA") 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> ... proxy/party saboteurs from sabotage surveillance warrants ("SSW"). RCL free speech protections: Sicilians that call themselves Italian.

See Appendix Exhibit A-8571 evidence Racketeering Organized Crime: International Green Machine Sex Solicit then Threat to RE: petitioner pro se R.C. "Rick" Lussy Candidate 2016 & 2020-2024.

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<sup>[16]</sup> WJD-JWD at KNIGHT & DAHOOD LAW FIRM unlawful proclamations after physical hand-to-RCL Exhibit A-8281-heading, aid-&-abet hand-it-to Henry Paumie Lussy ("HPL") with a history of not sharing pleads Primogeniture. HPL cut HEADING-OFF-&-PASTE to Exhibit A-8306 "Full Release of Recipients In Connection With The Dorothy Lussy Revocable Living Trust" blank lines allow "four-'fine' boys" signatures. WHEREBY WJD-JWD & HPL refused RCL a complete-copy of "Dorothy Lussy Revocable Living Trust-to-Last-Will-&-Testament" is now is intestate(no-will) for First Montana Bank to release DHL-financial accounts to HPL. HPL had no-Power-of-Attorney & no-Appointment-of-Personal Representative. WJD-JWD-HPL refuse lawyer fee contract to RCL.

<sup>[17]</sup> CV 78-67-BU caption Henry F. Lussy and Richard C. Lussy vs. Francis R. Bennett; Knight, Dahood, Mackay and Mclean, as a partnership composed of Wade J. Dahood, Conde F. MacKay and David J. McLean; and David J. Mclean as an individual Defendants.

<sup>[18]</sup> CV 78-67-BU case record destroyed: Office Of Clerk United States District court For The District of Montana Tyler Gilman Clerk of Court, Beth Conley Chief Deputy Clerk, February 18, 2015. Dear Mr. Lussy, I regret to inform you that I am unable to supply copies of the documents you requested in Case CV 78-67-BU, as the case file has been destroyed. I apologize for the inconvenience this has caused. Sincerely, Beth Conley Chief Deputy Ph 406-542-7260, FAX 406-542-7272 R.E.Smith Courthouse, P.O. Box 8537, 201 East Broadway, Missoula, MT 59807 a channel to interstate commerce regulation.

is a conclusion of law, which is reviewed in the instant case for correctness. The Montana State Supreme Court's review apply *de novo* (Law Latin "we give anew") to mixed questions of law and fact. Thus, this Montana Supreme Court reviews district court's factual determination is for clear error, "whether those facts satisfy the legal standard is reviewed *de novo*. This bifurcated standard of review 'affords appropriate deference to the trial court's fact-finding role & responsibility, while providing this Supreme Court with opportunity to review legal conclusions & apply legal standards *de novo*."

(4) Montana State Supreme Court tends to adhere to three basic standards. These are *de novo* review, abuse of discretion and clear error. There are, however gradations within those standards for "slight" to "manifest (read: clear or obvious to the eye or mind)" abuse of discretion. This superior court's scope is plenary (read: full complete entire). (1) The review for correctness<sup>8</sup> The Supreme Court has the last say on interpretation of law. It is conceptionally better to think of the correctness standard as the Supreme Court's review of an adequate record on appeal (incomplete despite Motions-Briefs-Statements-Proposed Orders' for Leave To File) are in identical law standard DV-18-37/38. This is to determine if the

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*contract it does not comply with Uniform Commercial Code § 2-201(1) requiring written contracts with over \$500 (1) Statute of Frauds.*

<sup>7</sup> Uniform Commercial Code § 2-201 (1) Statute of Frauds. Except as otherwise provided in this section a contract for the sale of goods for the price of \$500 or more is not enforceable by way of action or defense unless there is some writing sufficient to indicate goods for contract for sale has been made between the parties ... is not enforceable ... show in such writing. (2) Between merchants ... .

<sup>8</sup> Source: Baertsch v. Cnty. Of Lewis & Clark, 256 Mont. 114, 119, 845 P.2d 106, 109 (1992) "We are not bound by the trial court's conclusions and remain free to reach our own." The Supreme Court has the last say on interpretation of law. Conceptually, it is better to think of the correctness standard as the Supreme Court's review to determine if the district court agreed with it."

district court agreed with it. This Court understandably, exercise plenary power over matters that are its alone to consider, such as whether or not an appellant has waived its right to appeal. In equity, under MCA § 3-2-204(5). This waive the right to appeal example does not apply in this instant appeal case as sufficient evidence exists for manifest abuse of discretion requiring remand-back to 100-percent trial for jury's prerogative to weigh that evidence allowed by M.R.App.P. Rule 6(1) for Evidence Rule 301(b)(1)<sup>9</sup> conclusive presumption specifically declared conclusive by statute after intentional torts by all opponents accomplished by Pro Se Wade J. Dahood ("WJD"), Jeffrey Wade Dahood ("JWD") & Judge Kurt Krueger juris doctor ("KK-JD") unlawful admission (MCA 28-2-701<sup>10</sup>) for issues of Fact decided by a jury (MCA 25-7-103).<sup>11</sup>

Ultimately, a bona fide (in-good-faith) second-opinion from a jury trial verdict due process redress shall determine from slight to manifest abuse of discretion as Mont. R. App. P. Rule 8.(2)(7)(c)<sup>12</sup> was expedited with a WJD-JWD oral motion for summary judgment Civil Rule 56(d)(1). Case was not fully adjudicated on motion with facts both in & out of record continue contest given extraordinary conflict-of-private-to-public-governance interest between Judge KK-JD favoring

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<sup>9</sup> MCA Evidence Rule (2017) 301(a)(1) Conclusive presumptions are presumptions that are specifically declared conclusive by statute. Conclusive presumptions may not be controverted.

<sup>10</sup> MCA 28-2-701. What is unlawful. That is not lawful which is: (1) contrary to an express provision of law; (2) contrary to the policy of express law, though not expressly prohibited; or (3) otherwise contrary to good morals.

<sup>11</sup> MCA 25-7-103 Issues Of Fact To Be Decided By Jury. All questions of fact, where the trial is by jury, other than those mentioned in 25-7-102 are to be decided by the jury, and all evidence thereon is to be addressed to them, except when otherwise provided by this code.

<sup>12</sup> Mont. R. App. P. Rule 8.(2)(7)(c) The Record-Duty to present sufficient record transcript with Statement (lawyer fee contract) by motion & order from Dist. Ct.



WJD with son JWD of KNIGHT & DAHOOD Law Office in this record-on-appeal.<sup>[13]</sup> Petition here is for Supreme Court to remand for completion or supplement the record M.R.App.P.8(2)(3)(a) for clear error<sup>[14]</sup> from KK-JD.

**Elections are Popular Sovereignty:** Montana Constitution Article II § 1.

"All political power is vested in the people ... for the good of the whole." Monopoly government lawyer judge policy is to resell the free public domain to the people, regulated by RCL's petition for 100-percent jury trial verdict due process redress with four sound-&-light video cameras. Montana lawyers as graduates from the governmental American Bar Association ("ABA") certified three-year law school diploma: *juris doctor* requires no doctor experience what-so-ever this misleads-public & Public Taxpayer Supported Court System is fraud.

Respectful jurisdiction of Anaconda-Montana District Court: self-administered by Judge Kurt Krueger who refused to be verifiable and neutral is provisioned by M.R.App.P. Rule 6(1)<sup>[15]</sup> for Evidence Rule 301(b)(1)[FN#9] conclusive presumption by statute to quickly resolve: Genuine Disputes To All Material Facts Continue in form of: intentional torts against RCL by opposition to-probate-declared 100-percent-complete by opposing father Pro Se Wade J. Dahood ("WJD") with Pro Se son Jeffrey Wade Dahood ("JWD") unlawful (MCA 28-2-

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<sup>[13]</sup> Record On Appeal. The record of a trial-court proceeding as presented to the appellate court for review.-Also termed appellate record. See RECORD, Black's Law Dictionary 8<sup>th</sup> Edition (2004) page 1301.

<sup>[14]</sup> Clear Error A trial judge's decision or action that appears to a reviewing court to have been unquestionably erroneous. \*Even though a clear error occurred, it may not warrant reversal. Black's Law Dictionary 8<sup>th</sup> Edition (2004) Page 582.

<sup>[15]</sup> M.R.App.P. Rule 6(1)What a court may review upon appeal from a judgment ... this court may review the judgment, as well as all previous orders and rulings excepted or objected to which led to and resulted in the judgment.

The ABA is vested to self-protect to block-&-stop (1819) Missing 13<sup>th</sup> Amendment/Titles of Nobility Amendment during eight 1988-92-96-00-04-08-12-16 Florida Property Appraiser Elections. RCL is a candidate for 2020 Election. In the instant case the reselling of free-public law: benefit is 100-percent to the American Lawyer-Enterprise-Trade-Union<sup>[19]</sup> membership: bar association lawyer cartel cabal behemoth ("BALCCB") in British Accredited Registry (BAR) aka emolument,<sup>[20]</sup> emolument clause.<sup>[21]</sup> Kurt Krueger Juris Doctor (KK-JD) with WJD-JWD<sup>[22]</sup>,<sup>[23]</sup>,<sup>[24]</sup>,<sup>[25]</sup>

<sup>[19]</sup> Lawyer enterprise trade union oath. Men & women took an oath when they joined the Montana-Bar Association sibling of American Bar Association. They raised their right hand and they pledged allegiance to the trade union. More specifically, they pledged their allegiance to their fellow trade union brothers and sisters. For these men & women, it was trade union first, client second and country last. Source In re R.C. "Rick" Lussy.

<sup>[20]</sup> Emolument n. (15<sup>th</sup> century) Any advantage, profit, or gain received as a result of one's employment or one's holding of office. Black's Law Dictionary 10<sup>th</sup> Edition (2014) page 638,

<sup>[21]</sup> Emolument Clause. The clause of the U.S. Constitution prohibiting titles of nobility & acceptance of a gift, title, or other benefit from a foreign power. U.S. Construction. Art. I, § 9, cl. 8. Black's Law Dictionary 8<sup>th</sup> Ed. (2004) page 563.

<sup>[22]</sup> Moot Court/Mock Trial are not core/required courses' to graduate from 3-year law school for *juris doctor(s) diploma* with no doctors' experience what-so-ever:

University of South Dakota, School of Law Vermillion: Jeffrey Wade Dahood J.D. 2005. (Mascot Coyotes); University of Montana in Missoula Law School: Wade J. Dahood graduate (Mascot Grizzly) and University of Arlington, Virginia, Antonin Scalia/George Mason Law School: Kurt Krueger Montana District Court Judge in Butte (Mascot Patriots).

<sup>[23]</sup> Judge Friendly put it well: "[w]ithin the limits of professional propriety, causing delay & sowing confusion not only are [lawyer's] right but may be his duty." Rebooting Justice "More Technology, Fewer Lawyers, & Future of Law", Benjamin HJ. Barton Esq. & Stepanos Bibas Esq. (2017) P. 108.

<sup>[24]</sup> University of Chicago law professor Todd Henderson ...blunt assessment: "American Bar Association operates state-approved cartel" Atlantic, "Gilded future of top 10 percent-& end of opportunity for everyone else" 6/2018 page 56.

with no doctor experience what-so-ever. KK-JD takes \$136,896 plus benefits a year, to serve as public servant not a lobbyist for lawyer-patronage/lawyer-pizzo-tribute gift lawyer fees: \$19,623.46 in \$74,000 Punitive Judgment X two \$148,000 lawyer fees. This follows Montana Writ of Mandamus OP 19-573:<sup>[26]</sup> to add-necessary & indispensable parties (Order 10/15/19) In re R.C. "Rick" Lussy aka Candidate 2016 & 2020-2024 that follow incomplete Montana State public records to judge: 1988-92-96-00-04-08-12-16 unsuccessful Florida Property Appraiser Elections in the ongoing: Pay-to-Play: "*no tickie, no laundry*"<sup>[27]</sup> lawyers' that self-administer resale of-free-public-law-policy to preserve-protect: bar association lawyer cartel cabal behemoth ("BALCCB) in a peer-lawyer trade union with 100-percent market share, no competition, no consumer freedom of choice after government lawyer judges express omission, 100-percent concealment for insider

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<sup>[25]</sup> "Law schools have all but abandoned the education of trial lawyers, and the truth is that you'll graduate knowing very little more about the art than you do now... What you have to do is go to work for someone who's in court every day. Do that even if you have to pay him for the education. Cut classes if you have to, but go to court." By F. Lee Bailey, The Defense Never Rests, (1971) Page 17.

<sup>[26]</sup> Montana Mandamus OP 19-573: Henry Paumie Lussy, Launa Lynn Roque, Jenahlee Murie Bornff, Wade J. Dahood, Jeffrey Wade Dahood, Individually of Knight & Dahood Law Firm, Merna Green Assessor Montana State Department of Revenue, Jeremiah C. Lynch U.S. Magistrate; Brian M. Morris, Article III US Judge [No. CV-17-79-BU & 9<sup>th</sup> DCA 18-35937]; Tyler Gilman Clerk [No. CV-78-67-BU], Kurt Krueger, 3<sup>rd</sup> District Court Judge [No. DV 18-37/DA 19-577; DV 18-38/ DA 19-578 & DP-18-31 [RE: Formal Probate Dorothy Helen Lussy]]; Andre Burke Director Over Office of President American Bar Association Trade Union; John Mudd Executive Director Montana Bar Association Trade Union & Diana Moss, President American Antitrust Institute & Ben Krakowka Deer Lodge County Mont. Attorney Respondents/Defendants' Pro Se Fraudsters/Racketeers'.

<sup>[27]</sup> Pay-to-play lawyer-patronage, for lawyer-pizzo-tribute: lawyer fee: "*No ticki' no laundry*" *Seattle Times* newspaper quote of presiding King County Superior

trading. All are personal & extrajudicial basis of unclean hands in bad faith to go straight to 100-percent jury trial verdict due process.[FN#28]. This manipulation & falsification of public record policy "is a fair-weather friend" to the lawyer-party in power prohibiting RCL'S opt-in: right to descent against Old English *stare decisis/precedent* not a conclusive presumption pursuant Montana Evidence Rule 301(b)(1)[FN#9] and historically not recognized in Butte-America. This systematic award is a statistically significant forty-one year advantage to the lawyer-pro se-party in power (d. c. #9 & #9: DV-18-37/38). Remedy is 100-percent jury trial verdict due process redress<sup>28</sup> with four sound-&-light video cameras.

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Court Judge Horton Smith ended up owing Pro Se RCL's 2565 Magnolia Blvd. West/4527 W. Raye St., Seattle, 98199.

<sup>28</sup> A 100% jury trial verdict due process redress with 4-cameras in Anaconda-Deer Lodge County with 2-judges: 1-Montana State Judge and 1-US District Court Judge in jurisdiction. with 2-juror oaths, 1-group-juror-oath & 1-individual juror signed oath written by RCL; jury instructions with MCA's & no statute editing for liability, damages & jury verdict certification-consubstantial-referral for criminal prosecution. Source is: Rick C. Lussy.

## STATEMENT OF CASE & FACTS

### CASE-STATEMENT (d.c. #26/#37 complaints'-transcripts: DV-18-37/18-38):

[A] WJD-JWD-HPL-LLR-JMB intentional tort to access, commandeer & disperse for unjust enrichment to themselves, by actual fraud, Civil RICO organized crime-racketeering from financial account(s), record(s) in lock box & cash deposited in Anaconda-Deer Lodge County: First Montana Bank with no probate, no power of attorney, no trustee & no appointed personal representative with no complete Living Trust document that in plain black letter law the Living Trust did not die when Blessed-Saint Mother DHL died (11/2/2015) Blessed Father-Saint Henry Francis Lussy ("HFL") died (3/9/1988). As WJD advised RCL the Living Trust died when your mother died, so to secure RCL's signature for manipulated Exhibit A-8281 & to dispel worthlessness of destroyed "living trust". WJD provided RCL the modified Exhibit A-8306 that later with header cut off was re-pasted onto A-8306 with a new deceitful header: *"Full Release of Recipients In Connection With the Dorothy Lussy Revocable Living Trust"*. Again this "living trust" could not be retrieved to verify: WJD-JWD-HPL-LLR-JMB. DHL's *"Revocable Living Trust-to-be-Last-Will-&-Testament"*<sup>29</sup> pursuant two cherry-picked pages given RCL by WJD: **Exhibit A-8281** (6/22/2001) *Article V Settlor's Power To Amend or Revoke* and **Exhibit A-8282** (1/16/2014) *Amendment to Dorothy Lussy Revocable Living Trust fraud-claim 50% of 301-305 Main Street*. This destroyed "Living Trust" document allowed HPL to claim

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<sup>29</sup> Exhibit A-8281 "Article V ... Upon the death of the settler, the trust shall become irrevocable." Source Article V Settlor's Power to Amend or Revoke.

primogeniture.<sup>[30]</sup> His family history did not demonstrate exchanged gifts/or sharing with RCL. HPL's *undue influence* interspersed elder-frail DHL daily abandonment. He combined *with duress* (French: *abus de faiblesse* aka abuse of weakness) aided & abetted with-&-thru WJD-JWD to secure *unjust enrichment*: forced frail Blessed DHL to sign 1/16/2014 Exhibit A-8282.

[B] WJD-JWD-HPL bluff by bluster was the subject of below 4/6/18 boast.

PRO SE JEFFREY WADE DAHOOD: "... It all stems around an Estate which was handled in the Third Judicial District Court of Deer Lodge County in front of the Honorable Ray J. Dayton in which my father handled the Estate of the parties' parents, and specifically their mother. Your Honor – page 4 L19-23.

THE LYNCH COURT IN MISSOULA: Not to interrupt you. This is the parents of Mr. Richard Lussy and Henry (Paumie) Lussy?" Ibid page 4 L24-25.

MR. JEFFREY WADE DAHOOD: "That's correct, Your honor. (d.c. CV-17-79-BU-BMM-JCL/9<sup>th</sup> DCA 18-35937 p 5, L 25, 4/6/18 transcript DV-18-37/38).

**CONCLUSION**: 4/17/18 Exhibit A-8544 in Appendix: Clerk proves false.

\*Equal treatment is petitioned for jury impeachment of Judge Kurt Krueger & Clerk Susie Krueger by law.

OVERALL: WJD-JWD-HPL-LLR-JMB refused accounting in Formal Procedure Probate; DP 18-31 timely filed inside three years by RCL with plain statutory language: "No lien for claim not due (MCA 71-3-103)"[FN#36] & "Content of notice of right to claim lien (MCA 71-3-532)"[FN#37] Itemized four-Notices' of Claim of "Lien"<sup>[31]</sup> that are not "lien(s): notices. WHEREBY WJD-JWD-HPL-LLR-

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<sup>[30]</sup> Primogeniture (15century) 1. .... 2. The common-law right of the firstborn son to inherit his ancestor's estate, usu., to the exclusion of younger siblings. ... Black's Law Dictionary 10<sup>th</sup> Edition (2014) page 1384.

<sup>[31]</sup> i.) DV 18-37/DA 19-577, Exhibit "A" (d.c. #1 & #1, in DV-18-37/38) First Lien NOTICE OF CLAIM OF LIEN AGAINST WADE J. DAHOOD ESQ.: FORFEITURE OF HIS PROPERTY PURSUANT: CV 78-67-BU[FN#1, #2, #3, #4] Henry F. Lussy and Richard C. Lussy vs. Francis R. Bennett, Knight, Dahood, MacKay & Mclean, By This SPECIAL, GENERAL FACTOR Pro Se Plaintiff 100% STAKEHOLDER: RICK LUSSY ESQ.

JMB at 1818 Tammany purloined DHL personalty-jewelry that was to be shared equally with: Sara (RCL) Jana (JCL) etc. etal from "indenture-agreement homestead in DHL's life-estate" Exhibit A-8443 [*each to each*] devise: real property &/or bequeath: personal property] Denied Pro Se RCL access. DHL-HFL parenting policy as no favorites-equal treatment.

[C] Merna Green Assessor Montana Department of Revenue ("MG-R") with (i) a pending \$90,001.30 court default, (ii) refused RCL three-property tax (-15%) assessment filing appeal forms on estate properties after HPL non-assist; (iii) She defamed RCL on forty-one year old Dahood lawsuit CV-78-67-BU[FN#17] with records destroyed,[FN#18] are in "content of notice of right to claim lien-&-not due" (MCA 71-3-532 & MCA 71-3-103) on 3-subject property: "no liens" et al; (iv) Constitutional challenge on MCA 15-8-111 statute: 100% market (willing seller) value fails industry standard of assessed (unwilling seller) value for property-taxation. (v) And reaffirm (1819) Missing 13<sup>th</sup> Amendment aka Titles of Nobility Amendment law to Pro Se RCL non-lawyer's self defense to eliminate USA-50-state government employee discrimination. And is to assist non-discriminating MAI (Members Appraisal Institute), SRA (Senior Residential Appraisers) & CPA (Certified Public Accountants) as gov't judge employees.

#### CASE FACTS:

(1.) RCL: "And so it would be the ownership of the 1818 Tammany, is to not giving it to Henry Paumie Lussy in exclusivity." (d.c. Missoula Transcript 4/6/18; Page 36, Lines 17-19).

(2.) Courts will exercise greatest self-restraint in interfering with constitution

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- \_\_\_\_ ii.) DV 18-38/DA 19-578 Exhibit "A" (d.c. #1 & #1, in DV-18-37/38) First Lien Notice Lien Terminates Tenancy: Eviction Exhibit A-8529.
- \_\_\_\_ iii.) DV 18-38/DA 19-578 Exhibit "A" (d.c. #1 & #1, in DV-18-37/38) First Lien Notice of Lien By Primogeniture Abolished Exhibit A-8530.
- \_\_\_\_ iv.) DV 18-38/ DA 19-578 Exhibit "A" (d.c. #1, in DV-18-37/38) First Lien Notice of Lien Claim By Special, General Factor To 75%, From 25% (Pro Se RCL) Stakeholder Exhibit A-8531.

ally<sup>32</sup> mandated process: RCL self-defensive speech in courtroom of free public law: 100% jury selection-decision, 4-video cameras. (d.c.#3/#3 page 50; DV18-37/38).

(3.) Pro Se WJD-JWD-&-client HPL versus Pro Se RCL with non-party 2-Brothers: LFL, JCL are excluded post-Date of Death: Nov. 2, 2015 (d.c. #3/#3; DV18-37/38, Exhibit A-8540) coming with: (a) no Power of Attorney & (b) no appointed Estate Administrator from parents-DHL-&/or-HFL (DOD 1988) estate.

(4.) DHL-HFL's missing "Revocable Living Trust" full document at death was to be Last Will & Testament. It became unreliable after "cherry picked" pages could not be combined with full document: false in one false in all<sup>33</sup> after Pro Se WJD-HPL denied RCL full copy (d.c. transcript 4/6/18 Page 17, L 9-11). Such cherry picked pages were Exhibit A-8281, June 22, 2001: "*Article V Settlor's Power To Amend or Revoke*" and Exhibit A-8282, June 22, 2001 January 16, 2014, "*Amendment To Dorothy Lussy Revocable Living Trust*" page One of Two. (d.c. #26/#37; DV-18-37/38).

(5.) The five-preceding case transcript records' on appeal prove 100-percent RCL's required self-defense within 3-year deadline: Deer Lodge County Formal Procedure Probate DP 18-31 show WJD-JWD-HPL-LLR-JMB as racketeers-in-

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<sup>32</sup> Montana State Constitution Article II § 7. Freedom of Speech, Expression, And Press; § 8. Right of Participation; § 16. The Administration of Justice. Courts of justice shall be open to every person, and speedy remedy afforded for every injury of person, property, or character; Article II, § 26. The right of trial by jury is secured to all and shall remain inviolate. Article III, § 3. Oath Of Office. ... and judicial officers, shall take and subscribe the following oath or affirmation, before they enter upon the duties of their offices;; Article V § 13. Impeachment.

<sup>33</sup> *Falsus in uno* doctrine [Latin "false in one thing, false in all"] (1956) Principle that if the fact-issue is intentionally deceitful, the fact-trier is permitted to disregard all of that witness's testimony. ... Blacks Law Dictionary, 10<sup>th</sup> Edition, (2014) page 720. [RCL edit: Revocable Trust purpose was to keep assets from being sold-out-from-underneath: DHL]



organized crime-by-cut-&-paste actual-&-constructive fraud Exhibit A-8306 of WJD-JWD-HPL (d.c. transcript 4/6/19. Pp & L 5:9; 6:24; 7:19; 8:15).

(Case-1) CV-78-67-BU[FN#17] then judge/court/clerk destroyed records[FN#18] in Butte, as cited (next paragraph (5) also WJD's. (d.c. #1, DV-18-37 Exhibit "A").

(Case-2) CV-17-79-BU-BMM-JCL<sup>34</sup>,<sup>35</sup> April 6, 2018 (66-page); in Missoula.

(Case 3) DV-18-37 with DV-18-38, June 6, 2018 phone (15-pge) in Anaconda;

(Case 4) DV-18-37 with DV-18-38, Feb. 05, 2019 by phone (28-page) in Butte.

KK-JD "Will you provide the court with a copy of Judge Lynch's order in that?" CV-17-79-BU-BMM-JCL (d.c. #34/#45, page 10, L 12-13; DV-18-37/38).

(Case 5) DV-18-37 with DV-18-38, July 12, 2019 telephone (37-page) in Butte.

(Case 6) DP<sub>(2018)</sub>18-31 Formal Procedure DHL Probate: no Judge assigned.

(6.) Pro Se WJD-JWD complaints (d.c. #1/#1 Attach "A", DV 18-37/8)

"evidence" conflict as intentional tort [FN#31].: "liens" immediately impeached.

CONCLUSION: MCA Pro Se RCL is protected as state statute language: MCA 71-3-532 & MCA71-3-103 do provide: *No Lien for claim not due & Content of notice of right to claim lien.* Both demonstrate no legal lien ever existed: just notice to claim as deferred for prospective jury-verdict-judgment.

(7.) Telephone public servant Merna Green "Assessor" Mont. Department of Revenue in Anaconda (d.c.transcript 4/6/19, Pp 3:17; 45:12; 46:7; 48:4; 52:6; pp 45-65) refused to give 3-appeal forms to RCL. Her excuse was his loss in CV-78-67-BU Dahood's lawsuit (d.c. transcript 4/6/19, Page 56 L1-4).

**ISSUES ON APPEAL: 100% MANIFEST ABUSE OF DISCRETION**  
**JUDGE LAWYER KRUEGER'S PRE-EXISTING CONDITION TO BIAS**  
**"A" Findings of Fact, Conclusions of Law & Order" 3/29/19 (4-pages)**

(d.c. #35, #46 in DV-18-37/38)

**"B" "Order For Release of Lien" 4/9/19**

(1-Page)

(d.c. #37, #48 in DV-18-37/38)

**"C" "Order Awarding Damages, Attorney Fees & Costs" 8/9/19** (2-Pages)

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<sup>34</sup> CV-17-79-BU-BMM-JCL caption: Richard C. Lussy vs. Henry Paumie Lussy, Launa Lynn Roque, Juahlee Murie Borneff, Merna Green Assessors Office Montana Department of Revenue, and Wade J. Dahood.

<sup>35</sup> DV-18-37 is identical to DV-18-38 that adds Merna Green.

(d.c. #42, #53 in DV-18-37/38)

**ARGUMENT WITH REGARD TO EACH ISSUE**

**Three: "Findings of Fact, Conclusions of Law & Order"**

**"A"** "As is" general criteria of this Pro Se RCL petition on three issues on appeal:  
(1) correct clear error on all findings (2) as to be Set Aside, (3) as entered:  
M.R.Civ.P. Rule 58 in the Total Judgment pursuant M.R.App.P. Rule 4.(1)(a).  
predicate M.R.Civ.P. 52(a)(5) (6)(c) as evidence-argument was not fully heard by  
Judge KK-JD & not fully recorded (Appendix) by proxy: Susie Krueger Clerk of  
Court.

**"A-1" MISSING-FULL-LAWSUIT CASE-CAPTIONS MUST VOID  
JUDGMENT (Rule 60(3)(4)): Manifest Abuse of Discretion Clear Error:  
inside entire Record On Appeal: Judge Kurt Krueger & proxy Clerk Krueger.**

Pro Se RCL a non-lawyer, non-lawyer-trade union member did file:

**FROM: DV-18-37/DA 19-377 CAPTION** Wade J. Dahood vs. Richard C.  
Lussy & captioned Counterclaim: Richard C. Lussy vs. Wade J. Dahood; THIRD  
PARTY CLAIM-AMENDED ADDING PARTIES; Richard C. Lussy Counter-  
Claimant Plaintiff-Appellant-vs-Wade J. Dahood, Jeffrey W. Dahood, Henry  
Paumie Lussy, Launa Lynn Roque & Jenahlee Murie Bornff, Defendants.

**AND→**

**FROM: DV-18-38/DA 19-0578 CAPTION:** Henry Paumie Lussy, Plaintiff-  
Appellee-vs-Richard C. Lussy & captioned Counterclaim: Richard C. Lussy vs.  
Henry Paumie Lussy; Defendant-Appellant; Richard C. Lussy Counter-Claimant  
Plaintiff-Appellant-vs-Henry Paumie Lussy Counter-Defendant-Appellee THIRD  
PARTY CLAIM-AMENDED ADDING PARTIES; Richard C. Lussy Counter-  
Claimant Plaintiff-Appellant -vs- Henry Paumie Lussy, Wade J. Dahood, Jeffrey W.  
Dahood, Launa Lynn Roque, Jenahlee Murie Bornff, Merna Green Montana Dept.  
of Revenue Counter-Defendants-Appellees 3<sup>RD</sup> Parties.

**AND→**

Pro Se WJD-JWD lawyer trade union members are under oath & with eight  
conflicts of interest (Appendix) Judge Kurt Krueger's 100-percent Record On  
Appeal consolidated hearings for him, denied consolidation to Pro Se RCL follow:

**TO: DV-18-37/DA 19-377 CAPTION** Wade J. Dahood vs. Richard C. Lussy &  
**TO: DV-18-38/DA 19-0578 CAPTION:** Henry Paumie Lussy-vs-Richard C. Lussy.

**Conclusion #1:** DV-18-38/DA 19-0578 KK-JD omission of Merna Green Assessor Mont. Depart. of Revenue Clerk Default for Court default. **Conclusion #2:** WJD-JWD-HPL-LLR-JMB with MG-R intentional torts by manipulation & falsification of public records case. **Conclusion #3:** Result is intentional-misrepresentation, deception for unjust enrichment thru eight elections *ad nauseam*-in perpetuity thru malicious public records: M.R.App.P. Rule 1.(2) in (d.c. case docket history) Case Register Report DV-12-2018-37-DS & DV-12-2018-38-DS.

**"A-2-a & b" IN US COURT HOUSE SABOTAGE: LAWSUIT CASE RECORDS DESTROYED AS NECESSARY & ESSENTIAL FACTS IN APPEAL RECORD:** (a) Butte Montana CV-78-67-BU[FN#17&#18] (d.c. #1 Exhibit "A" DV 18-37) (Appendix: Exhibit A-8978) & (b) Anaconda: "Revocable Living Trust-to-Be-Last-Will-Testament" @ Blessed (Sainted) parents Mother-Father Dorothy Helen Lussy ("DHL") & Henry F. Lussy ("HFL") Estate.

**"A-2-c"** Case record destruction: **DV-18-37.** US Mailed 5/23/18 by Pro Se RCL &-never/not recorded as filed within Anaconda-Deer Lodge County Montana Case Register Report: [one-only] Amended-(First)-Counterclaim & 3<sup>rd</sup> Party Claim (37-pages w/no 50-exhibit pages-in initial Answer-Counterclaim etc.).

**"A-2-d"** More record destruction: **DV-18-38.** Pro Se RCL never/not recorded as filed within Anaconda-Deer Lodge County Montana Case Register Report: [#1] US Mailed 9/17/18 Motion to File Second Amended Counterclaim With 3<sup>rd</sup> Party Claim With Attached Brief Within Fourteen-days (1-page). Brief was filed & Counterclaim was filed. [#2] Missing & not filed: 5/23/18 Amended Counterclaim & Third Party Claim (75-pages w/no 50-exhibit pages in original).

**"A-2(a-to-d)"** **Conclusion**-hearsay-all-law-no-fact-verification: Appendix: Exhibit A-8571 & 1988-92-96-00-04-08-12-16 Fla. Property Appraiser Elections.

**"A-3-a"** DOUBLE MANIFEST ABUSE OF DISCRETION BY JUDGE KRUEGER & CLERK KRUEGER: EACH REFUSED TO RE-READ-&-COMMUNICATE: 7/12/19 TRANSCRIPT TO FILE 7/10/19 (Naples Fla.) RESPONSIVE PLEADING TO PRO SE JWD'S 7/9/19 (Anaconda, Mont.)

**\$19,623.46 FEE PLEADING BEFORE 7/12/19 (Butte, Mont.) TELEPHONIC HEARING;** Letter of Clerk Krueger 12/30/19 (Anaconda, Mont.) appendix is intentional clear error to set aside judgment necessary to Final Appeal record.

**"A-3-b"** 7/10/19: **MOTION & BRIEF IN ANSWER SUPPORT FOR PERMISSION TO FILE IN SELF DEFENSE AFFIDAVIT 7/9/19 PRO SE DAHOODS' SEEKING \$19,623.46 (3-Hearings Include Scheduling & Recusal-of-Judge Dayton) BEFORE TELEPHONIC FEE HEARING 7/12/19: in 4-Parts:** pursuant M. Rule App. Pro. Rule 8.(2) & (7)(c) (10-pages);

**"A-3-c"** Pro Se RCL's 12/23/19 US letter (Appendix\*) to Clerk Krueger reply letter 12/30/19 KK-JD Order (d.c. #43, #54, P20 L6-19 DV 18-37/38):

**"A-3-d"** MR. R.C. LUSSY: " ... I'm asking your permission through this motion an answer brief that's in the mail to you from Wednesday to be filed.

**THE KURT KRUEGER COURT:** *"The Court will -I 'haven't seen the - I haven't seen the pleading. But the Court will allow you to file that document in response to - just your responsive pleadings to what occurs here today. The Court will let that be filed: And you do have the ability to file a response in terms of the hearing today.*

**MR. R.C. LUSSY:** *Your Honor, the number has changed from the over \$19,000 now to \$74,000.*

**THE KURT KRUEGER COURT:** *"Yeah. You may continue with your testimony" 7/12/19 (d.c. #43 & #54 Page 20, L 6-19 Transcript: DV 18-37/38).*

**"A-3-a-to d"** **Conclusion:** Proxy-Clerk Krueger refused (Dec. 30, 2019 letter in Appendix) Pro Se RCL'S MCA 71-3-103,<sup>36</sup> MCA 71-3-532<sup>37</sup> answer non-plead Pro Se JWD MCA-27-1-1505<sup>38</sup> that RCL cited herein.

<sup>36</sup> Pro Se RCL plead → MCA 71-3-103 No lien for claim not due. No lien arises by mere operation of law until the time at which the act to be secured thereby ought to be performed.

<sup>37</sup> Pro Se RCL plead → MCA 71-3-532 Content of notice of right to claim lien.  
(1) The notice of the right to claim a lien must be in writing and state that it is a notice of a right to claim a lien against real estate for services or materials furnished in connection with improvement of the real estate.

(2) The notice must contain a description sufficient to identify the real estate against which the lien may be claimed.

(3) The notice must contain the following information: (a) date of mailing; (b) owner's name; (c) owner's address; (d) name of person filing notice; (e) address of

**"A-4-a" DEFECTIVE NINE-CASE: STARE DECISIS is to Void Judgment Indicating Manifest Abuse of Discretion: Clear Error: Must read text: MCA 71-3-103; 71-3-532(1)(g) & 27-1-1505(b)(i)(ii): Findings of Fact, Conclusions of Law & Order"** are primarily focused on Judge KK-JD misconceptions & imprecise *stare decisis*-precedent-Judge Nine<sup>39</sup> Case "law", all are bad "precedents," not credible comparisons & not worth the paper they are written on. These are not binding & do not control issues in free public law<sup>40</sup> & fact. Their *stare decisis*-precedent have neither, similar issues nor, similar facts by direct comparison to RCL's earlier section: Statement of Case & Facts & Issues vise-a-vise Judge KK-JD's Conclusions of Law. (d.c.#35,#46 in DV-18-37 & 38).

**"A-4-b"** KK-JD imprecise *stare decisis*-precedent-Judge-made-Case "law" cannot be made into Rules of Common Law as conclusive presumptions (Mont. Evidence Rule 301[FN#9]) or by virtue of M.R.App.P 4.(a) final judgment that cannot-do-not apply to M.R.Civ.P. 12(b)(6) dismissal of DV-18-37/38 pursuant M.R.Civ.P. 81(b)<sup>41</sup> as facts of no-notice-no-probate-with no-power-of-attorney, no-trustee &

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person filing notice; (f) a description sufficient to identify the property that is being improved; and (g) the following notice: ... .

<sup>38</sup> Pro Se JWD Plead→**MCA 27-1-1505. Liens. (1) ... apply: (b) "Nonconsensual common-law lien" means a lien: (i) is not provided for by a specific state or federal statute (ii) does not depend upon consent of owner of property affected.**

<sup>39</sup> DV-18-37 is identical to DV-18-38 Judge Kurt Krueger-juris doctor defective *stare decisis*: **CONCLUSIONS OF LAW: (1)** Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009) quoting **(2)** Bell Atl. Corp vs. Twombly 550 U.S. 544, 570 & 555-56, 127 S. Ct. 1955, 1964-65, 167 L. Ed. 2d 929, 75 (2007); **(3)** Ryan c. City of Bozeman, 279 Mont. 507, 511-13, 928 P.2d 228, 230-32 (1996); **(4)** Mysse v. Martens, 279 Mont. 253, 266, 926 P.Ed 765, 773 (1996); **(5)** Jones v. Montana University System, 2007 MT 82 82 ¶42, 337 Mont. 1; 155 P.3d 1247; **(6)** Anderson v. Reconstruct Company, 2017 MT 313 (2017); **(7)** Papasan v. Allain, 478 U.S. 265, 285, 106 S. Ct. 2932, 92 L.Ed.2d (1986); **(8)** Richard C. Lussy v. Davidson, 683 P. ed. 915, 210 Mont. 353 (1984); **(9)** Lussy v. Bennett, 214 Mont. 301, 692 P2d, 1232, 1234 (1984).

<sup>40</sup> Precedent, "Contrasting role of case law in common law, civil law, & mixed systems". Page 14 of 30, Wikipedia (12/18/19).

<sup>41</sup> **Mont. Civ. P. Rule 81. Applicability in General. (b) Rules Incorporated into Statutes.** Where any statute heretofore or hereafter enacted, whether or not applicable to a special statutory proceeding, provides that any act in a civil

no-appointed personal representative after a known-destroyed Living Trust-Last-Will-&-Testament that did not die when Blessed-Saint Mother DHL died as WJD said it did. Pro-Se-WJD recorded incident with his own black-pod-shaped microphone-receiver. The result is unjust enrichment-for-lawyer fees, preceded by WJD's make-work to secure from Pro Se RCL's Mother-DHL-HFL estate: to close Anaconda-First Montana Bank finance cash-account access.

**"A-4-c"** KK-JD's *stare decisis* does not apply to the instant case. In the event of conflict, M.R.Civ.P. 2(e) shall control by use of "tweezers not a sledge-hammer" to 100-percent void-vitiate-vacate KK-JD's "Conclusions of Law" with juror-fact-to-law (MCA 71-3-103) resulting in Manifest Abuse of Discretion (d.c. #35, #46, pp 2-3-4 in DV-18-37/38). It is to Set Aside this Judgment pursuant M.R.App.P. 4.1(a) predicate M.R.Civ.P. 52(a)(5)(6)(c). All evidence was not fully heard is Judge KK-JD's clear error as he did not want all evidence to be heard. He is pre-disposed-conditioned-as-government lawyer judge-to-discriminate: inherent bias.

**"A-4-d"** One-not applied-overlooked comparison-by Judge KK-JD with three-similar facts-in law is: Re: In Re Estate of Spencer, (2002) Missoula Montana, 304, 59 P.3d 1160 with no **notice-probate-for-unjust enrichment**. In common law: legal systems, *stare decisis*-precedent has never been incorporated into statutes or into U.S.-&-or-Montana State Constitutions. To say that again: *stare decisis* cannot become Rule of Common Law to exempt-void-vitiate-vacate RCL's pleading for jury trial with four video cameras-statutes. They are not conclusive presumptions by statute language Montana Evidence Rule 301; not persuasive per se &/or per quod, as nine-precedents are-based on 100% complete hearsay<sup>42</sup>

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proceeding in a district court shall be done in the manner provided by law or as in a civil action or as provided by any statute superseded by these rules, such act shall be done in accordance with these rules and the procedure thereon shall conform to these rules, insofar as practicable.

<sup>42</sup> **Connotative Hearsay**: Attempt to circumvent U.S. Judge Walton's pre-trial instructions. And this time did the only thing he could do. But not before giving (US Attorney Prosecutor Stephen) Durham a humiliating —and on —the mark—lecture. "I think that a first-year law student would know that to you can't bolster the credibility of one witness with clearly inadmissible [hearsay] evidence", the judge said." Source: "Might US strikes out Fed whiffs on meatball of a case vs Clemens" *New York Post*, July 15, 2011. page 91.

without live fact witness testimony M. Evidence Rule 802<sup>43</sup> & 801<sup>44</sup> for a court or other tribunal when deciding this case. The instant case voids-vitiates-vacates & covers-up: US Constitution VII Amendment 100-percent Jury Trial-verdict-due-process-redress with four cameras and Montana Constitution protections[FN#32].

**"A-4-e" Pro Se WJD-JWD Exhibit "A" DV-18-37: Re First Lien Notice of Claim of Lien\* Against Wade J. Dahood Esq.: Forfeiture Of His Property Pursuant: CV-78-67-BU [FN#1, #2, #3 & #4] Henry F. Lussy & Richard C. Lussy v. Francis R. Bennett, Knight, Dahood, MacKay & McLean, By This Special, General Factor Pro Se Plaintiff 100% Stakeholder: Rick Lussy Esq.**

AND

**"A-4-f" Pro Se WJD-JWD DV-18-38 (d.c. #1 & #1, Exhibit "A" DV-18-37/38) Re First Lien Notice Lien Terminates Tenancy: Eviction (Exhibit A-8529).**

**"A-4-g" Pro Se WJD-JWD DV-18-38 (d.c. #1 & #1, Exhibit "A" DV-18-37/38) Re First Lien Notice of Lien By Primogeniture Abolished (Ex. A-8530).**

**"A-4-h" Pro Se WJD-JWD DV-18-38 (d.c. #1 & #1, Exhibit "A" DV-18-37/38) Re First Lien Notice of Lien Claim By Special, General Factor To 75%, From 25% (Pro Se RCL) Stakeholder (Exhibit A-8531).**

**"A-4-i" \*The Montana Statute language complies with Pro Se RCL below:**

**MCA 71-3-532 "Content of notice of right to claim lien. (1) The notice of the right to claim a lien must be in writing and state that it is a notice of a right to claim a lien against real estate for services or materials furnished in connection with improvement of the real estate. ...(g) NOTICE OF THE RIGHT TO CLAIM A LIEN ... (see-also-Appendix-Exhibit A-8568)**

**"A-4-j" Impeachment is copasetic with "A-2-viii" Pro Se Wade J. Dahood Wade's Law Firm formed Townhouses LTD in "A-2-iv" CV-78-67-BU case records destroyed & to be reopened for free (Appendix Exhibit A-8544 & 8978) & he was a 35%+/- co-investor with Pro Se Richard C. Lussy 35%+/- in Townhouses LTD builder of 60-apartments on real estate in Anaconda Mont. denied as follows:**

**Direct Examination of father Pro Se Wade J. Dahood by son Pro Se Jeffrey Wade Dahood first duly sworn (d.c. #43, #54 pp5 & 7 DV-18-37/8): WJD: "I have no professional relationship with Richard Lussy, no personal relationship with Richard Lussy... "(d.c. #43, #54 pp 5 & 7 DV-18-37/8).**

<sup>43</sup> Montana Evidence Rule 802 Hearsay is not admissible except as otherwise provided by statute, these rules, or other rules applicable in the courts of this state.

<sup>44</sup> Montana Evidence Rule 801 Definitions: (c) Hearsay is a statement... .

CONCLUSION: Pro Se WJD as is in this CV-78-67-BU record as both: hostile-professionally & hostile personally.

"A-4-k" MCA 71-3-103 NO LIEN FOR CLAIM NOT DUE. No lien arises by mere operation of law until the time at which the act to be secured thereby ought to be performed (see-also-Appendix-Exhibit A-8569).

"A-4-l" MCA (2019) 27-1-1505. Liens. definitions apply: (b) "Nonconsensual common-law lien" means a lien that: (i) is not provided for by a specific state or federal statute (ii) does not depend upon the consent of the owner of the property affected for its existence; (iii) ...

"A-4-a-to-l" CONCLUSION: Pro Se RCL statutes MCA 71-3-103; 71-3-532(1)(g) & 27-1-1505(b)(i)(ii) are predicate to three US Supreme Court's plain language, endorsing the-now mandated by textualism<sup>45</sup> of U.S. Justice Scalia.

"A-5" **KK-JD CONCEALED IN PARTICULARITY ALL PRO SE RCL FACTS & MG-R FIVE CASE FACTS MUST VOID JUDGMENT & REINSTATE ALL FACTS WITH MG-R DEFAULT: \$90,001.30 (DV-18-38) IN RECORD DV18-37/38 d.c. #26,#37, pp3-4) ON MANIFEST ABUSE.**

"A-6-a" **KK-JD'S NO ANSWER TO MOTION & BRIEF: 50-INTERROGATORIES (d.c. #23-24/#34-35, DV18-37/38) NO PARTICULARITY IS MANIFEST DISCRETION ABUSE: VOID JUDGMENT: REINSTATE MG-R PROPOSED COURT \$90,001.30 (DV-18-38) DEFAULT JUDGMENT.**

- o Motion: "Pre-qualify 50 Interrogatory Judge@ Recusal" (d.c. #23-34 in DV18-37/38)
- o Brief Affidavit: Support Qualify 50 Interrogatory Public Servant Lawyer Judge-Justice recusal @Before Accept RCL Jurisdiction" (d.c. #24-35 DV18-37/38).

"A-6-b" Pursuant Omission per M.R.App.P. Rule 4.(1)(a) in KK-JD'S "Findings of Fact, Conclusions of Law & Order" (d.c. #35, #46 in DV 18-37/38) is an

<sup>45</sup> "My shtick, as you may know, is textualism. .... Imagine my delight, then, when I find, in Aquinas's discussion of the question. "Whether we should always judge according to written law?" following seemingly categorical conclusion: "Hence it is necessary to judge according to written law, else judgment would fall short either of natural or of positive right. Bravo! I knew I have been right." Scalia Speaks, by Antonin Scalia (2017) US Supreme Justice p 244.



admission to enforce (M.R.Civ.P. Rule 8(b)(6))<sup>46</sup> Effect Of Failure To Deny in comity with "Florida. Evidence Code 90.403<sup>47</sup> Exclusion on grounds of prejudice or confusion. Remedy is to void judgment that includes MG-R proposed Court Default \$90,001.30 after the uncontested Clerk's default Judgment.

**"A-7-a" JUDGE KK-JD DOES NOT UNDERSTAND WHAT HE READS (FUNCTIONAL ILLITERACY!) BY PREJUDICE &/Or CONFUSION. MUST VOID JUDGMENT: CLEAR ERROR: Findings of Fact** *"The Pro Se fillings of the Defendant are voluminous and are extremely confusing to Court."* Contradicted with *"Plaintiff's (RCL) arguments made no legal or logical sense and are rambling and incomprehensible. The Defendant has failed to sufficiently plead any factual allegations upon which relief may be granted."* (d.c. #35, #46 page-1 lines 1-2-3, DV-18-37/38).

Pro Se RCL authority is in comity with "Fla. Evidence Code 90.403[FN#44] Exclusion on grounds of prejudice or confusion by/of Honorable Judge KK-JD.

**"A-7-b" Literate Common Facts Plead & Organized Facts in 47-page 2<sup>nd</sup> Amended Counterclaim & 2<sup>nd</sup> Amended Third Party Complaint Oppose Judge KK-JD insult: "made no legal or logical sense..."**

Argument 100% concealment of Pro Se RCL Statement of Case & Facts pp 1-5: & use of discipline M.R.Civ.P. Rule 10(b) Paragraphs; Separate Statements. A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances. (d.c. #26/#37 in DV-18-37/38).

**"A-7-c" Judge KK-JD mischaracterizes takes things out of context & regurgitates them to fit his own narrative & deliberately omits important relevant Case Facts-in-record malicious these public records' judgment voided.**

**"A-7-d" Literal Common Facts Plead & Organized & Understood: Abuse & Abandonment to DHL by HPL (page 7) & abuse & abandonment of all plead law by Pro Se RCL "fits like a glove" to KK-JD's Civil RICO-racketeering-Organized Crime: "Predicate Acts per each-defendant named (pages 8-12); "Method of Predicate Acts (pges 12-14) (d.c.#26, #37 pages-8-14, DV-18-37/38).**

*i.e. "I (RCL) am forbidden to speak to you (Clerk Anaconda-Butte) on the telephone or via e-mail." (d.c. #43 & #54 transcript DV 18-37/38 p.20 L2-8)*

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<sup>46</sup> M.R.Civ.P. (2017) Rule 8 (b)(6) Effect of Failing to Deny. An allegation-other than one relating to the amount of damages - admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.

<sup>47</sup> Comity Fla.-Evidence-Code-90.403 Exclusion grounds of prejudice or confusion.

**"A-7-a-b-c-d" REMEDY** requires non-bias 2<sup>nd</sup> opinion for 100-percent-jury-trial-verdict-due-process-redress-with-four-video cameras[FN#28] to impeach Judge KK-JD as **"Service is Our Only Product"** (M.R.App.P. 8.(7)(c)(d)) cannot void oath-Montana-constitutional<sup>[48]</sup> mandated process not to interfere with freedom of speech: U.S. First Amendment to retard American-progress with Butte-Anaconda Clerk bench editing to apply juror fact-to-law (MCA 25-7-103)[FN#11] as particularity as plead to comply with describing actual fraud & civil-RICO exist etc. et al. (d.c. #35/#46 in DV-18-37/8). **REMEDY #3: Kurt Krueger Juris Doctor**[FN#23-#24-#25] (KK-JD) with no doctor experience what-so-ever as inadequately trained with juris doctor diploma with-no moot court/mock trial training. This cover-up<sup>[49]</sup> is for lack of discipline-experience to perform in jury trials.

**"A-8-a" VIOLATED MONTANA UNIFORM DISTRICT COURT RULE TWO<sup>[50]</sup> MUST VOID JUDGMENT-KK-JD "JUDGMENT-ORDER FOR RELEASE OF LIEN AFTER MOTION WITH NO SUPPORT BRIEF.**

**"A-8-b" KK-JD "Order For release of Lien" (d.c. #37/#48 in DV-37/38)** after WJD-JWD Motion for Release of Lien (d.c. #36, #47/DV-37/38) was with no support brief violated Montana Uniform District Court Rule 2[FN#52].

**"A-8-c" REMEDY document U.S. Justice<sup>[51]</sup> support requiring prompt dismissal of KK-JD \$148,000 judgment & remand for 100% jury trial w/cameras.**

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<sup>[48]</sup> Montana State Constitution Article III § 3 Oath of Office. ... and judicial officers, shall take ... oath or affirmation, before they enter upon the duties of their offices; ... allows Pro-Se-RCL use *Article V § 13 to Impeach* officers.

<sup>[49]</sup> Cover up n (1927) an attempt to prevent authorities or the public from discovering the truth about something; esp., the concealment of wrongdoing by a conspiracy of deception, nondisclosure, and destruction of evidence, usu. Combined with a refusal to cooperate with investigators. \*A cover-up often involves obstruction of justice. Cover up. vb. *Black's Law Dictionary 10<sup>th</sup> Edition (2014)* page 446.

<sup>[50]</sup> Mont. Uniform District Court Rule 2 Motions (a) The moving party shall file a supporting brief upon filing a motion. ... (b) Failure to File Brief may subject the motion to summary ruling. The moving party's failure to file a brief shall be deemed an admission that the motion is without merit...

<sup>[51]</sup> **"...i[[f it violates some rule of civil procedure other than that, it will be thrown out."** Quote by U.S. Justice of Supreme Court Breyer. Lines 13-15, page

**"A-9-a" SAME DAY "RELEASE LIEN ORDER" AS PRO SE JWD "MOTION" IS KK-JD BAD FAITH-CIVIL RICO ETC: M.R.CIV.P. #54(g).**

o KK-JD "Order To Release "Lien" on 4/9/19 (d.c.#37/#48 in DV-18-37/38).

o JWD "Motion To Release "Lien" on 4/9/19 (d.c. #36/#47 in DV-18-37/38).

**"A-9-b"** The judgment is void (M.R.Civ.P. Rule 60.(4)) from misbehavior on April 9, 2019 is no good behavior (US Const Art. III§1) secret-sabotage-telephone communications between Judge KK-JD & Lawyer Pro Se JWD-WJD to exclude non-lawyer Pro Se RCL. Requires voiding-this-judgment.

**"A-10-a"KK-JD-PRO SE JWD REFUSE STATUTES' PLAIN LANGUAGE**

**A-10-b ARGUMENT** from transcript: "RCL: "It's not a lien": RCL-A:

"No, sir, It specifies very clearly in the MCA 71-3-352 and 71-3-103 that no lien or claim is not due. **It's not a lien.** So the words are clear. You cannot manipulate and falsify public records by saying words that are not there. So what you are speaking to is incorrect, illegal, and unconstitutional, sir. Source (d.c.#43 & #54 7/12/19 transcript, page 27, Lines 4-10; DV-18-37/38).

**"A-10-c"** "We begin with ... the language of the statute itself. Absent a clearly expressed legislative intention to the contrary, that language must ordinarily be regarded as conclusive." **Consumer Product Safety Commission et al. v. GTE Sylvania, Inc. et al. 447 U.S. Sup. Ct. 102 (1980).**

**"A-10-d"** And "In interpreting a statute a court should always turn to one cardinal canon before all others...[C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there." **Connecticut Nat'l Bank v. Germain, 112 US Sup. Ct. 1146, 1149 (1992).** Indeed, "when the words of a statute are unambiguous, then, this first canon is also the last: 'judicial inquiry is complete.'" 503 U.S. Su. Ct. 249, 254.

**"A-10-e" CONCLUSION: [FN#31, part i] DV-18-37 Name: WADE J. DAHOOD ESQ.: FORFEITURE OF HIS PROPERTY PURSUANT: CV 78-67-BU ... (case to reopen Butte US Clerk records were destroyed.)**

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10, Washington D.C. (2017); Epic Systems Corp v. Jacob Lewis, No. 16-285, Ernst & Young LLP. Et al., v Stephen Morris, No. 16-300-&-National Labor Relations Board v. Murphy Oil USA, Inc., et al. No. 16-307.

And "A-10-f" [FN#31 parts ii-thru-iv] DV-18-38 Names HENRY PAUMIE LUSSY HPL-LLR-JMB secured-solely-by-WJD's fraudulent provided-talk-for-fraud-document-Pro Se Signature on Exhibit A-8306.

**"A-11-a" KK-JD BIAS AGAINST TRIED & TRUE FACT/EXPERT TESTIMONY SUPPORT ATTORNEY FEE-PURSUANT-RULE 60(3)(4).**

"A-11-b" Pro Se RCL requires tried & true fact-expert witness testimony to collaborate Pro Se JWD & Pro Se WJD.

Pro Se RCL Q "The second question, Your Honor is there any other lawyer as an expert that would collaborate this with Mr. Wade J. Dahood?"

Pro Se JWD: "I'm going to object to that, Your Honor. That's speculative."  
Pro Se RCL appeals the overstated lawyer fee as itself speculative. (d,c, #43, 54 p13 L4 DV-18-37/38) to void judgment M.R.Civ.P. 60(3)(4).

"A-11-c" CONCLUSION Pro Se RCL requires juror fact-to-law MCA 25-7-103 to demonstrate voiding this judgment from fraud-misbehavior, not good behavior.

**"A-12-a" KK-JD BIAS NOT-PLEAD MCA 27-1-1505(i) VOIDS PRO SE JWD CLAIM: MONTANA IS A NOTICE PLEADING STATE.**

"A-12-b" Pro Se JWD: "As the court knows and well settled in Montana, we are a notice pleading state. We understand this, but it has not been long settled... (d.c.#43, #45, p6 L.16-18 DV 18-37/38)

"A-12-c" Pro Se JWD: "As "A-11-c" Pro Se JWD son to father Pro Se WJD: Q "That includes the attorney fee claim" Pro Se WJD: A. "Yes" P8 L13.  
Pro Se JWD Q. "And pursuant to 27-1-1505, because the lien was deemed to be a not sufficient lien, you are entitled to your attorney fees?" Page 8 Line 14-16.  
Pro Se WJD A. "That's correct" Page 8 Line 17.

Pro Se JWD Q. "And that's what you are asking the Court to award, is \$74,000 total?" Page 8 Line 18-19.

WJD A. "I am asking the Court to award that amount." Page 8 Line 20-21.

JWD Q. "Including the attorney fees" Page 8 Line 22.

WJD A. "Including the attorney fees." (d.c.#43,#54, page 8 L12-23 DV 18-37/38)

"A-12-D" CONCLUSION Pro Se WJD & Pro Se JWD did not plead MCA 27-1-1505(i) voids this judgment from fraud: KK-JD "service is the only product".

**"A-13-a" KK-JD EIGHT INSTITUTIONAL CONFLICTS' OF INTEREST NULLIFY JUDGE NEUTRALITY: JUDGMENT RULE 56(g).**

**"A-13-b" Pro Se KK-JD'S with eight-category<sup>52</sup> conflicts-of-interest<sup>53</sup> co-produced Pro-Se-WJD-JWD bad faith affidavit Rule 56(g) M.R.Civ.P. in the fraudulent "lien-claim" fraud by malice by direct comparison to Pro Se RCL Notice of claim "Notice of right to claim lien" & "No lien for claim not due".**

**"A-13-c" Opponents' infamous "fraud-lien-claim" (d.c. #1, #1 in DV-18-37/38) is specific to Pro Se WJD's forty-one year old unlitigated CV 78-67-BU 10(b)5<sup>54</sup> voided \$500K+/-Securities Fraud lawsuit when he-investor-&-Lawyer-professionally oversaw-Townhouses Ltd legal documentation, claiming he was never personally-professionally involved with Pro Se RCL (d.c. #3, #1 page 7 Lines 9-11 DV-18-37/38) with key-man-F.R.Bennett President First Security Bank.**

**"A-13-d" KK-JD with Pro Se JWD for father Pro Se WJD have violated his duty of care pursuant violations of general common law duty to use reasonable care under these circumstances to avoid causing foreseeable harm to non-lawyer Appellant-Pro Se RCL pursuant Sections 28-2-701(1) MCA "what is unlawful"; §**

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<sup>52</sup> Eight categorical conflicts of Interest are each manifest-abuses of discretion. 1<sup>st</sup> Lawyer patronage for lawyer-tribute Ponzi/pizzo policy by emolument; 2<sup>nd</sup> Express declaration self-administered "immunity" i.e. Fla. Judicial Code 3D3 of Conduct that includes Fla. Supreme Court Fraud Code. 3<sup>rd</sup> Technological conflict claim not to understand what is written; abstract scientific rumination is last thing done. 4<sup>th</sup> Financial conflict; All parties paid by same party. 5<sup>th</sup> Academic conflict; all parties schooled by American Bar Association same defective rule making. 6<sup>th</sup> Ideological conflict, greed masquerading as altruist public servants. 7<sup>th</sup> Gov't against the public purpose. 8<sup>th</sup> Theoretical conflict refuse 100-percent jury trial with four cameras.

<sup>53</sup> Conflict of interest a real incompatibility between one's private interests and one's public or fiduciary duties. Blacks Law Dictionary 8<sup>th</sup> Ed (2004), p319.

<sup>54</sup> Rule 10b-5 SEC rule that prohibits deceptive or manipulative practices (such as material misrepresentations or omissions) in the buying or selling of securities.- Also termed antifraud rule. Black's Law Dictionary 10<sup>th</sup> Edition (2014) page 1529.

27-1-701MCA "Liability for negligence are willful acts"; §28-1-201MCA "General duty of care"; §1-1-204 MCA "Terms denote state of mind" & §45-2-102MCA "Substitute negligence & knowledge"<sup>55</sup> pertaining to all gov't lawyer judges.

"A-13-e" CONCLUSION: Regardless of whether the trial judge KK-JD found the evidence credible or not, it is the jury's prerogative to weigh that evidence. MCA 25-7-103[FN#11] (d.c. #3 & #3 page 50 DV 18-37/38).

**"A-14-a" KK-JD BRASS KNUCKLES BIAS MOLLYCODDLING PRO SE JWD VOIDS JUDGMENT.**

"A-14-b" KK-JD mollycoddling<sup>56,57</sup> Pro-Se-JWD is manifest abuse of discretion for: tutoring & mentoring giving unsolicited assist denied thru self-evident hostility to Pro-Se-RCL. (d.c.#43 & #54 page 28-29, DV-18-37/38).

<sup>55</sup> Codification of common law duty and negligence theory is the foundation to racketeering-in-organized crime: Civil-RICO violations. Discussion duty as a function of reasonable fore-see-ability of harm. Moreover, based on the relative disparity of knowledge and to the objectively reasonable expectation that the recipient would be able to trust and rely upon a "neutral" pre-disposed 100-percent discrimination policy of American Bar Association: British Accredited Registry (BAR) a "smoking gun" emolument prohibited by U.S. Const. Emolument Clause.

<sup>56</sup> Mollycoddle noun-&-verb (1864) pampered or effeminate man or boy, to treat with more kindness & attention than is appropriate : treat too nicely or gently; Synonyms, coddle, indulge, baby, pamper, spoil, wet-nurse. Merriam Webster.

<sup>57</sup> Opposing JWD Q. "Have you reviewed 27-1-1505? RCL A. "I was not provided that in your affidavit or in responsive pleading. JWD Q. But—and you have never reviewed it? RCL A. "What does it say? JWD Q. That's not my question, Mr. Lussy. My question is, have you ever reviewed that statute? RCL A. Well, I can't make an answer when you refuse to make a specific question. JWD Q. Okay RCL A. So I object to your question based upon lack of substance, sir.

(Manifest Abuse of Discretion gov't lawyer patronage KK-JD putting words in "adult" Pro Se JWD's mouth) THE KK-JD COURT: It's a simple -would you— just if you will rephrase and tell him the title of that. Give him the statutory, but if you will also give basically the title.

**ISSUE TWO(B): FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER.**  
"IT IS HEREBY ORDERED that the Defendant (Counterclaim-Plaintiff) RICHARD C. LUSSY is enjoined and prohibited from proceeding or filing any further pleadings pro se without leave of court.

"B-1" Pro Se JWD with Pro Se WJD refuse to hire lawyers & leave of court.

"B-2" Free public law judiciary "service is the only product" requires a jury verdict.

"B-3" No precedent can be factually verified. No evidence exists for such malicious public record repetition of libel per se that Pro Se RCL can verify: *prohibited from proceeding or filing any further pleadings pro se* from CV-78-64-BU[FN#31] a non-published, non-precedent case with records destroyed[Appendix, Exhibit A-8978]. Motive is to make work: Judge W.D. Murray for unemployed-lawyer-son-Charles A. Murray &-nephew- Charles A. Murray Jr. in Butte @ 54 W. Galena St.

"B-4" Presiding Judge KK-JD is not adequately trained in mock trials/moot court and is too busy getting paid to do his work & communicate case to Clerk Krueger already prohibited Pro Se RCL's to communicate other than US Mail 1-week delay.

"B-5" Given malice-thru vengeance motive by Pro Se KNIGHT & DAHOOD in civil RICO in only two-cases-in-record-to-further unjust compensation with 100-percent market share, no competition and no consumer freedom of choice-continue: 100-percent-to-conceal this fraud-as-"lien" [FN#31](d.c. #1, #1 Ex. "A" DV-37/38).

"B-6" Pro Se RCL is protected from KK-JD's judgment in U.S. Constitution paper, yet not in real-life against bar association lawyer cartel cabal behemoth ("BALCCB") evidence in CV 78-67-BU eight-1988-92-96-00-04-08-12-16 Florida Elections Pro Se WJD's fraud "lien" claim (d.c. #1, #1 Ex. "A", DV-37/38).

"B-7" The United-States-Constitution does not require judges-justices in judiciary to be lawyers. Lawyers are not lawfully to be worshiped-a-state religion.

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JWD Q. Absolutely Your Honor.      JWQ Q (again) So 27-1-1505 is entitled Liens. And says, as used in this section the following definitions apply. And it

"B-8" KK-JD lack of capacity for unjust enrichment by-lawyer-fee-extortion (\$19,623.46) attorney fees in \$74,000 punitive damages (two cases: \$148,000) by son Pro Se JWD to perjure Father Pro Se WJD a co-investor individually with Pro Se RCL & Lawyer for Townhouses LTD (60-apartments) source of DV-18-37/38 fraud "lien" claim by Pro Se JWD.

Regan v Taxation With Representation 461 U.S. 540, 550 U.S. Sup. Ct. (1983) court upheld a restriction on lobbying by nonprofit organizations allowed to receive tax-deductible contributions: *sua sponte* (of one's own accord"). See also Rust, 500 U.S. at 198 to separate from [federal] project in order to ensure integrity of federally funded program," is lack of capacity.

"B-9" KK-JD lack of capacity in U.S. criminal-not-civil prosecution impact 8-Fla. Property Appraiser elections 1988-92-96-00-04-08-12-16:

[A]n accused, in exercise of a free and intelligent choice and considered approval of court, may waive trial by jury, and so, likewise, may waive his constitutional right to assistance of counsel. P. 317 U. S. 275. 126 F.2d reversed. Certiorari, 316 U.S. 655, to review a judgment reversing a conviction and sentence in a prosecution for using the mails to defraud in violation of Criminal Code, § 215. (emphasis)  
Argument is raised at Issue tailor-made-for (1819) Missing 13<sup>th</sup> Amendment Argument aka Titles of Nobility Amendment challenge this judgment[FN#28].

"B-10" KK-JD lack of capacity Regan prevented nonprofit organizations from lobbying with tax-deductible contributions, yet a related provision permitted organizations to form affiliates to engage in active-lobby activities: that require lawyers to talk to government lawyers' KK-JD.

See 461 U.S. at 544. The Court noted that "dual structure" in upholding restriction, *ibid*, observing that affected organization had not been denied "any independent benefit on account of its intention to lobby," *ibid*. At 545. See *id*. At 553 (Blackmun, J., concurring) reasoning that lobbying restriction was permissible because of the affiliate provision); see also Rust, 500 U.S. at

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defines liens. ... (d.c.#43 & #54 page 28-29 DV-18-37/38).



198. Forcing a lawyer(s) on a R.C. "Rick" Lussy in a federal funded program is unconstitutional and lack of capacity.

**"B-11"** KK-JD *lack of capacity* is in contrast to Regan, FCC v. League of Women Voters, 468 U.S. 364 (1984):

The Court invalidated a federal law prohibiting noncommercial television-radio stations that received federal grants from editorializing but Court noted that if Congress permitted stations to "establish" affiliate organizations which could then use stations facilities to editorialize with nonfederal funds, such a statutory mechanism would plainly be valid. Id at 400.

Regan, 461 U.S. at 547-548 uphold lobbying restrictions that applied to non-profit organizations but exempted veterans' organizations likened to BALCCB cannot lobby for lawyers in public courtrooms now-routine in CV-78-67-BU/DV-18-37/38.

**"B-12"** KK-JD *lack of capacity* in Adams v. United States ex rel. McCann - 317 U.S. 269 (1942) from Chicago 10.

U.S. Supreme Court, ... and with considered approval of court, ... and so, likewise, may waive his constitutional right to assistance of counsel. P. 317 U. S. 275. 126 F.2d reversed. Certiorari, 316 U.S. 655, to review judgment reversing conviction and sentence in a prosecution for using mails to defraud in violation of Criminal Code, § 215.

Right to assistance of counsel & the correlative right to dispense with a lawyer's help are not legal formalisms yet with lack of capacity to compel cooperation.

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

**"B-13"** KK-JD *subordinate capacity* to U.S. Constitution 5<sup>th</sup> & 7<sup>th</sup> Amendment with Article I, §8, §9 & §10 compel conflict jurisdiction in jury verdict.

**"B-14"** KK-JD Agency *lack of capacity* is for U.S.-Supreme-Court-attempt-to-resolve-legal-status-of-African-Americans: Dred Scott v. Sandford, 60 U.S. (19

How.) 393, 15 L. Ed. 691 (1857). Conclusion Congress was powerless to extend U.S. citizenship rights to African Americans: this-white-RCL-slave-petitioner demonstrates his lack of capacity at Butte Montana level.

“B-15” KK-JD *lack of capacity is subordinate to federal constitutional term demand Pro Se RCL involuntary servitude as*

“[F]or person laboring against that person's will to benefit another, is coercion a condition of slavery, ... experienced in chattel slavery; involuntary servitude may also refer to other forms of unfree labor not dependent upon compensation or it's amount. *Seven-Wikipedia* references.

Unconstitutional: Appellant-Pro Se RCL in servitude to pro se “sovereign” WJD-JWD sign as foreign British Accredited Registry (BAR) emolument privilege franchise fee dues is an-antitrust-policy-failure without exemptions & immunities, that further subsidize pro se lawyer constitutional takings in USA fragile democracy.

“B-16” KK-JD *lack of capacity* except by self-administered, self-immunized government lawyer judge with “Halo Effect” i.e. Fla. Judicial Canon 3D3<sup>58</sup> as is Florida pre-election Judge Statement & State Supreme Court fraud definition-frauds that require Judicial Canon 3D3 is fraud itself plus: “doctors” with no experience.

“B-17” KK-JD extortion attempt (\$19,623.46) plus is *unjust enrichment*<sup>59</sup> & is classic precedent-pizzo *necessity of lawyer services* in personal replevin<sup>60</sup> (festering since CV-78-67-BU) *habeas corpus ad respndendum*<sup>61</sup> ad

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<sup>58</sup> Judge Canon 3D(3) Acts of a judge, ... shall be absolutely privileged, ... .

<sup>59</sup> Unjust enrichment (1897) 1. ... 2. A benefit obtained from another, not intended as a gift and not legally justifiable, for which the beneficiary must make restitution or recompense. \* Unjust enrichment is ... 3. The area of law dealing with unjustifiable benefits of this kind. Black's Law Dictionary 10<sup>th</sup> Ed. (2014) P. 1771.

<sup>60</sup> Personal replevin (1844) at common law, an action to replevy a person out of ... another's custody. Black's Law Dictionary 10<sup>th</sup> Edition (2014) p 1491.

<sup>61</sup> Habeas corpus ad respndendum [Law Latin “that you have the body to respond”] Black's Law Dictionary 10<sup>th</sup> Ed. (2014) p 825.)

*satisfaciendum*<sup>62</sup> for Cases: DV-18-37/38 remand to jury trial herein i.e. government lawyer judge judgment-order/stare decisis are not Montana Statutes under Legislative law & is no shield to unjust enrichment against DHL-HFL Estate with sibling Per Se RCL preservation-protection inside Notice of Claim of Lien, all Statutes in Montana Code Annotated: 71-3-103[FN#36], 71-3-532[FN#37] & 27-1-1505[FN#36].

**ISSUE THREE(C): FINDINGS OF FACT, CONCLUSIONS  
Of LAW & ORDER.**

*"FINALLY, IT IS ORDERED that the oral motion for summary judgment presented by the Plaintiff (sic) (Pro Se WJD with Pro Se JWD) is GRANTED.*

"C-1" Legally KK-JD pursuant M.R.Civ.P. 56(a) *"no genuine issue as to any material fact"* must exist for "ORAL MOTION FOR SUMMARY JUDGMENT". Inconclusive. Appellant Pro Se RCL elaborates: M.R.Civ.P. 56(d)(1)(2)(e) case is not fully adjudicated on this Motion, establishing Facts noted in Statement of Case & Facts establish liability requiring further testimony demonstrating "Genuine Disputes To All Material Facts Continue" pursuant 28 U.S. Code § 1746(2) my unsworn verify under penalty of perjury all is true and correct.

"C-2" KK-JD continued bias is documented as conspicuous<sup>63</sup> culpability pursuant UCC § 1-104 for unjust-enrichment is in bad faith & with unclean hands.

"C-3" Pro Se-RCL-MR. LUSKY: "...As I mentioned in Missoula (CV-79-BU-BMM-JCL) the oral argument that uh, with Jeffrey Wade Dahood that ... say I mean it's all part of the circumstances and so the jury would be the neutral decider of the case is my recommendation and my request your honor. (d.c. transcript 6/6/2018 scheduling conference p 9 L 6-10, DV 18-37/38).

**CONCLUSION FROM ARGUMENT**

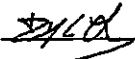
Appellant Pro Se RCL is obligated to Montana R. App. P. 8.(2)) Remand For Supplementation Of The Record to build a record denied him since November 9,

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<sup>62</sup> *Habeas corpus ad satisfaciendum* [Law Latin "that you have the body to make amends"] Black's Law Dictionary 10<sup>th</sup> Ed. (2014) page 825.)

2015; stonewalled by Pro Se WJD-JWD-HPL-LLR-JMB, separate-&-similar argument MG-R continue-to-control Blessed Mother-Father: DHL-HFL Estate. M.R.App.P. Rule 8.(2) specifies RCL's thirty-four lack of capacity Manifest Abuses of Discretion<sup>[64]</sup> from hearsay-stare decisis-rendition is/are case studies require fact witness testimony for direct application was-not-possible from evidence of **CONCLUSIONS OF LAW** (d.c. #44, #42, 45, #37, #35 in DV 18-37 and #55, #53, #48, #46 in DV 18-38) is illegal *hearsay-stare decisis rendition*.<sup>[65]</sup> Hearsay not relevant is generally inadmissible (MRC.P. Rule 402 (2019)) hearsay (MRC.P. Rule 805 (2019)) in both DV-18-37/38 aka DA#19-577/DA#19-578 is correctly-disproved:

**SIGNATURE:**

I sign this by declaration of compliance to (M.R.App.P. Rule 13(2)) & 28 U.S. Code § 1746(2) unsworn declaration: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct Executed on January 11, 2020 by  Richard Charles Lussy a.k.a Richard C. Lussy appellant pro se signed for himself with analysis is true.

---

<sup>[63]</sup> Construction UCC § 1-104 unified coverage **Conspicuous UCC § 1-201** Definitions (10) "Conspicuous": A term or clause is conspicuous when it is so written that reasonable person against whom it is to operate ought to have noticed.


<sup>[64]</sup> Abuse of Discretion is clear error defined "A district court has abused its discretion if substantial evidence does not support its award of attorney's fees." ...." Source: *Standards of Review of Montana Appellate Courts* (2015) pp12-13.

<sup>[65]</sup> Rendition n. (17c) 1. The action of making, delivering, or giving out, such as a legal decision; esp., the filing of a court order with the clerk of court. \*A court's written order is "rendered" upon filing. 2. .... 3.... Blacks Law Dictionary 10<sup>th</sup> Edition (2014) page 1487.

### CERTIFICATE OF COMPLIANCE

Rule-Form 11(4)(e) I hereby certify that the foregoing brief is proportionally spaced typeface of 14 points of 9,894-words & does not exceed 10,000 words (7,896-words text & 1,998-words footnotes) This excludes all-little-Roman-numbered-pages: table-of-contents, table-of-authorities, Montana Supreme Court Standards of Review and excludes also Signature, Compliance-Certification & Service-Certificate with Appendix & original Judgment & attachments itemized. January 11, 2020 date with

Signature:  Richard C. Lussy  
Appellant, Counterclaimant-Plaintiff Pro Se.

**CERTIFICATE OF SERVICE** (Rule-Form 10(4)): I  Richard C. Lussy certify on January 11<sup>th</sup>, 2020 that I filed this Pro Se Appellant's Brief with the Clerk of the Montana Supreme Court (original & 9-copies) 215 N Sanders St #323, Helena, MT 59601<sup>620</sup>, and that I have mailed one copy to each attorney of record and any other party not represented by counsel as follows:

(1) Pro Se Wade J. Dahood & Pro Se Jeffrey Wade Dahood KNIGHT & DAHOOD, P.O. Box 727, Anaconda, MT 59711 as agent representing Henry Paumie Lussy, Launa Lynn Roque & Jenahlee Murie Bornff Appellees.

**For DV-18-37 now DA 19-0577 & DV-18-38/DA 19-0578**

(2) Daniel J. Whyte, Special Assistant to Attorney General Tim Fox, PO Box 201401, Helena, MT 59620-1401 (406) 444-3340, Email: dwhyte@Mt.Gov

**Counsel for Merna Green Assessors' Office Mont. Dept. of  
Revenue Appellee For DV-18-38/DA 19-0578**

## APPENDIX

**Attached: Judgment DV 18-37 &/or DV-18-38 (as appropriate)** (1-page);

December 30, 2019 Susie Krueger Clerk of District Court reply (1-page);

December 23, 2019 RCL Letter to Judge Krueger proxy Clerk Krueger (1-page);

July 10, 2019 MOTION As Answer For Permission To File In Self Defense To Affidavit: 7/9/19 Pro Se Dahood Seeking \$19,623.46 Before Telephonic Fee Hearing 7/12/19 In Four parts Genuine Disputes To All Material Facts Continue. (2-pages)

July 10, 2019 ANSWER BRIEF IN SUPPORT FOR PERMISSION TO FILE IN SELF DEFENSE AFFIDAVIT 7/9/19 PRO SE DAHOOD SEEKING \$19,623.46 BEFORE TELEPHNIC FEE HEARING 7/12/19 IN FOUR PARTS, GENUINE DISPUTES TO ALL MATERIAL FACTS CONTINUE (8-pages)

November 18, 2019 (in DV-18-37) & November 15, 2019 (in DV-18-38) From Susie Krueger Clerk of Court Anaconda-Deer Lodge County Re: Motion: Permission Leave to File: Statement of Unavailable Evidence Written Lawyer Fee Contract: for record on Appeal with a Proposed Order attached. (9-pages)

12/7/2006, "Indenture-Agreement" Life estate Mother Dorothy H. Lussy, Henry Paumie Lussy allowed in Basement of homestead: 1818 Tammany Street, Exhibit A-8483 (1-page)

Deer Lodge County Certification of a Death Certificate Blessed Mother (1-page)

4/17/2018 from Susie Krueger Clerk of Court Anaconda-Deer Lodge County To Whom It May Concern: Dorothy Helen Lussy/Date of Death: November 2, 2015 ...no Estate or Will has ever been filed with this office for the above-named individual. Exhibit A-8544 (1-page)

2/18/2015 from Beth Conley Chief Deputy Office of Clerk United States District Court. "I regret to inform you that I am unable to supply copies of the documents you requested on case CV-78-67-BU as the case file has been destroyed. Exhibit A-8978 (1-page)

4/10/2018 from Coleen Hanley, Chief Deputy of Operations to Richard Lussy ...Please be advised that there is no fee required to file a motion to reopen a civil case in federal court. Exhibit A-8538 (1-page)

11/3/15 from Henry Paumie Lussy ... to Richard Lussy, by the instructions of Dorothy Lussy's trust. ... Federal Express Mail Cashiers Check \$35,000 refused. Exhibit A-8304 (inadmissibility Living Trust as destroyed) (1-page)

**7/23/19 Affidavit Exhibit A-8571 is a separate attachment hereafter** evidence Racketeering Organized Crime: International Green Machine Sex Solicit then Threat to RE: petitioner pro se R.C. "Rick" Lussy Candidate 2016 & 2020-24.

LOCATION: Embassy Suites, Hilton-Hotel 3974 NW S.River Dr, Miami Fla. 33412. DATE" July 23, 2019. Monday night, 7:45pm @ Embassy Suites/

AGENT: SSA (Sabotage surveillance Agent) Christenson's sex solicit-&-threat work as proxy: 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>... party for lawyer lobbyists...ABA. (as attached)

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**Story behind the story:** Butte Montana CV-78-67-BU: 10(b)(5)[FN#59] case shall be reopened for free by Coleen Hanley Chief Deputy of Operations (Appendix: Exhibit A-8538) after case records were destroyed, verified by Beth Conley Chief Deputy (Appendix: Exhibit A-8978). CV-78-67-BU was a securities fraud claim that did not litigate \$500,000+/- voided interest bearing promissory notes. Stoppage was due to one thing: Change of client RC Lussy law firm management: From: Competent high brow, white shoe, original Plaintiff Nick Verwolf Lawyer (Harold Van Dye Missoula Local Counsel-both University of Montana Law School Graduates): Hensel, Fetterman, Martin & Todd law Firm. To hostile-incompetent medical malpractice Seattle Law Firm replacement Mark Davidson prime counsel (Guy McClelland Missoula counsel) Williams Lanza Kastner & Gibbs law firm acquisition. Purpose of law-business sale was to vest partner's pensions. Res judicata & statute of limitations do not apply.

**Manifest abuse of discretion** by Gov't Lawyer Judge Lawyer Krueger's 8-categorical conflicts of interest[FN#57] required bias-discrimination against Pro Se RCL by ABA institutional mandate.

804  
Richard C. Lussy ("RCL") Esq., MAI, SRA  
RICHARD LUSSY & ASSOCIATES (Property Appraisers)  
860 Sixth Avenue South, P.O. Box 152  
Naples, FL. 34106; Telephone (239) 263-5413;  
E-mail: ricklussy@yahoo.com      Petitioner pro se

MONTANA STATE SUPREME COURT

**From:** UNITED STATES MONTANA DIVISION: Shall Reopen: CV-78-67-BU;  
**To:** Consolidate DV 18-37 With DV 18-38 Before 10/06/19 Notice of Appeal Is  
Due & Formal Procedure Probate DP-18-31 Destroyed-Living-Trust-As-Last Will  
& Testament CV-17-79-BU in 9<sup>th</sup> DCA 18-35937 With Disgorgement Process.

**To: WRIT OF MANDATE** (MCA 27-26-101)

Cause No. \_\_\_\_\_

**In re:** R.C. "RICK" LUSSY ("RCL") aka  
CANDIDATE, 2016 AND-2020-2024 ELECTIONS  
PETITIONER/PLAINTIFF PRO SE/INJURED

VERSUS

HENRY PAUMIE LUSSY, LAUNA LYNN ROQUE, JENAHLEE MURIE  
BORNFF; WADE J. DAHOOD, JEFFREY WADE DAHOOD, INDIVIDUALLY  
OF KNIGHT & DAHOOD LAW FIRM, MERMA GREEN. ASSESSOR  
MONTANA STATE DEPARTMENT OF REVENUE; JEREMIAH C. LYNCH  
UNITED STATES MAGISTRATE; BRIAN M. MORRIS, ARTICLE III UNITED  
STATES JUDGE [No. CV-17-79-BU & NINTH CIRCUIT COURT OF APPEAL  
18-35937]; TYLER GILMAN CLERK [No.: CV-78-67-BU], KURT KRUEGER,  
DISTRICT COURT MONTANA STATE JUDGE [No. DV 18-37; DV 18-38 &  
DP-18-31 [RE: FORMAL PROBATE DOROTHY HELEN LUSSY]; ANDRE  
BURKE DIRECTOR OVER OFFICE OF PRESIDENT: AMERICAN BAR  
ASSOCIATION TRADE UNION; JOHN MUDD EXECUTIVE DIRECTOR:  
MONTANA BAR ASSOCIATION TRADE UNION & DIANA MOSS,  
PRESIDENT: AMERICAN ANTITRUST INSTITUTE.  
RESPONDENTS'/DEFENDANTS' PRO SE/FRAUDSTERS/RACKETEERS'

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Extraordinary Writ Montana Code Annotated Rules 14 & 11 Jurisdiction  
PETITION FOR WRIT OF MANDATE (Not An Appeal)  
IN AFFIDAVIT FORM WITH APPENDIX

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#### MONTANA STATE STATUTES:

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## FACTS & EXTRAORDINARY CIRCUMSTANCES FOR JURISDICTION

Montana Supreme Court<sup>¶</sup> Rule Civil Procedure 14(5)(b)(i) & 11(4)(c).

**PARTIES:** A.) R.C. "Rick" Lussy ("RCL") aka Candidate, 2016 And-2020-2024 Elections followed by Defendant Indispensible Parties [FN#2];

B.) Henry Paumie Lussy ("HPL"); C.) Launa Lynn Roque ("LLR")

D.) Jenahlee Murie Bomff ("JMB") E.) Merna Green ("MG") Montana Department of Revenue, F.) Wade J. Dahood ("WJD-KD") Individually & G.) Jeffrey Wade Dahood ("JWD-KD") Individually In Law Firm Knight & Dahood ("KD"); H.) Merna Green Assessor Montana State Department of Revenue ("MGR"), I.) Jeremiah C. Lynch U.S. Magistrate ("JCL-JD"); J.) Brian Matthew Morris, Article III US Judge ("BMM-JD"); K.) Tyler Gilman Clerk ("TG-CK"); L.) Kurt Krueger, Montana District Court Judge ("KK-JD") together with indispensable parties: M-N-&O. M.) Andre Burke Director Over Office of President American Bar Association Trade Union; N.) Kate Ellis, Chair Mont. Bar Ass'n Trade Union & O.) Diana Moss, Pres., American Antitrust Institute [FN#3].

### Undisputed Public Record Facts For Jurisdiction

#1-a-i) *Stare decisis* is an issue-in-fact. A replication from loser 1776: old English ossified King George III precedent-judge-made-case-law: hearsay! It's not American, not legal-constitutional & not codified common law rules for jury trial.

o *Stare decisis* masquerades to distract & make work to churn lawyer fees against RCL's purpose: impeach-sue-prosecute defendants' in a disgorgement process.

#1-a-ii) Ever confident pro se Krueger's "facts" are fraud as he is a fraud after admitting to his functional illiteracy. "*The court doesn't understand your pleadings that are before this court.*" DV-18-37/DV-18-38 consolidated transcript 2/5/19, P. 13, L. 21-22.

KRUEGER piles on DV-18-37/DV-18-38 to prohibit RCL from proceeding pro se filing further pleadings as pro se without leave of this court". *Ibid.*

#1-a-iii) Identical to records destroyed: CV-78-67 lead up: CV-

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¶ Montana Sup. Court. supervisory control. Three courts: Fed. & state: cause gross injustice: constitution & law issues involve state/nation wide importance include Probate Formal Procedure be utilized 3.9-years-passed-to-date.

"prohibiting RCL from proceeding pro se filing further pleadings as pro se without leave of this court. Manufactured malicious public records without a corrective remedy. Continued into 1988-92-96-00-04-08-12-16 Fla. lost Elections.

#1-b) WJD-JWD with unknown contract: HPL for DH Lussy Estate. Knew HPL had no money except a social security check. LLR-JMB &-children that did not come to add value to Anaconda. *WJD boast to RCL on 11/9/15 of his \$1,000 yellow tie.* Consequently, lawyer enterprise has deep pockets to pay.

#1-c) December 2006, happy boomerang HPL photo of DHL Exhibit A-8536, after securing free basement-to-live-in coming from Seward-Anchorage Alaska. Thereafter, HPL became a-nest-keeper that hatched the egg of elder desperation-abuse syndrome to manipulate-emotionally-isolate-control mothers' "happiness".

#1-d) LYNCH US COURT: "[D]id defendant Wade Dahood, was he involved in the probate proceedings". JW DAHOOD: "He was the attorney for the Estate." CV-17-79-BU transcript 4/6/18, Page 12 L 7-9.

#1-c) JW DAHOOD: "[T]he Pfau case (CV-17-79-BU-BMM-JCL) ... specific fraud elements need to be pled..." Ibid Page 11 Lines 16-18. RCL satisfactorily added specific fraud elements-racketeering civil-tort RICO, negligence in subsequent DV-18-37/DV-18-38 with Third Party Counter Claim-Added Parties.

#1-e) MGR in DV-18-38: court judgment \$90,001.30 default & another court \$89,828.56 default judgment in CV-17-79-BU-BMM-JCL.

#1-f) Nov. 2, 2015 Blessed (saint) Mother Dorothy Helen Lussy ("DHL") Death Certificate, Deer Lodge County, Montana.

#1-g) HPL no known ad hominem hate till 11/9/2015 WJD Law Office per HPL letter (6/6/07) to RCL Exhibit A-8527. Yet, contrarian denied RCL to process three-property tax-appeal applications with MGR: Exhibits A-8533-34-35.

#1-h) MGR refuse appeal applications: badmouth stranger RCL via Dahood.

#1-i) MGR refuse appeal assessed (unwilling seller) value opposite MCA 15-8-111(1) All property appraised at 100% of its market (willing seller) value.

#1-j) Son #3-of-#4: RCL (Exhibit A-8287) sibling to quiet competent Blessed (sainted) parents Mother DHL & Father Henry Francis Lussy ("HFL").

#1-k) RCL self-defense is against one-judge rule/*stare decisis* implementing Titles-of-Nobility-Amendment-aka-Missing 13<sup>th</sup> Amendment (ratified in 1819) to enforce employee accountability in government at-all-levels.

#1-l) HFL-DHL to RCL in 1983-Seattle: Trust-Was-The-Last-Will-&-Testament: i.e. "*Upon death of settler, the trust shall become irrevocable.*" Source: Exhibit A-8281. Therefore: Defendants' manufactured malicious public records of Exhibit A-8282, A-8306 & A-8304 are malicious public records. As HPL: (i) has only social security pension; (ii) no limited power of attorney; (iii) not appointed conservator, (iv) no formal release for 1<sup>st</sup> Montana Bank. (v) As DHL-HFL knew HPL never would equal share with brothers. He never gave gifts.

#1-m) **Overall**: No inventory, no cooperation all-everyone is lying for a living. Conclusion: HPL, LLR, JMB with WJD-JWD-KD must buy brothers out: not take.

**Defendants' Facts: No Legal Authority before Nov. 9, 2015 Is Racketeering.**

#2-a) In Anaconda Deer Lodge County Montana at 113 E. Third Street: Knight & Dahood Law Office: Lawyer Enterprise plus Indispensable Parties [FN#3].

#2-b) RCL weekly+ phone call(s) to Mother: "*At least your happy in your own home: Mom's answer: "NO!"*";

#2-c) Another RCL phone call to Mother: "*You have HPL to play cards with & to talk with? Mom's answer: "I don't even know where he is!"*"; RCL Conclusion: Elder isolation is a tool to punish & torture to socially control. **Induced isolation is always a key to --despair/happiness and good/bad health.** "Loneliness won't just make Mom miserable-it would kill her. Induced loneliness lock-DHL-in-the-house only return-at-dark. This was not how DHL raised HPL: a needy-high-maintenance-complaining:baby-pubescent-adolescent-to-75-year-old-boomarang-home: ingrate, now 62-to-71 years-old (1944 D.O.B. 2006-to-2015).

**2-d)** After RCL spoke at DHL's Catholic Burial Mass he asked HPL what are your thoughts: HPL said: *"She never did anything for me."* Doting, 100-percent kind-kind-kindness-giving, quiet-competent life-giving-mother.

**#2-e)** Mother DHL after time of signing Exhibit A-8282: it now makes sense: *"I hope he (HPL) starts whistling again, as he whistled before he got married."* (DHL had already signed 301 & 305 Main Street over to brother Jer, years before.)

HPL's isolation-torment desperation syndrome was malicious to DHL.

**2-f)** Nov. 5, 2015 burial day: HPL, LLR & JMB sealed access to RCL: 1818 Tammany, DHL's residence "crime scene" removed DHL's modest diamond ring.

**2-g)** HPL, LLR & JMB isolated selves 11/5/15 afternoon Washoe Theatre movie showing & did not socialize JD's (Jerry's daughter) west valley new home.

**2-h)** Post November 9, 2015, HPL shut-off house phone (406) 563-2828, shut-off cell phone & shut off E-mail address, & refused US mail pickup certified return receipt to inventory of Blessed Mother DHL personalty.

**2-i)** Did not-show: under Washoe Theatre Marquee verified by Sheriff Deputy Exhibit A-8528 (2-p) accompanied by agent Errol-for-RCL standing.

### **Defendants' Fraudulent "Authority" Purloined On November 9, 2015.**

**#3-a)** In 113 E. Third Street: Knight & Dahood Law Office: **#3-b)** WJD-HPL both denied RCL a complete copy of DHL's Living Trust. **#3c)** WJD eye-to-eye to RCL *"Her living will died when she died"*. This proof of malice is evidenced by WJD given to RCL document RCL stapled WJD's card to: *"Upon the death of this settler, the trust shall become irrevocable."* Source-Exhibit A-8281.

### **Defendants' Deep Pockets' Control all of U.S. Commerce-&-U.S. Elections**

**#4-a)** Defendants' deep pockets' control all of U.S. commerce-&-all-U.S. elections or else the prior forty-one years would have been lawful & not contrary to good morals. Defendants' are well able to pay the \$33 Billion with nine zeros.

**#4-b)** J-W-DAHOOD For Defendant W-J-DAHOOD: *"... It all stems around an Estate which was handled in the Third Judicial District Court of Deer Lodge County in front of the Honorable Ray J. Dayton in which my father handled the Estate of the parties' parents, & specifically their mother."* Your Honor -CV-17-79-BU Missoula-Trans. 4/6/18 Pg 4 L19-23. [See Dayton's 6/6/18 trans. 15-pg]

#4-c) Anaconda Clerk Krueger instantly impeaches JWD on 4/17/18, Exhibit A-8544: "*No Estate or Will has ever been filed with this office: DHLussy 11/2/15.*"

#4-d) WJD-JWD-KD with other participating indispensable<sup>2</sup> deep pocket<sup>3</sup> pro se lawyers: -enterprise parties stand-alone to pay jury verdict & subsequent certified-consubstantial disgorgement of assets that-include-diamond-wedding rings as taken from Mother-DHL & subject to civil RICO 100% control commerce & Florida 1988-92-96-00-04-08-12018 (Exhibit A-8339) elections premised on Old English: hearsay *stare decisis*, not codified law.

#4-e) The Lawyer enterprise is publically recognized as a cartel.<sup>4</sup>

#### **Four-Records Destruction: Undisputed Public Record Facts.**

#5-i) Defendants' cover-up control RCL case evidence within lawyer enterprise.

#5-A) **FIRST-DESTRUCTION:** CV-78-67-BU Clerk of U.S. Court letter proof 2/18/15, (Exhibit A-8978); #5-B) **SECOND-DESTRUCTION:** HPL-WJD-JKWD-KD destroy DH Lussy Living Trust-As-Last Will & Testament 3.9-years.

#5-C-i) **THIRD-DESTRUCTION:** CV-17-79-BU-BMM-JCL real time tape record April 6, 2018 hearing for real-time listening. Transcript does not translate

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<sup>2</sup> Indispensible parties in caption: Lawyer Enterprise: JC. Lynch U.S. Magistrate, B.M. Morris, Article III US Judge [CV-17-79-BU & 9<sup>th</sup> Cir. Ct. Appeal 18-35937]; T. Gilman U,S Clerk [CV-78-67-BU], K. Krueger Mont. State Judge [DV 18-37; DV 18-38 & DP-18-31 [Re: Formal Probate Dorothy Helen Lussy]; Andre Burke Director Over Office Of President: American Bar Association Trade Union: John Mudd Executive Director: Montana Bar Association Trade Union & Diana Moss, President: American Antitr4ust Institute.

<sup>3</sup> Deep Pocket Substantial wealth & resources Black's Law Dict. 8<sup>th</sup> Ed. P 447.

<sup>4</sup> Lawyers have apparently learned to play the same game. Even after the collapse of the so-called law-school bubble... "The American Bar Association operates a state-approved cartel." Source: The Atlantic, June 2018 page 56.

due to the judges Judgitis<sup>§</sup> as pocket judges-with ABA-Lawyer-Supremacy Oath to continue the ABA discrimination in governance policy against all others.

**#5-d) FOURTH-DESTRUCTION:** JCL-JD, BMM-JD; TG-CK & KK-JD for forty-one years use defective pleading *stare decisis* that is not codified to distract Pleadings in four complaints that now also include Estate Security Agreement: "content of notice of right to claim lien & No lien for claim not due incorrectly called opposing counsel & Judge Krueger called: "liens".

**Defendants' 'Common Law Pleading *Stare Decisis*: Stops 100% jury trials.**

**#6-i)** Defendants' malicious *stare decisis* "equal" rules of common law after jury trial procedure, requires a re-reading of US Amendment VII noted.

**#6-ii)** Defendants' churn cases: useless, worthless, unnecessary work is at issue.

**#6-iii)** Defendants' must now: cease & desist use all Old English *stare decisis* as not American codified-constitutional law.

**#7- EXCEPTIONAL-CIRCUMSTANCE-FACT:** Pro se defendant appointee U.S. Judge Lynch (salary \$191,000+); Morris (salary \$208,000+) & elected Montana Judge Kruger (salary \$132,567+), each are certified in *American Bar Ass'n method*<sup>§</sup> three year law school *juris doctor* diploma with no doctors' experience what-so-ever; are frauds on RCL, John-Q.-Public & Alice-Average-Public: lawyers sole customers.

**#8-i.)** Proof ABA-Montana Bar Association and AAI (American Antitrust Institute) do not teach codified-constitutional law per se. America's fifty states rely on codified-constitutional law not *stare decisis*:-loser-1776-King-George III's: (not US book common law rule publish) *Bell Atlantic Corp. v. Twombly* irrelevant as Issue-Pleading not a Common-law-pleading, a Code-Fact-Pleading not a Special-Pleading.

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<sup>§</sup> Judgitis (1956) An emotional disequilibrium...Judicial Diva(2) Black's Law Dictionary 10<sup>th</sup> Ed. (2014) p. 970.



#8-ii.) Law-schools-only-teach *stare decisis*/precedent/judge-made-case-law so to churn-lawyer fees in a masquerade to becoming Rules of Common Law. #8-iii.) This vitiates-voids the prospective US Amendment VII jury trials lawsuit' purpose, with negligence-racketeering-fraud & malice-of-forethought.

**Stare Decisis-No Facts: American Law Lost To Ossified Old English Law.**

#9-i) Lawyer-squirrels busy burying *stare decisis*/acorn: void 100% jury trial.

#9-ii) Defendants' use *stare decisis* direct from Old England's unwritten constitution is not appropriate post-1776 America's success against Old England!

#9-iii) Defendants' Lynch/Morris/Krueger 100-percent deny functional literacy hold to Lawyer Superiority Oath to self-immunize no good behavior require jury impeachment and jury certification for criminal disgorgement process.

**PARTICULAR LEGAL QUESTIONS-ISSUES ANTICIPATED** Rule 14(5)(ii).

#10-a) Question-Issue-For-Order to: Cease and Desist: Target-Stalk-Attack-Bully-Badger-Tormenting RCL. This behavior began-&-continues after US Judge Murray-w-Son-&-Cousin in CV-78-67-BU, Racketeering-sex & threat examples:

(i) Sex threat Exhibit A-8571, (ii) graphic bullet hole-glass-crack-age in RCL's computer screen; (iii) Sabotage surveillance continues post CV-78-67-BU despite U.S. Constitution Article 1, § 9 say: "*No money shall be draw from the Treasury, but in consent of appropriations made by law.*"

#10-b) Cease & Desist court ordered 24/7 secret surveillance warrants ("SSW") hiring sabotage surveillance agents ("SSA") &-any-&-all subsequent 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> ... party agents apply electronic computer hacking changing, words, numbers, file deletions & telephone tapping, physical comings & goings to provide SSA with \$60,000 cash walking around money to-purchase-malice on RCL. #10-c) This is to protest government lawyer employment.

#11-to-#15) Order Consolidation (MCA (2017) Rule 42(a)(2)). #11-Blessed (Saint's) Mother DHL (D.O.D.11/2/15) with Father HFL (D.O.D.3/9/88) Formal

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<sup>6</sup> ABA Overrules 1<sup>st</sup> Amendment. Wall Street Journal 8/17/2016, Ron Rotunda.

Procedure Probate DP-18-31,<sup>7</sup> #12-CV-17-79-BU-BMM-JCL in 9<sup>th</sup> Cir. Ct. Appeal-18-35937<sup>8</sup> that spawned #13-DV-18-37<sup>9</sup> & #14-DV-18-38<sup>10</sup>, #15-Caption CV-78-67-BU<sup>11</sup> records destroyed<sup>12</sup> Clerk letter to reopen file for free.<sup>13</sup>

#16) Supervise-jury issue the punitive \$83,811.73 @\$19,623.46 from Judges Ray Dayton 1-hearing 6/6/18; Krueger 2-hearings (2/5/19 & 7/12/19) for Guinness Book of World Record Judgment: Two identical orders two-different captions: DV-18-37 & DV-18-38.

#18) (i) Supervise allow RCL-pro-se to compete against Montana's finest lawyers as neither, adequately trained nor, adequately qualified in/for jury trials. Law schools have all but abandoned education of trial lawyers;<sup>14</sup> (ii) The three-

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<sup>7</sup> Caption: DP-18-31 RE: Dorothy Helen Lussy, WJD-JWD refused to file.

<sup>8</sup> Caption: CV-17-79-BU-BMM-JCL, U.S. District Court Montana District, 100% Jury Trial: w/4-video cameras. Richard Charles Lussy Plaintiff v- Henry Paumie Lussy, Launa Lynn Roque, Jauhlee Murie Bornff, Merna Green Assessors Office Mont. Department of Revenue & Wade J. Dahood Esq. Defendants.

<sup>9</sup> Caption: Counterclaim: DV-18-37 Wade J. Dahood vs. Richard C. Lussy & caption 3<sup>rd</sup> Party Claim 1<sup>st</sup> Amended Defendant add Parties Richard C. Lussy-vs- Wade J. Dahood, Jeffrey W. Dahood, Henry Paumie Lussy, Launa Lynn Roque & Jenahlee Murie Bornff.

<sup>10</sup> Caption: Counterclaim: DV-18-38 Henry Paumie Lussy vs. Richard C. Lussy & caption Third Party Claim First Amended Defendant add Parties Richard C. Lussy -vs- Henry Paumie Lussy Wade J. Dahood, Jeffrey W. Dahood, Launa Lynn Roque & Jenahlee Murie Bornff, Merna Green, County Assessor, Mont. Depart. Revenue Counter-Defendants.

<sup>11</sup> CV 78-67-BU caption Henry F. Lussy and Richard C. Lussy vs. Francis R. Bennett; Knight, Dahood, Mackay and Mclean, as a partnership composed of Wade J. Dahood, Conde F. MacKay and David J. McLean; and David J. Mclean as an individual Defendants'.

<sup>12</sup> CV 78-67-BU case record destroyed See Clerk Letter: Exhibit A-8978.

<sup>13</sup> CV-78-67-BU Please see U.S. Clerk (Exhibit A-8538) to reopen for free.

<sup>14</sup> "Law schools have all but abandoned the education of trial lawyers... if you have to, but go to court." F. Lee Bailey, The Defense Never Rests, (1971) Page 17.

year law school curriculum refuse to teach moot court & mock trial<sup>15</sup> (iii) American Bar Ass'n., Mont.-Bar Ass'n three-year law school gov't certification power with American Antitrust Institute complicity grant *juris doctor* diplomas with no-doctor-experience what-so-ever: a-fraud-on-the-public.

#19-i) **Re-Reconsider** Kruger's "lien" fantasy \$83,811.73 (@\$19,623.46) DV-18-37/DV-18-38 as No "lien" ever existed: only notice of claim of lien & not due.

#19-ii) **Re-order** Mr. Jeffrey Wade Dahood: "That's correct, Your Honor. There were *some liens* put against our law office so we have filed quiet title to that." 4/6/18 Missoula Transcript, CV-17-79-BU. Page-43 Lines-23-25.

#19-iii) Jurisdiction functional literacy infamous specific "lien" language is below.

**Case DV-18-37: Exhibit A-8547** (3-page) "First Lien NOTICE OF CLAIM OF LIEN AGAINST WADE J. DAHOOD ESQ.; FORFITURE OF HIS PROPERTY PURSUANT: CV-78-67-BU, [FN#1, #2, #3, #4] Henry F. Lussy and Richard C. Lussy vs. Francis R. Bennett, Knight, Dahood, Mackay and McLean, By This SPECIAL GENERAL FACTOR Pro Se Plaintiff 100% STAKEHOLDER: RICK LUSSY ESQ." AND

#19-iv) **Case DV-18-38: Exhibit A-8529** (1-page) "First Lien Notice LIEN TERMINATES TENANCY: EVICTION (HFL-DHL Home: 1818 Tammany)

#19-v) **Ibid: Exhibit A-8530** (1-page) "First Lien Notice of LIEN BY PRIMOGENITURE ABOLISHED

#19-vi) **Ibid: Exhibit A-8531** (2-pages) "First Lien of Notice of LIEN CLAIM BY SPECIAL GENERAL FACTOR TO 75% FROM 25% STAKEHOLDER

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<sup>15</sup> Moot Court/Mock Trial are not core/required courses' to graduate three-year law school with *juris doctor(s) diploma* with no doctors' experience what-so-ever:

- o Jeffrey Wade Dahood graduate J.D. 2005. University of South Dakota, Law School Vermillion: (Mascot Coyotes) no moot-court/mock trial to graduate;
- o Jeremiah C. Lynch U.S. Magistrate with Tyler P. Gilman, Clerk of U.S. District Court: Missoula & Wade J. Dahood graduate University of Montana in Missoula Law School: (Mascot Grizzly): no moot ct/mock trial to graduate;
- o Brian Matthew Morris U.S. Judge graduate J.D. 1992, University of Sanford, Palo Alto CA Law School: (Mascot Peregossinus [part bird, part mammal, completely imaginary: 4-legged with no torso & bird head]) does not require moot court/mock trial to graduate with *juris doctor* diploma.

Argument: RCL states Judge Krueger did not read-&-took JWD-WJD word on:  
“Notice of Claim of Lien” MCA 71-3-532 Content of notice of right to claim lien  
& MCA 71-3-103 No lien for claim not due, all-in-court-record.

**#19-iii)** (RCL 2-page) “**Motion As Answer For Permission To File In Self Defense To Affidavit: 7/9/19 Pro Se Dahood Seeking \$19,623.46 Before Telephonic Fee hearing 7/12/19: In Four Parts. Genuine Disputes To All Material Facts Continue.**

(RCL 8-page) “**Answer Brief In Support For Permission To File In Self Defense Affidavit: 7/9/19 Pro Se Dahood Seeking \$19,623.46 Before Telephonic Fee hearing 7/12/19: 4-Parts. Genuine Disputes To All Material Facts Continue.**

Argument: Judge Krueger admitted RCL could read: Motion & Answer Brief In support. When no lien existed: only content of notice of right to claim lien (MCA 71-3-532) & no lien for claim not due (MCA 71-3-103) warrants supervision.

#### **SUMMARY FASHION ARGUMENT-AUTHORITY FOR JURISDICTION**

**[A]** Order supervised telephonic hearing(s) to pro se R.C. “Rick” Lussy (“RCL”) aka Candidate 2016 &-2020-2024 Elections: to 215 N. Sanders, #323 Helena Mt. 2,680 miles from Naples FL (MCA 25-1-101 Local Rule 34(2)(a) & Civil Rule 2).

**[B]** Apply-order consolidation Rule 42: DV-18-37 / DV 18-38 follow 9/6/19 judgment before 30-day Appeal Notice due 10/6/19: Krueger refused everything.

**[C]** Order to supervise public servants’ remedy: each a government lawyer, each a subservient public servant, not an over-lord: paid public monies: Magistrate-Judges: Lynch,<sup>[16]</sup> Morris,<sup>[17]</sup> Clerk Gilman;<sup>[18]</sup> with Montana State Judge Kurt Krueger<sup>[19]</sup> involved in four sets of destroyed records, paragraphs: 5-a thru 5-g.

<sup>[16]</sup> CV 17-79-BU Jeremiah C. Lynch US Magistrate \$191,000/year + benefits.

<sup>[17]</sup> Ibid. Art. III US Dist Ct Judge B.M Morris \$208,000+ *benefits*: USCourts.gov.

<sup>[18]</sup> US Clerk Court Mt Dist. Tyler Gilman(*avge*: \$35,868+*benefits*)

<sup>[19]</sup> DV 18-37/38 Judge Krueger (\$136,896 + *benefits*) www.greatfalls tribune.

**[D]** Order supervise-remedy for pro se RCL to self defend after forty-one year CV-78-67-BU Judge Murray (DOD 1994) make work for son Charles A. Murray Jr. (dead) with cousin William Murray. As in Butte identical to Krueger's prohibition of RCL to act in own self defense: DV 18-37/DV 18-38 etc. etal.

"[E]njoining (RCL) from proceeding pro se in any Mont. court without requesting a leave to file or proceed, & staying all pending actions bought by him pro se"

Source: 78-67-BU Judge Murray (Dead 10/3/94.) RCL ask replacement Davidson & McClullend to conflict-out Peter Meloy CV-80-41/12773 as former employee of current/again pro se Wade J. Dahood to rig settlement: 10b-5 securities fraud \$500K+/- securities/promissory notes never were litigated. Both Davidson & McClullend lawyers laughed about incestuous Montana.

**[E]** Omitted-ignored RCL argument for written attorney-fee-contract requirement per Uniform Commercial Code § 2-201(1).

**[F]** Reconsider MGR's two-court judgment defaults (\$89,828.56) in CV-17-79-BU & (\$90,001.30) in DV-18-38) Merna Green Mont. Dept. of Revenue;

- MGR public servant denial to publicly serve the public RCL to-give three Anaconda appeal forms per HQ Helena policy.
- MGR repetition of libel per se as a stranger to RCL on Dahood Case;
- MGR unconstitutional 100% market (willing seller) property tax assessed (unwilling seller) MCA 15-8-111 Appraisal-Market Value Standard-Exceptions warrants a 15% reduction on three properties.

**[G]** JWD for WJD refuse to comply with Mont. Uniform Civil Rule 2(b) briefing requirement, submission support of Motions for "Lien" removal.

**[H]** Judges Lynch, Morris/Krueger no good behavior mollycoddled-JWD.

**[I]** Magistrate Lynch, Judges Morris/Krueger are hostile, with false accusations, by allocation, charges of talking-over, Krueger advised RCL not to argue during a hearing of argument.

**[J]** DH Lussy Estate is identical to Mrs. Margaret Alpha Buob Estate via-corrupt: *stare decisis*, Mrs. Buob's three-heirs received nothing.

[K] ARGUMENT The 78-67-BU Securities Fraud 10(b)(5) was never litigated: \$500K+/-voided interest bearing promissory notes-as-securities. a one-party-in-power-government. Control is by apostasy requiring Montana State Constitution Article II: Section 26 Trial by Jury, Formal Procedure Probate MCA 72-1-208(1) with all Issues Of Fact To Be Decided By Jury MCA 25-7-103 seeking jury-verdict that-includes criminal certification referral disgorgement process for spouses diamond rings from the lawyer enterprise[FN#3,#4] that created from absolutely nothing, aided & abetted: Nov. 9, 2015 this family-fraud-problem in WJD-JWD Law-Office.

[L] Order a supervised-remedy on-oath-judges Lynch/Morris/Gilman/Krueger public servant paid employees need functional literacy i.e. "*to understanding what they read*".

[M] Order all government lawyers that gave illegal-not-constitutional advice quoting hearsay: with no live testimony: *Bell Atlantic Corp. v. Twombly* pleading.

[N] *Bell Atlantic Corp. v. Twombly* stare decisis apply as precedent in Old England's unwritten constitution is a shotgun to Common Law/Special Pleading.

[O] RCL's Notice Pleading in Code-Fact Pleading is legally sufficient for a 100-percent jury verdict second opinion with four-cameras.

### **CERTIFICATE OF FILING & SERVICE ACCOMPANIMENT: NOTARIZED AFFIDAVIT**

The Montana State Supreme Court rules compliance with Extraordinary Writ of Mandamus/Mandate Rule 14 & 11 require RCL certify this petition-affidavit in the nature of existing statutory public duty.

Petition for writ of Mandamus/Mandate contains 3,437 narrative words, 561, footnote-words and this certification total word count: 3,998 is-less-than-the 4,000 word-limit, on twelve pages Rule 11(4)(c) with 14-point font

including footnotes, Times New Roman print style. Word count by word processing system of text and footnotes, excluding under Rule 11(4)(d)(e): table-of-contents, table-of-citations, certificate of service, certificate of compliance, the appendix that contain statutes, rules, regulations and other pertinent court pleading-matters.

STATE OF FLORIDA

County of Collier

Richard (Rick) C. (Charles) Lussy petitioner duly sworn, deposes & states below:

- 1.) I am 69-years old, Florida State resident with personal knowledge of facts herein.
- 2.) I suffer no legal disability, other than tasked with impeaching-to-correct government lawyer-manipulated-&-falsified public records these forty-one years in a 100-percent jury trial verdict due process redress with four video cameras: 1-questioner, 1-repliant, 1-two judges & 1-jury.
- 3.) I present this in good faith, as to best of my knowledge & belief: truth as correct-&-brief.

Signature *Rick*

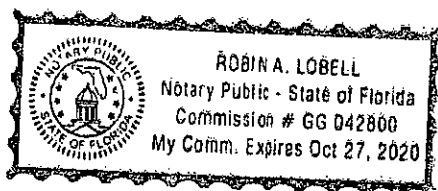
NOTARY PUBLIC SWORN & VERIFIED

SWORN To as truth & Subscribed before me this 27<sup>th</sup> day of September, 2019, by Richard C. Lussy, *Rick* who (☒) is personally known to me or who (☐) have produced his Florida Drivers License Class E, No. L200-743-50-269-0 as identification: 860 Sixth Ave. South P.O. Box 152, Naples Fla. 34106. E-mail: ricklussy@yahoo.com, Ph 239-263-5413.

By *Robin Lobell*  
Notary Public, State of Florida

*Robin Lobell*  
Print, Name of Notary Public

(SEAL)



## CERTIFICATE OF U.S. MAIL SERVICE

Mont. Rule 4(d)(3)(A)(i)(ii)(iii) Civil Procedure I, ~~3/1/19~~ Rick C. Lussy  
certify On September 27<sup>th</sup> 2019 US mail to.

**1-To:** Mr. Bowen Greenwood Clerk of Montana State Supreme Court, Mailing  
Address: P.O. Box 203003, Helena, MT. 59620, Main Ph (406) 444-3859,  
Physical address 215 N. Sanders Street #323, Helena, MT. 59601 phone (406)  
444-3858. \$100 check attached-#008 (Original & 9-copies)

**2-to-6.) Wade J. & Jeffrey Wade Dahood, KNIGHT & DAHOOD 1-copy**  
Agents per Service Rule 4(e)(2): Montana Rules of Civil Procedure. Law Office,  
P.O. Box 727, 113 E. Third St. Anaconda, MT 59711, Phone (406) 563-3424,  
FAX (406) 563-7519 E-Mail: Jeff\_fed@kdesdlaw.com And existing counsel of  
record for: Henry Paumie Lussy (temporary for jury verdict: 1818 Tammany  
Street, Anaconda MT 59711); Launa Lynn Roque, Jenahlee Murie Bornff (shared  
address 10221 NE 15<sup>th</sup> Circle, Vancouver, Washington 98664-3015, Ph (360) 326-  
3053); Wade J. Dahood, Jeffrey Wade Dahood Individually in: Federal: **(a) CV-  
17-79-BU/in 9<sup>th</sup> Circuit Court of Appeal 18-35937 (b)** Anaconda, Deer Lodge  
County Montana: DV 18-37; **(c)** DV 18-38 and **(d)** Formal Procedure Probate  
D.H. Lussy DP 18-31.

**7.)** Merna Green Assessor Mont. Dept. Revenue: **cases a thru d, ibid: 1-copy**  
agent Daniel J. Whyte, Mont. Dept. Justice, P.O. Box 201401, Helena, MT.  
59620-1401; (406)444-3340, E-mail: dwhyte@Mt.Gov & R. Samuel Willette Esq.

**8.)** Co-author Jeremiah C. Lynch United States Magistrate, Russell Smith  
Courthouse, 201 E. Broadway, Suite 370, Missoula, MT. 59802, Ph. (406) 454-  
7800, Butte Dist. Mont., CV-17-79-BU @ 9<sup>th</sup> DCA: 18-35937. (1-copy)

**9.)** Co-author ibid, Brian M. Morris, Art. III U.S. Judge, Missouri River  
Courthouse, 125 Central Ave. West, Suite 301, Great Falls, MT. 59404 (1-copy)

**10.)** Tyler Gilman, Clerk U.S. Court Montana District, Russell E. Smith  
Courthouse, P.O. Box 8537, 201 East Broadway, Missoula, MT. 59807 Ph. (406)  
542-7260 (1-copy)



11.) Kurt Krueger, District Court Montana State Judge, 125 West Granite Street, Butte, Montana, 59701, Cases: DV18-37, DV18-38 for assignment DP-18-31 Formal Procedure Probate D.H. Lussy. (1-copy)

12.) Andre Burke Director Over Office of President American Bar Association Trade Union, Chicago Headquarters, 321 North Clark Street, Chicago, IL. 60654, Phone (312) 988-5000, Phone (202) 828-1226, Service Hotline 800-285-2221 E-mail: Andre.Burke@AmericanBar.org (1-copy)

13.) John Mudd Executive Director, Montana Bar Association Trade Union, 33 S Last Chance Gulch St, Suite 1B, Helena, MT 59601, (406) 442-7660 (1-copy)

14.) Diana Moss, President, American Antitrust Institute, 1025 Connecticut Ave. NW, Suite #1000, Washington DC 20036, Phone (202) 905-5420. (1-copy)

15.) Ben Krakowka, Anaconda-Deer Lodge County Attorney, Courthouse, 800 South Main Street, Anaconda MT, Phone (406) 563-4019. (1-copy)

#### APPENDIX AMENDED FOR KRAKOWKA

Original Exhibits follow: with no titles: Filed October 1, 2019

Exhibit A-8302 (2-page w/envelope) *Krakowk's 11/30/15, RE: Request for Prosecution* (RCL Lawyer Enterprise defendants' self-benefit → 99.9-percent manipulation-falsification of public records' creation-for-destruction to further obstruct justice by voiding written contract Uniform Commercial Code § 2-201(1) with Blessed Mother-Father: Dorothy Helen Lussy ("DHL") Henry Francis Lussy ("HFL") Estate. The second beneficiary after the lawyers WJD-KD-&-JWD-KD is non-lawyer defendant clients: HPL-LLR-JMB thru lawyers. A scheme (MCA 45-2-101) for theft (MCA 45-2-101) RCL 25% heir, now is a 75-percent stakeholder.

Legally sustainable: Exhibit A-8547 (3-p) is in total compliance with MCA 45-2-101 "Content of notice of right to claim lien" then-to-now "No lien for claim not due" MCA 71-3-103 requires: 100-percent jury trial verdict due process redress.<sup>20</sup>

Exhibit A-8580 (2-page) E-mail correspondence to/from *Krakowk*.

<sup>20</sup> Montana State Constitution Article II Declaration Of Rights, Section 26. Trial By Jury is secured to all and shall remain inviolate; United States Amendment VII, Jury Trial (1791) Common Law Suits and with Missing 13<sup>th</sup> Amendment (1819) aka Titles of Nobility Amendment provides for non-lawyer-to-lawyer competition.

CASE "B"  
(1 of 6)

LAW OFFICES  
OF  
**KNIGHT, DAHOOD, EVERETT & SIEVERS**

POST OFFICE BOX 727  
113 EAST THIRD STREET  
ANACONDA, MONTANA 59711

J.B.C. KNIGHT (1889-1967)

WADE J. DAHOOD

BERNARD J. EVERETT

MICHELLE SIEVERS

JEFFREY W. DAHOOD

NANCY L. DAHOOD, CERTIFIED LEGAL ASSISTANT

MAUREEN PARROW, ADMINISTRATIVE ASSISTANT

KELLY SAWYER, PROBATE PARALEGAL

Phones  
(406) 563-3424  
563-3425

(In State Only)  
1-800-823-3424

Fax  
(406) 563-7319

December 7, 2010

Rick Lussy  
2165 Greenback Circle, Suite #5-303  
Naples, Florida 34112

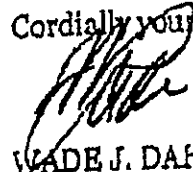
Dear Rick,

I went into our files and was fortunate enough to find the files of years ago involving the litigation concerning your father and me.

I enclose the order approving the settlement and dismissing the case which should provide you with all of the information you requested.

With kindest regards, I am,

Cordially yours,



WADE J. DAHOOD

WJD/aw  
w/encl.

Exhibit A-8508

(1 of 6 only  
State Not Federal  
CV-78-67-BU  
Revised 12/10/10)

#3

D. L. Lussy Esq (14 of 16)

Exhibit A-8546 (13 of 17)

CERTIFIED COPY

Case 13-1  
(206)

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF MONTANA  
IN AND FOR THE COUNTY OF DEER LODGE

WADE J. DAHOOD, Esq.,  
Plaintiff,

vs

HENRY F. LUSSY and  
RICHARD C. LUSSY,  
Defendants.

CAUSE NO. 12773

ORDER APPROVING SETTLEMENT  
AND  
DISMISSING CASE

FILED October 22 1981  
Theresa Gladich  
CLERK

THIS CAUSE WAS CALLED for jury trial on the fifth day  
of October, 1981 at 9:00 o'clock A.M.

Plaintiff WADE J. DAHOOD appeared in person,  
and informed the Court he was acting as his own attorney.

Defendants RICHARD C. LUSSY and HENRY F. LUSSY  
appeared in person with their attorneys, MARK C. DAVIDSON  
ESQ., and ARDEN G. MC CLELLAND, ESQ.

Prior to impaneling the jury, the attorneys for  
the defendants asked for additional time to confer with  
their clients on the possibility of reaching a settlement.  
The defendants request for additional time was granted and,  
subsequently, the attorneys for the defendants appeared  
before the Court with the plaintiff, WADE J. DAHOOD, acting  
as his own attorney and informed the Court that a settlement  
had been reached.

At that point in time the Court was called into session  
outside the presence of the jury, and the proposed Settlement  
Agreement was recited for the record. The terms of the  
Settlement Agreement indicated that a payment of ONE HUNDRED  
TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) would be made to  
HENRY F. LUSSY and RICHARD C. LUSSY for all of their right,  
title and interest in and to Townhouses Ltd., a Montana  
limited partnership. In addition, WADE J. DAHOOD and DAVID  
M. MC LEAN would relieve RICHARD C. LUSSY and HENRY F. LUSSY  
from certain obligations owing as a result of their partici-  
pation in Townhouses Ltd. These obligations were identified

Exhibit A-8508  
(206)

Not Foran  
CV-79-67-BU

IS Dahood Esq (10/28/81)  
Exhibit A-8546 (20617)

Case "B"  
(3 of 6)

as promissory notes of Richard C. Lussy and Henry F. Lussy and guaranteed personally on behalf of Townhouses Ltd. The sum of \$125,000.00 was to be paid no later than December 1, 1981.

As a result of the terms of the Settlement Agreement outlined above, the parties agreed that all of the following actions would be dismissed with prejudice:

1. This action, WADE J. DAHOOD ESQ., v. HENRY F. LUSSY and RICHARD C. LUSSY, CAUSE NO. 12773 filed with the Third Judicial District of the State of Montana in and for the County of Deer Lodge.
2. DAVID M. MC LEAN ESQ., vs. HENRY F. LUSSY and RICHARD C. LUSSY, CAUSE NO. 12773-A filed with the Third Judicial District of the State of Montana in and for the County of Deer Lodge.
3. HENRY F. LUSSY and RICHARD C. LUSSY vs. KNIGHT, DAHOOD, MACKAY and MC LEAN, composed of WADE J. DAHOOD, CONDE F. MACKAY, DAVID M. MC LEAN; and WADE J. DAHOOD and DAVID M. MC LEAN as individuals, CAUSE NO. DV-80-41, filed with the Third Judicial District of the State of Montana in and for the County of Deer Lodge.
4. HENRY F. LUSSY and RICHARD C. LUSSY vs. FRANCIS R. BENNETT; KNIGHT, DAHOOD, MACKAY AND MC LEAN, a partnership composed of WADE J. DAHOOD, CONDE F. MACKAY and DAVID M. MC LEAN, and WADE J. DAHOOD AND DAVID M. MC LEAN as individuals, CAUSE NO. CV-78-67-BU filed in the United States District Court for the District of Montana, Butte Division.

Exhibit A-8500

(3 of 6)

State Not Filing

CV-78-67-BU

#3

D. L. V. Esq (11 of 12)

Exhibit A-8546 (10 of 17)

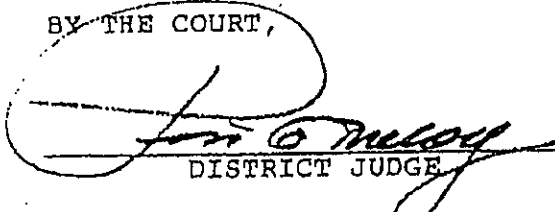
Case "B"  
(4 of 6)

The Court having thoroughly acquainted itself with all of these matters, and having been presented the proposed Settlement Agreement upon the record, and being fully advised in the premises, NOW THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Settlement Agreement submitted to the Court on the open record was approved in full and adopted by this Court and the above entitled cause was dismissed with prejudice to the filing of another action, each party to pay their own costs and each party to pay one-half of the jury assessment to Anaconda-Deer Lodge County.

DATED this 22 day of October, 1981.

BY THE COURT,

  
DISTRICT JUDGE

\* Defendant work for  
Wade J. D. Lee / Esq.  
before becoming a judge.

Exhibit A-2508  
(4 of 5)

Not Federal case CV-79-67-B4  
Case Record Book

#3

D. Lee Esq (12 of 18)

Exhibit A-2546 (4 of 7)

Case B  
(506)

STATE OF MONTANA }  
COUNTY OF ANACONDA, DEER LODGE } SS

I, Susie Krueger, Clerk of the District Court of the Third Judicial District of the State of Montana, in and for the County of Anaconda Deer Lodge, do hereby certify that the above is a full, true and correct copy of the original as the same appears in the files and records of this office. WITNESS my Hand and Seal of the Court 11th day of

Susie Krueger, Clerk  
by Blanche McDonald, Deputy

Exhibit A-8508 Not Federal Wire  
(506) in 78-67-B4  
Wire Record destroyed

#3

D. L. O. Esq (13 of 18)

Exhibit A-8546 (12 of 17)

Case Bii  
(6 of 6)

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF MONTANA  
IN AND FOR THE COUNTY OF DEER LODGE

HENRY F. LUSSY and  
RICHARD C. LUSSY,

Plaintiffs,

vs

KNIGHT, DAHOOD, MCKAY &  
MC LEAN, composed of  
WADE J. DAHOOD, CONDE P. MCKAY,  
DAVID M. MC LEAN and  
WADE J. DAHOOD and DAVID M.  
MC LEAN, as individuals,

Defendants.

CAUSE NO. DV-80-41

ORDER APPROVING  
SETTLEMENT and  
DISMISSING CASE.

FILED October 22 1981  
Theresa Aladich  
CLERK

Barnett the  
Barker, Mr  
Incl. L. 12/22/81

THIS CASE, having been included as part of the total settlement package presented to the Court in the case of WADE J. DAHOOD Esq., vs. HENRY F. LUSSY and RICHARD C. LUSSY, CAUSE NO. 12773 filed with the Third Judicial District of the State of Montana in and for the County of Deer Lodge, and the same terms and conditions apply to this case as is outlined in the order approving settlement and dismissing the cause in that action, NOW THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Settlement Agreement submitted to the Court on the open record was approved in full and adopted by this Court and the above entitled cause was dismissed with prejudice to the filing of another action, each party to pay their own costs and each party to pay one-half of the jury assessment to Anaconda-Deer Lodge County.

DATED this 22 day of October, 1981.

BY THE COURT,

John E. Maloney  
DISTRICT JUDGE

STATE OF MONTANA  
COUNTY OF ANACONDA - DEER LODGE ) ss

I, Susan Krueger, Clerk of the District Court of the Third Judicial District of the State of Montana, in and for the County of Anaconda-Deer Lodge, do hereby certify that the above is a full, true and correct copy of the original as the same appears in the files and records of this office, WITNESS my hand and Seal of the Court 27th 1981

Exhibit A-2692

John E. Maloney Clerk  
By \_\_\_\_\_ Deputy

Exhibit A-8544 (12 of 12)  
Exhibit A-8546 (17 of 17)  
Exhibit A-8508 6 of 6  
Not Federal 20-7466  
Case Rueda de la Cruz

Prepared by, Recording

Requested by and Return to:

Owner's Name: Richard C. Lussy, MAI, SRA  
Company: RICHARD LUSSY & ASSOCIATES  
Address: 860 Sixth Avenue South, P.O. Box 152  
City/State: Naples, FL. 34106  
Phone (239) 263-5413  
E-Mail: ricklussy@yahoo.com

Above This Line For Official Use Only

**First Lien NOTICE OF CLAIM OF LIEN AGAINST  
WADE J. DAHOOD ESQ.: FORFITURE OF HIS  
PROPERTY PURSUANT: CV-78-67-BU [FN#1, #2, #3 & #4]  
Henry F. Lussy and Richard C. Lussy vs. Francis  
R. Bennett, Knight, Dahood, MacKay & McLean,  
By This SPECIAL, GENERAL FACTOR Pro Se  
Plaintiff 100% STAKEHOLDER: RICK LUSSY ESQ.**

STATE OF FLORIDA

County of Collier

Lienor herein, pro se petitioner Richard C. Lussy aka HON RICK ESQ, duly sworn, to speak the truth, hereby  
deposes & states:

- 1.) I declare to my knowledge & belief this information is true, correct & complete as principal owner  
Wade J. Dahood Esq. is obligated to Richard C. Lussy for \$439,453 [FN#6] with property \$672,218: herein.
- 2.) I suffer no legal disabilities, coming into this instant matter with clean hands.
- 3.) I am a 67-year old, resident of Naples, Collier County, Florida. I have personal knowledge of facts  
herein & when called as a witness can testify: completely as factor: 100% stake holder pro se plaintiff in Butte  
Montana CV-17-079-BU-BMM-JCL and Butte Montana CV-78-67-BU after 100% racketeering by  
organized crime culture of collusion the records have been destroyed<sup>3</sup> concurrent with Anaconda Montana

CV-17-079-BU Richard Charles Lussy -vs- Henry Paumie Lussy, Launa Lynn Roque, Juahlee Murie Bornff, Merna  
Green ASSESSORS OFFICE MONTANA DEPARTMENT OF REVENUE, AND WADE J. DAHOOD ESQ.  
Defendants..

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

Office Of The Clerk United States District Court For The District of Montana Tyler Gilman Clerk of Court, Beth  
Conley Chief Deputy Clerk, February 18, 2015. Dear Mr. Lussy, I regret to inform you that I am unable to supply copies  
of the documents you requested in Case CV 78-67-BU, as the case file has been destroyed. I apologize for the  
inconvenience this has caused. Sincerely, Beth Conley Chief Deputy Phone 406-542-7260, FAX 406-542-7272 Russell  
E. Smith Courthouse, P.O. Box 8537, 201 East Broadway, Missoula, MT 59807 Exhibit A-8184 with envelop as the

Exhibit A - 8547 (1 of 3)



201229

State DV-80-41/12773 pursuant court issued: "Deposition-Interrogatory Subpoena Duces Tecum of Wade J. Dahood ESQ. Expert Fact Witness Issued from Tallahassee Florida Division of Administrative Hearings as contained in complaint [FN#1] pages 45 to 60, Ignored as primary property holder: Wade J. Dahood Esq.

4.) Lien claim Dahood Esq. (2017) property \$672,218 issue itemized by HON RICK ESQ. special general factor, 100% stakeholder in the (2015) instant case \$439,453 plus, all fact & expert witness testimony, 4-audio video cameras, recording, costs to include 100% jury trial verdict due process redress not including Butte Georgetown Mining & Milling Company pre-pass thru gift part of lawful discovery, yet to be determined.

5.) Lien properties identified here per MCA 70-21-2 as Dahood Esq. primary property owner is a member of Montana Bar Association sibling to parent American Bar Association trade union policy of discrimination by stopping & blocking existing law by use of: suppression taxes as lawyer fees is pizza.

1 of 4.) 113 E 3<sup>RD</sup> ST; Real Property: Geocode:30-1285-03-4-36-08-0000, Primary Owner Barrister Corp. P.O. Box 727, Anaconda, MT. 59711; Legal Description Anaconda Original Townsite, S03, T04 N, R11 W, BLOCK 57, Lot 3. Occupied then by KNIGHT, DAHOOD, EVERETT, & STEVERS, now KNIGHT & DAHOOD; Total assessed value by Montana Cadastral Mapping: → \$360,100.

2 of 4.) 113 E 3<sup>RD</sup> ST; Personal Property Geocode:30-0000911400-001, Primary Owner KNIGHT DAHOOD EVERETT SIEVERS & DAHOOD, P.O. Box 727, Anaconda MT. 59711, Legal Description Original Townsite, Block 57, Lot 3, S03, T04 N, R11 W, Total assessed value not available: Mont. Cadastral mapping.

3 of 4.) 1016 W 5<sup>TH</sup> ST; Real Property. Geocode:30-1285-04-4-05-02-0000, Primary Owner DAHOOD WADE J. Anaconda, MT 59711, Legal Description WESTERN ADD (ANACONDA), S04, T04 N, R11 W, BLOCK 20, Lot 9, Total 2017 assessed value by Montana Cadastral Mapping → \$284,254.

4 of 4.) 1016 West 5<sup>TH</sup> ST; detached residence: geocode: 30-1285-04-05-02-000, Legal Description WESTERN ADDITION (ANACONDA) S04, T04N, R11 W, BLOCK 20, LOT 8, Anaconda, MT 59711 with a 2017 Tax year by Montana Cadastral Mapping Total value → \$27,864.

6.) I, Richard C. Lussy aka HON RICK ESQ file this "special general lien pursuant Montana Code Annotated 71-3-101 as value added to protect & preserve mother: Saint Dorothy Helen Lussy estate pass thru

Instrumentality of Interstate commerce: US Wire Fraud, for 10-63-SC/Writ of Certiorari, US Supreme Court: existing US Amendment XIII & Missing 13<sup>th</sup> Amendment aka Titles of Nobility Amendment ("TONA").

Anaconda, Mont. DV-80-41 Henry F. Lussy and Richard C. Lussy, vs. Knight, Dahood, MeaKay & McLean, composed of Wade J. Dahood, Conde F. MacKay, David M. McLean and Wade J. Dahood and David M. McLean, as individuals; and Anaconda Mont. DV-80-12773 Wade J. Dahood, Esq., vs Henry F. Lussy and Richard C. Lussy.

Factor n. [Latin "he who does"] (15c) 1. An agent or cause that contributes to a particular result, a factor <punishment was a factor in the court's decision>... 5. A person in charge of managing property, esp. real property. 6. A garnishee <the factor held \$400 of debtor's property when writ of garnishment served>. Black's Law Dictionary 10<sup>th</sup> Ed., (2014) p 712.

Source: 2015 Assessed Property Tax Value public record estimates: [A] Lussy family residence: 1818 Tannumay, Anaconda MT; \$145,860 @ 75% RCL share = \$109,350; [B] 301 Main Street \$33,200 @ 75% RCL share \$99,900; [C] 305 Main Street, Washoe Theatre, \$358,751 @ 75% RCL share is \$269,063 less \$40K mortgage is \$229,063. Grand Total 2015 property tax assessed value estimate in the public record: \$438,373, on estimate date. Add \$45/month 24-months & \$1,080 for the heated garage parking space 301 Main Street total \$439,453.

MCA 70-21-302 Recording as constructive notice... from the time it is filed with the county clerk for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees.

Exhibit A-8547 (2 of 3)

201229

after loss of father: Saint Henry Francis Lussy will not probate per footnotes 11-12-13-14 herein

7.) Wade J. Dahood's aiding & abetting of Jerry C. Lussy's fraudulent claim MCA 27-2-203 real property-personal property MCA 27-2-203(2) & 27-2-203(3) MCA 27-2-203(4) MCA 27-2-203(5)

8.) Wade J. Dahood's representation of Saint Henry Francis Lussy expedited fraud: estate disbursement

9.) I declare this Affidavit to be true and correct and no discovery in Exhibit A-8307 (42-pages): Affidavit

Documenting: I declare by Affidavit/Voluntar-Vocates-Voids All pursuant Footnote number one.

10.) Richard C. Lussy hereby execute this notice of lien claim to correct, fraud by attachment (cut and paste), "in trust" to "void" MCA 71-3-109 Henry Paumie Lussy's illegal claim of fifty-percent ownership of everything 305 Main Street, incorporated with FF& E exclude mortgage obligating Jerry C. Lussy; 301 Main Street & 100% claim to 1818 Tammany Avenue. Culpability goes to 100% jury trial verdict under audio-video.

11.) Priority of liens pursuant Mont. Code Annotated 71-3-113, allows different liens on same property have priority according to time of their creation public record November 21, 2015, pursuant MCA 71-3-531.

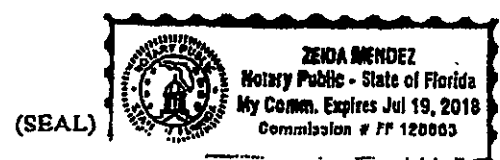
12.) Lien of HON RICK ESQ factor has a general lien, dependent on possession, is due to his being the factor upon all activities of value, entrusted to factor pursuant MCA 71-3-1501 to benefit of Jerry C. Lussy (with satisfaction of leinor).. Adroit Jerry's 33-year success as manager is proof, granted him by father, Saint Henry Francis Lussy (1917-1989), to maintain family legacy of Saint Yvonne Paumie Lussy (1885-1972) all passed thru without probate to mother Saint Dorothy Helen Lussy: The Three Saints.

13.) Any person can correct manipulated & falsified official public records in comity with Florida Statute 839.13(2)(d) that include moral turpitude as a confidence man in a confidence game-crime(s), in & of US Federal Court 18 USC § 494 &/or 18 USC 1519 with MCA's itemized in paragraph 22 in Exhibit A-8289.

14.) Duration of lien on future interest pursuant MCA 71-3-105 by HON RICK ESQ. creates a lien upon property, against Wade J. Dahood Esq. for application, to be acquired, by forfeiture except as provided by Uniform Commercial Code.

NOTARY PUBLIC VERIFICATION

VERIFIED, SWORN to be the whole truth and nothing but the truth & Subscribed before me the notary public [Signature] this 17<sup>th</sup> day of November 2017, by Richard C. Lussy, who ( ) are personally known to me or who (X) have produced his Florida Driver's License(s) as identification, 860 Sixth Avenue South, P.O. Box 152, Naples, FL. 34106, (239) 263-5413, E-mail: ricklussy@yahoo.com. By [Signature]



Notary Public, State of Florida  
Zaida Mendez  
Print, Type, or Name of Notary Public

Exhibit A-8547 (3 of 3)

Prepared by, Recording

Requested by and Return to:

Owner's Name: Richard C. Lussy, MAI, SRA

Company: RICHARD LUSSY & ASSOCIATES

Address: 2840 Shoreview Drive, Suite #2

City/State: Naples, FL 34112 Exhibit A-8293

Phone (239) 263-5413

E-Mail: ricklussy@yahoo.com

Above This Line For Official Use Only

**First Lien Notice: LIEN TERMINATES TENANCY: EVICTION**  
STATE OF FLORIDA

County of Collier

Lienor: pro se petitioner Richard C. Lussy ("RCL#3"), duly sworn, to speak the truth, deposes & states:

1.) I declare to my knowledge & belief this information is true, correct & complete.

2.) 8.) I declare record property owner is Dorothy Lussy Trustee, passed November 2, 2015 included personal property therein, "as is" partly occupied by that tenant son/brother #1 Henry Paumie Lussy ("HPL#1") 25% stakeholder: 1818 Tammany Ave. (Geocode:30-1285-04-2-07-01-0000), 301 Main St. (Geocode:30-1285-03-4-36-09-0000) factor: Richard C. Lussy ("RCL#3") in Naples, Collier County Florida.

3.) I RCL#3's "special general lien pursuant Mont. Statute 71-3-101 as holder of lien to enforce as security for performance of estate settlement after discovery Nov. 9, 2015: fraud by attachment, pursuant Mont. Statute 70-24-429, without holdover remedies. HPL#1 shall comply paragraphs 43-52, Exhibit A-8289.

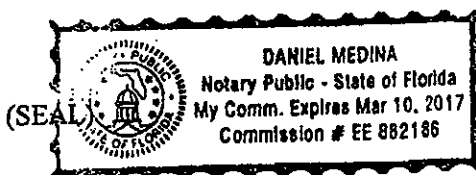
4.) I RCL#3 gives constructive notice in this lien to terminate tenancy of HPL#1, by eviction.

NOTARY PUBLIC VERIFICATION VERIFIED, SWORN to be the whole truth and nothing but the truth & Subscribed before me the notary public, *[Signature]* this day of November 21, 2015, by Richard C. Lussy, *[Signature]* who ( ) are personally known to me or who ( ☒ ) have produced his Florida Driver's License(s) as identification, 2840 Shoreview Dr., Suite #2, Naples, Florida 34112, Ph (239) 263-5413, E-mail: ricklussy@yahoo.com.

By

*[Signature]*  
Notary Public, State of Florida

*[Signature]*  
Print, Type, or Name of Notary Public



*Exhibit A. 8529 (1 of 1)*

Prepared by, Recording  
 Requested by and Return to:  
 Owner's Name: Richard C. Lussy, MAI, SRA  
 Company: RICHARD LUSSY & ASSOCIATES  
 Address: 2840 Shoreview Drive, Suite #2  
 City/State: Naples, FL 34112 **Exhibit A-8294**  
 Phone (239) 263-5413  
 E-Mail: [ricklussy@yahoo.com](mailto:ricklussy@yahoo.com)

Above This Line For Official Use Only

**First Lien Notice of LIEN BY PRIMOGENITURE ABOLISHED**  
 STATE OF FLORIDA

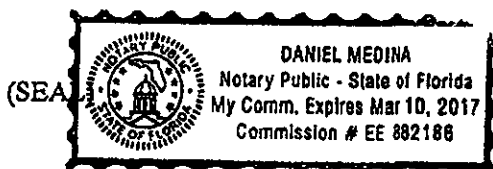
County of Collier

Leinor pro se petitioner Richard C. Lussy ("RCL#3") has been duly sworn, to speak truth, deposes & states:

- 1.) I declare to my knowledge & belief this information is true, correct & complete.
- 2.) I declare "as is" tenant brother #1 Henry Paumie Lussy ("HPL#1") 25% stakeholder's claim to occupy Dorothy Lussy Trust property 1818 Tammany Ave. (Geocode: 30-1285-04-2-07-01-0000) & 301 Main St. (Geocode: 30-1285-03-4-36-09-0000) as "oldest" son in primogeniture. It has been abolished in history to inheritance of real property (land), inherited titles & offices most notably monarchies; abolished 1791 American Bill of Rights & 1938 as Germany annexed Bohemian Sudetenland; shrunk Czechoslovakia.
- 3.) I RCL#3as factor after discovery Nov. 9, 2015 of *fraud by attachment* with specified remedy to satisfy RCL#3, HPL#1 shall comply with paragraphs 43 to 52 Exhibit A-8289, resolution in Exhibit A-8290.

**NOTARY PUBLIC VERIFICATION VERIFIED, SWORN** to be the whole truth and nothing but the truth & Subscribed before me the notary public *[Signature]* this day of November 21, 2015, by Richard C. Lussy, *[Signature]* who ( ) are personally known to me or who ( ) have produced his Florida Driver's License(s) as identification, 2840 Shoreview Dr., Suite #2, Naples, Florida: 34112, Ph (239) 263-5413, E-mail: [ricklussy@yahoo.com](mailto:ricklussy@yahoo.com).

By *[Signature]*  
 Notary Public, State of Florida  
*[Signature]*  
 Print, Type, or Name of Notary Public



*Exhibit A-8530(1 of 1)*

Prepared by, Recording

Requested by and Return to:

Owner's Name: Richard C. Lussy, MAI, SRA

Company: RICHARD LUSSY & ASSOCIATES

Address: 2840 Shoreview Drive, Suite #2

City/State: Naples, FL 34112 Exhibit A-8310

Phone (239) 263-5413

E-Mail: ricklussy@yahoo.com

Above This Line For Official Use Only

# First Lien Notice of **LIEN CLAIM BY SPECIAL, GENERAL FACTOR TO 75%, FROM 25% STAKEHOLDER**

STATE OF FLORIDA

County of Collier

The lienor herein, pro se petitioner Richard C. Lussy, has been duly sworn, to speak the truth, hereby deposes and states:

1.) I declare to my knowledge & belief this information is true, correct & complete.

2.) I am a 65-year old, resident of Naples, Collier County, Florida. I have personal knowledge of facts herein & when called as a witness can testify: completely as *factor* of Anaconda, Deer Lodge County Mont.

(Factor defined: An agent or cause that contributes to a particular result, a factor differ from a broker because the factor possesses or controls the property, a garnishee, a person in charge of managing Property, especially real property source Black's Law Dictionary, Eighth Edition, (2004) page 630.

3.) I suffer no legal disabilities, with clean hands, & have personal knowledge of facts set forth herein.

4.) I declare to my knowledge & belief this information is true, correct & complete.

5.) I, Richard C. Lussy ("RCL") files this "special general lien pursuant Montana Statute 71-3-101 as value added to protect & preserve Jerome C. Lussy's ("JCL") adroit 33-management years of 3-subject properties:

6.) The 3-subject properties: (A) 1818 Tammany Avenue (Geocode:30-1285-04-2-07-01-0000), (B) 301 Main Street (Geocode:30-1285-03-4-36-09-0000), and incorrectly added to trust, separate, previous/current ownership Washoe Amusement Company Inc. is (C) 305 Main Street (Geocode:30-1285-03-4-36-09-0000).

7.) RCL updates to 75% an increase from 25%, after settlement by JCL & Lawrence F. Lussy ("LFL") their respective 25% shares. The RCL 25% stakeholder lien was, filed November 30, 2015, #196620 Book 334, Records Page 909, 2-Page, now upgraded to 75% stakeholder as factor lienholder: reciprocal-residual-remainder of 25% is HPL contributing no value added, and affording no proof thereof.

8.) RCL written notice December 11, 2015; same day as receipt December 11, 2015 reply: "Termination of Self Contract & Directive of Deposit" Exhibit A-8307 (42-pages), as constructive notice, to correct one hundred percent (100%) Henry P. Lussy ("HPL") Exhibit A-8304, "Full Release of Recipient Property Trust."

Exhibit A-8310 (10/2)

9.) RCL enforces security, performance to resolve following discovery on November 9, 2015 at 113 East Third Street, Anaconda MT. 59711 before Hon. Wade J. Dahood Esq., presenter favoring HPL for expedited disbursement before JCL & RCL resulting in RCL Motion-Affidavit to stay 90-days to February 7, 2016.

10.) The remaining brother Lawrence F. Lussy ("LFL") was not present as living in Missoula Montana.

11.) I declare this lien claim is necessitated after discovery of *fraud by attachment* as documented in Exhibit A-8307 (42-pages): *Affidavit Documenting: 100% Fraud By Attachment Vitiates-Vacates-Voids All.*

12.) As 75% lienholder Richard C. Lussy ("RCL") in privity executing this notice of lien claim timely to correct, *fraud by attachment*, "in the trust" as void pursuant Montana Statute 71-3-109, includes outstanding mortgage for 305 Main Street real & personal property that solely obligates JCL, but not HPL, who claims part ownership by express omission & 100% concealment that Washoe Amusement Company Incorporated is a separate ownership. The culpability must be sourced to the trust, legal author pending for conflict resolution.

13.) Priority of liens pursuant Montana Statute 71-3-113, others things being equal, different liens upon the same property have priority according to the time of their creation publically recorded, as required affiant, signed Nov. 21, 2015; recorded November 30, 2015 document #196620, pursuant Montana Statute 71-3-531.

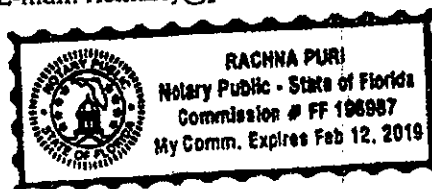
14.) Lien of RCL factor has a general lien, dependent on possession, for all that is due to the factor upon all activities of value as entrusted to factor by same principle pursuant Montana Statute 71-3-1501 for the exclusive and sole benefit of JCL, whose proof of 33-successful management years granted him by #1 Dad, Saint Henry Francis Lussy (1917-1989), maintain family heritage of Saint Yvonne Paumie Lussy (1885-1972).

15.) All manipulated & falsified official public records can be corrected by any person pursuant authorities that include moral turpitude, in comity with Florida Statute 839.13(2)(D) & US Federal District of Columbia 18 USC § 494 &/or 18 USC 1519 with Montana Statutes itemized in paragraph 22 in Exhibit A-8289.

16.) Duration of lien on future interest pursuant Montana Statute 71-3-105 by RCL creates a lien upon property, against HPL for application to be acquired, except as provided by Uniform Commercial Code.

#### NOTARY PUBLIC VERIFICATION

VERIFIED, SWORN to be the whole truth and nothing but the truth & Subscribed before me the notary public RACHNA PURI this day of December 16, 2015, by Richard C. Lussy, [Signature] who ☐ are personally known to me or who ☒ have produced his Florida Driver's License(s) as identification, 2840 Shoreview Dr., Suite #2, Naples, Florida: 34112, Ph (239) 263-5413, E-mail: ricklussy@yahoo.com.



(SEAL)

By [Signature]  
Notary Public, State of Florida

RACHNA PURI  
Print, Type, or Name of Notary Public

Notary Verification of identity and  
signature only. Not to  
Exhibit A-8307 (2 of 2) the facts.

STATE OF MONTANA,  
County of \_\_\_\_\_  
- Filed for record this \_\_\_\_\_ day of \_\_\_\_\_  
Recorded in Book \_\_\_\_\_ of Deeds on Page \_\_\_\_\_  
State of Montana, \_\_\_\_\_  
NO. 6 - BARGAIN AND SALE DEED.

19654 DEED 314 RECORDS PAGE 460 Page 1  
STATE OF MONTANA ANACONDA-DEER LODGE COUNTY  
RECORDED 11/12/2018 8 29 NOT BAE DEED  
JOEY WIDMAYER CLERK AND RECORDER  
FEE \$17.00  
BY \_\_\_\_\_  
TO: HENRY P. LUSBY 1818 TAMMANY, ANACONDA, MT 59711  
STATE PLANNING CO., BILLINGS, MONT.

This Indenture, Made the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord two thousand \_\_\_\_\_  
BETWEEN DOROTHY LUSBY, TRUSTEE of THE DOROTHY LUSBY REVOCABLE LIVING  
TRUST, dated the 18 day of May 1994, part \_\_\_\_\_ of the first part;  
and HENRY P. LUSBY, 1818 TAMMANY, ANACONDA, MONTANA 59711

the part \_\_\_\_\_ of the second part, WITNESSETH: That the said part \_\_\_\_\_ of the first part, for and in  
consideration of the sum of \_\_\_\_\_ DOLLARS,  
lawful money of the United States of America, to her \_\_\_\_\_ in hand paid by the said  
part \_\_\_\_\_ of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold  
and conveyed, and by these presents does grant, bargain, sell and convey, unto the said part \_\_\_\_\_ of the  
second part, and \_\_\_\_\_ heirs and assigns, forever, all that \_\_\_\_\_ certain \_\_\_\_\_  
piece \_\_\_\_\_ or parcel of land \_\_\_\_\_ situate, lying and being in  
City of Anaconda  
Anaconda-Deer Lodge, State of Montana, particularly described as follows,  
to-wit: \_\_\_\_\_  
Second Western Addition, Block 10, Lots number 11 & 12

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto  
belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents,  
issues and profits thereof, and also all the estate, right, title, interest, in and to that certain  
piece of \_\_\_\_\_ property, possession, claim and demand whatsoever, as well in  
law as in equity, of the said part \_\_\_\_\_ of the first part, of, in or to the said premises, and every part and  
parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises together with the appurtenances  
unto the said part \_\_\_\_\_ of the second part and to \_\_\_\_\_ heirs and assigns, forever.  
IN WITNESS WHEREOF, The said part \_\_\_\_\_ of the first part has hereunto set her  
hand and seal \_\_\_\_\_ the day and year first above written.  
Signed, Sealed and Delivered in the Presence of \_\_\_\_\_ (Seal)  
\_\_\_\_\_ (Seal)

STATE OF MONTANA,  
County of Anaconda-Deer Lodge  
On this \_\_\_\_\_ day of \_\_\_\_\_ twenty hundred and \_\_\_\_\_  
before me, Brenda L. Wilkinson \_\_\_\_\_ a Notary Public in and for said  
County of Anaconda-Deer Lodge, State of Montana, personally appeared  
Dorothy Lusby, Trustee  
known to me personally \_\_\_\_\_  
(or proved to me on oath of \_\_\_\_\_)  
to be the person \_\_\_\_\_ whose name \_\_\_\_\_ subscribed to the within instrument, and acknowledged to  
me that \_\_\_\_\_ executed the same.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official  
Seal, the day and year in this certificate first above written.  
\_\_\_\_\_  
Notary Public for the State of Montana.  
Residing at \_\_\_\_\_ Anaconda \_\_\_\_\_ My Commission expires February 1, 20 \_\_\_\_\_

FILED BY A 0483

## Article V

### Settlor's Power to Amend or Revoke

The settlor reserves the right from time <sup>to time</sup> ~~to~~ <sup>Set</sup> during his or her life, by written instrument delivered to the trustees, to amend or revoke this agreement, but no amendment may change the trustees' duties, powers, and discretions without the trustees' consent. Upon the death of the settlor, the trust shall become irrevocable.

\*\*\*

Release:

ALL Recipients must sign a statement  
never to sue before funds and property  
are distributed from this Trust.



WADE J. DAHOOD  
ATTORNEY AT LAW

(406) 563-3424  
IN MT 1-800-823-3424

113 EAST THIRD STREET  
ANACONDA, MONTANA 59711  
FAX (406) 563-7519

*Dorothy Lunsy*  
Subscribed and sworn to before me this  
22 day of June  
2001.  
*May Pat Lunsy*  
Notary Public for the State of Montana  
Residing at Anaconda, Montana  
My Commission Expires 11-04-01

Exh. Bt A-8281 (1.61)



January 16, 2014

Page One of Two

AMENDMENT TO DOROTHY LUSSY REVOCABLE LIVING TRUST

4.2.2 Remainder Divided into Shares

The trustee is directed to divide the remaining principal and property and all accrued income to the Trust Estate into two ( 2 ) shares. The name of each beneficiary and his respective share is as follows.

Name and Relationship of Beneficiary	Share of Remaining Estate
Henry P. Lussy, son	50 %
Jerome C. Lussy, son	50%
Lawrence F. Lussy, son	\$ 35,000.00 Dollars TOTAL INHERITANCE
Richard C. Lussy, son	\$ 35,000.00 Dollars TOTAL INHERITANCE

The then living descendants of a deceased beneficiary of the settler shall take per stripes the share which the beneficiary would have received if living, subject to postponement of possession as provided in 4.3 infra.

I hereby give, devise and bequeath to Henry and Jerome Lussy the 1926 Cadillac model # 2889,, and the contents of the additional rooms adjacent to the Washoe Amusement office, known as the "The Memorial Rooms" to have and to hold as their property in their own right forever.

I further declare that in the event any of my sons, above named, contest the distribution of my Trust as set forth in paragraph 4.2.2 of this amendment, he shall forfeit his right to inherit and shall take nothing from the distribution of this Trust.

**Release:** All recipients must sign a statement, never to sue this estate, before funds and property are distributed from this Trust.

Dorothy Lussy  
Dorothy Lussy

Jan 16 / 2014  
Date

Exhibit A-0282 (1 of 1)

FULL RELEASE OF RECIPIENTS  
IN CONNECTION WITH THE  
DOROTHY LUSSY  
REVOCABLE LIVING TRUST

*Franklin D. Luss*

We, the undersigned, Henry P. Lussy, Jerome C. Lussy, Lawrence F. Lussy, and Richard C. Lussy do hereby state and agree that there will not be any contest with respect to the Revocable Living Trust of Dorothy Lussy and that each will accept the share that is provided for each of them in the said Living Trust of Dorothy Lussy.

Dated this 10<sup>th</sup> day of November, 2015.

*Henry P. Lussy* Nov 12, 2015  
Henry P. Lussy

*Jerome C. Lussy* 11/9/15  
Jerome C. Lussy

*Lawrence F. Lussy* November 12, 2015  
Lawrence F. Lussy

*Richard C. Lussy* 11/9/15  
Richard C. Lussy

← Franklin  
Lut:  
Pasta  
*DL*

Exhibit A-8306

November 3, 2015

Enclosed find a cashiers check in the amount of \$ 35,000.00 gifted to you, Richard Lussy, by the instructions of Dorothy Lussy's trust.

Also enclosed is a copy of the full release document each recipient signed.

FRAUD

Doc  
11/11/15  
verified  
BUSHIT

061091

93-285/021

35,000.00

DOLLARS

\$

11/11/15



TOLL FREE 800-924-2692

061091

93-285/021

REMITTER

THE DOROTHY LUSSEY REVOCABLE LIVING TRUST

PAY TO THE ORDER OF

RICHARD C LUSSEY

DATE

\$

35,000.00

DOLLARS

LOSS OF THIS CHECK MAY REQUIRE THE PURCHASE OF AN INDEMNITY BOND.

**CASHIER'S CHECK**

Full Release of Recipient -  
Dorothy Lussy Trust

*Brittany Forester*  
AUTHORIZED SIGNER

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈061091⑈ ⑆092102851⑆ 1 044 583⑈

REMITTER

THE DOROTHY LUSSEY REVOCABLE LIV.

PAY TO THE ORDER OF

RICHARD C LUSSEY

LOSS OF THIS CHECK MAY REQUIRE THE PURCHASE OF AN INDEMNITY BOND.

**CASHIER'S CHECK**

Full Release of Recipient -  
Dorothy Lussy Trust

⑈061091⑈ ⑆0921

Exhibit A-0304

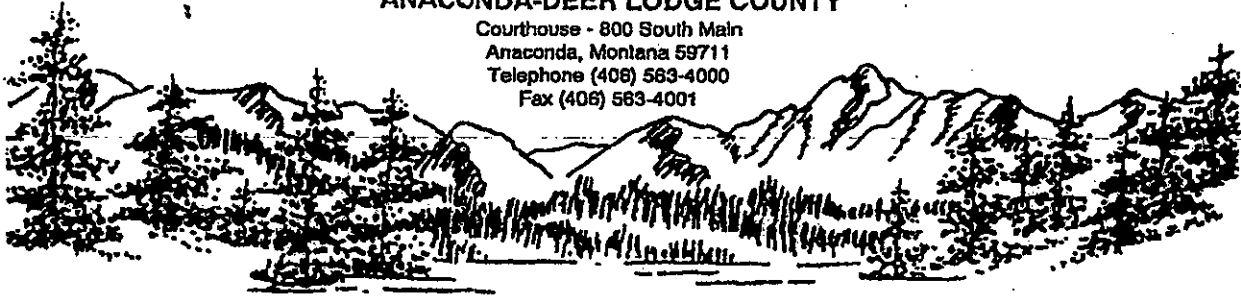
Exhibit  
A-8536  
2007



4/17/18

ANACONDA-DEER LODGE COUNTY

Courthouse - 800 South Main  
Anaconda, Montana 59711  
Telephone (406) 563-4000  
Fax (406) 563-4001



HONORABLE RAY J. DAYTON  
DISTRICT COURT JUDGE

Telephone (406) 563-4040  
Fax (406) 563-4077

SUSIE KRUEGER  
CLERK OF COURT  
BARBARA VAUGHN  
DEPUTY CLERK  
JAMIE BLASKOVICH  
DEPUTY CLERK

April 17, 2018

RE: Dorothy Helen Lussy/Date of Death: November 2, 2015)

To Whom It May Concern:

This office searched through our Full Court Index and Probate Index and found no Estate or Will has ever been filed with this office for the above-named individual.

If we can be of any further assistance please feel free to contact us.

Sincerely yours,

Susie Krueger, Clerk of District Court

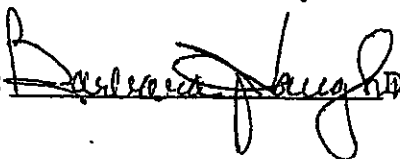
By:  Deputy

Exhibit A-8544 (lost w/o Envelope)

CERTIFICATION OF VITAL RECORD

DEER LODGE COUNTY



CERTIFICATION OF A DEATH CERTIFICATE

FILE #: 201512-008297

FULL NAME OF DECEASED: Dorothy Helen Lussy

SEX: Female

DATE OF DEATH: November 02, 2015

PLACE OF DEATH: ANACONDA

RACE: White

BIRTHPLACE: Cincinnati, Ohio

DATE OF BIRTH: [REDACTED]

MOTHER'S NAME: Helen Heal

FATHER'S NAME: George Viox

MARITAL STATUS: Widowed

SPOUSE:

SOCIAL SECURITY NUMBER: [REDACTED] 4619

VETERAN OF ARMED FORCES: No

RESIDENCE: Anaconda, Montana

FUNERAL FACILITY: Longfellow-Finnegan-Riddle Funeral & Cremation Ser

PLACE OF DISPOSITION: All Montana Crematory  
Anaconda

METHOD OF DISPOSITION: Cremation

MANNER OF DEATH: Natural

DATE FILED: November 09, 2015

ONSET:

10 days 3 hours

CAUSE OF DEATH:

- a. Pneumonia
- b. Colon Cancer

OTHER SIGNIFICANT CONDITIONS:  
Not Recorded

NAME AND ADDRESS OF CERTIFIER:  
Robert M. Webster, 1102 E. Commercial, Anaconda, Montana 59711

DATE ISSUED: January 19, 2016

BY:

*[Signature]*

*Lepore*

*Federal Rule Civil Procedure 5(d)(a) Privacy Protection  
For Filings Made with the Court.*

*11/4/2017*

746008

This certifies that this document is a true duplication  
of the original information on file with the Department  
of Public Health and Human Services.

Not Valid Unless Raised Seal Is Present

Clerk and Recorder

*Jay Blodiek*



ANY ALTERATION OR ERASURE VOID THIS CERTIFICATE

8/5/19

**Exhibit A-8571** evidence Racketeering Organized Crime: International Green Machine  
Sex Solicit then Threat to RE: petitioner pro se RC "Rick" Lussy Candidate 2016 & 2020-24

LOCATION: Embassy Suites, Hilton-Hotel 3974 NW S. River Dr, Miami FL. 33412.

DATE: July 23, 2019, Monday night 7:45pm @ Embassy Suites.

AGENT: SSA (Sabotage Surveillance Agent) Christenson's sex solicit-&-threat  
work as 5<sup>th</sup> 6<sup>th</sup>, 7<sup>th</sup> ... party for lawyer lobbyists: American Antitrust Society-&-ABA.

PHYSICAL DESCRIPTION. White woman: Ms. Christenson (volunteered 1<sup>st</sup>  
name missed) HEIGHT: 5'3" at 115 pounds-heavy & pushy, grey sweat pants-top and  
large deep "V Neck" horizontal stitch. Dyed blond hair-bun on top with dark roots.

HER CLAIM: to be International marketing VP Manager for Med-Line products &  
Vice president of Embassy Suites-Hampton Inn-Hilton flip hand up (for others). I said: the  
renovations here now are beautifully done. Reply: I know nothing of that (done 1-year).

AGENT'S QUESTION: She asked what I was doing. I said "writing a speech".

She said she is a public speaker. I asked a motivational speaker. She said Yes.

Petitioner pro se asked: "I should get your card." (She made no comment-no  
answer). This petitioner pro se also said: You are surely busy 40-hours-80-hours 160  
hours or more per week working. (She again made no comment-no answer).

She then said I noticed your body language. Then sexually-solicited me in body  
language pushing her two legs on either side of & clutched them onto my left leg as this  
petitioner pro se was sitting at a high table on a high chair inside the common area  
courtesy lounge in front of the television and immediately below the camera-black-ball for  
surveillance. Petitioner pro se stated "I am a commercial property appraiser, have been  
since graduation from college in May 1973."

She said "It sounds a bit weak". Petitioner pro se: "I turned my head-cocked it  
sideways: WHAT?" The Embassy Suites cleanup staff then came to me stating this  
area closed at 7:30pm so would you please move (then 7:45pm). Petitioner pro se:  
"Gladly", I got up without saying goodbye to her and walked briskly out.

She: followed (me) 600+ feet from the table to the other side/end of the common  
area-atrium after I got up & walked toward the swim pool area.

Her physical left hand pushed my left shoulder with threat: "You should be  
very careful" then walked away back to me 600 feet

I yelled back "about what-

no answer.

Again: "about what"

no answer. ◀END SHORT INCIDENT▶

# NOTARY PUBLIC SWORN & VERIFIED

SWORN To as truth & Subscribed before me this 5th day of August, 2019, by Richard C.  
Lussy, Rick who (✓) is personally known to me or who ( ) have produced his  
Florida Drivers License Class E, No. L200-743-50-269-0 as identification: 860 Sixth Ave.  
South P.O. Box 152, Naples Fla. 34106. E-mail: ricklussy@yahoo.com, Ph 239-263-5413.

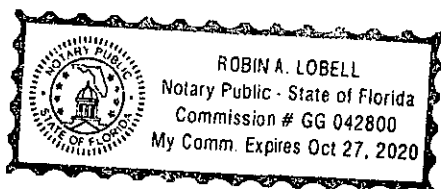
By Robin Lobell

Notary Public, State of Florida

Robin Lobell

Print, Name of Notary Public

(SEAL)



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Views

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📄 Documents

📧 Subscriptions

🛒 Groceries

🏷️ Deals

🧾 Receipts

✈️ Travel

Folders

Hide

+ New Folder

Lee County P...

Sara Marie

3rd try 2

Yahoo/Sent

McAfee Total Protection  
McAfee Official Store



**Rick Lussy** <ricklussy@yahoo> Thu, Feb 18 at 10:43 AM  
To: Rick Lussy

I U.S. Citizen Rick Lussy am calling 911 as to make a record that my computer has been hacked with deletion of all yesterdays (Ash Wednesday) February 17, 2021 work on U.S. Supreme Court Writ of Mandamus petition.

I believe the continuation of my being targeted, stalked bullied badgered and tormented 24/7 is due to American Bar Association for these 33-years since moving from Seattle to South Florida in an unfinished CV-78-67-BU second tier lawyer malpractice lawsuit the American Bar Association is protecting itself from non-lawyer competition for its government lawyer judges. I give 3-reasons:

#1 Reason) Gov't lawyer judges have 100% market share, no competition and no consumer freedom of choice by use of express omissions, 100% concealment and insider trading-lawyers on both sides with the judge also a lawyer for self-dealing that self-pardons. Lawyers discriminate for a living. This is not correct for government to be run by lawyers at all levels of society that claim the Florida Bar Association rules are sovereign inferring there exist a jurisdictional exception Rule by their own advice. The Appraisal Institute expressly forbids any jurisdictional exception rule as sovereign to existing law by any lawyers advice to anyone as no one is to be above the law.

#2 Reason) Gov't lawyer judges are not religious 40-hour per week workers. Daily, they arrive late, leave early and take all of Friday &/or 1/2 the day off. Routinely they take more days off than public holidays allow.

#3 Reason) Gov't lawyer judges are not adequately trained as the American Bar Association accredited 3-year law schools that grant juris doctor diplomas do not require jury trial/mock trial/moot court education core courses before obtaining their juris doctor diploma. This renders them unfit to represent all clients and 100% require mollycoddling bench conferences from the gov't lawyer judge to teach them what they should have learned in 3-year law school & falsely claim to be doctors with no doctors experience what-so-ever.

This emergency 911 call requests public assist for department of law: justice. I am U.S. Citizen Rick Lussy.

McAfee Total Protection  
VPN - 24/7 Free Supp

\$19.99 \$89.99

McAfee Total Protection - Premium as identity and privacy protection for you Macs, smartphones, and tablets - all in subscription (1-year subscription). Free



**Naples Police Department**

355 Riverside Circle  
Naples, Florida 34102

Officer: *CLANIN*

Case/Call#: *21-00011801*

(239) 213-3000 Non-Emergency (24/7)  
(239) 213-4890 Public Records  
(239) 213-4836 Property & Evidence

www.naplespolice.com

*2/18/2021*  
*CONFIDENTIAL*

*EXH. B. P. A. - 3601*



10/16/2020

(632 unread) - ricklussy@yahoo.com - Yahoo Mail

9/22/2020

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Photos

Documents

Subscriptions

Groceries

Deals

Receipts

Travel

Folders

Hide

+ New Folder

Lee County P...

Sara Marie

These 3-questions for archives please

Yahoo/Inbox



Rick Lussy <ricklussy@yahoo.c



Tue, Sep 22 at 6:29 PM

To: service@americanbar.org

To whom it concerns:

Question 1. How many members are there at the American Bar Association and at what date?

Question 2. Are all 50 states and 5-territories required to be members of the American Bar Association?

Question 3. Does "BAR" mean British Affiliation Registry?

I shall appreciate your cooperation,  
Sincerely,

Rick Lussy MAI, SRA, Commercial & Extraordinary Residential  
Property Appraiser  
Phone (239) 263-5413  
E-mail: ricklussy@yahoo.com



ABA

ABA Member Service <service



Sat, Sep 26 at 4:37 PM

To: Rick Lussy

Greetings,

Thank you for contacting the American Bar Association. We apologize for the delay in responding.

The ABA does not disclose annual membership numbers as it is proprietary information.

The ABA is a voluntary professional membership organization and does not regulate the right to practice law. Admission to practice law is governed by the highest court of each state or territory of the United States. Membership in the ABA does not qualify its members to practice law, nor is it a requirement to be admitted to the practice of law. Rather, the mission of the ABA is to be the national representative of the legal profession, to serve the public and the profession by promoting justice, professional excellence and respect for the law.

For more information on the definition of "BAR," please visit [https://en.wikipedia.org/wiki/Bar\\_\(law\)](https://en.wikipedia.org/wiki/Bar_(law))

Visit our website at [www.americanbar.org](http://www.americanbar.org) or contact us at [www.americanbar.org/contactus](http://www.americanbar.org/contactus). For immediate assistance, please call the ABA Service Center at 800-285-2221 or 312-988-5522 Monday-Friday between 9:00 AM and 6:00 PM ET.

Sincerely,

ABA Service Center  
American Bar Association  
321 North Clark Street  
Chicago, IL 60654

T: 800-285-2221

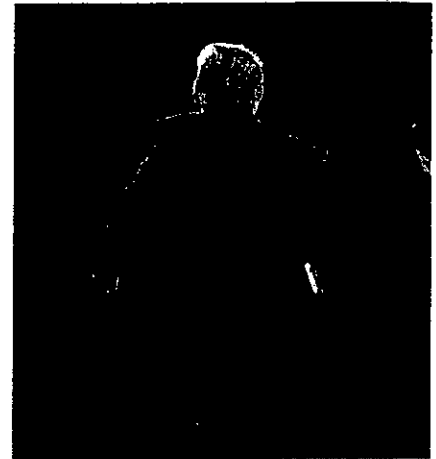
F: 312-988-5850

[www.americanbar.org](http://www.americanbar.org)

-----Original Message-----

From: Rick Lussy <ricklussy@yahoo.com>

Sent: Tuesday, September 22, 2020 5:30 PM



VOICE MAIL MESSAGE!

"Defending  
Liberty &  
Pursuing  
Justice"

Defending RICK PROSE

100 PERCENT JURY

TRIAL VERDICT DUE

Prose, REDDEN WITH

2- Jones state/Federal

2-Jones → 2- Jones both (Fed/State) Supp!

4- Cameron's (Questioner - Answer)

Exhibit A-8588 Jones Jones

# OFFICE OF THE COUNTY ATTORNEY

Anaconda - Deer Lodge County  
800 Main Street  
Anaconda, Montana 59711  
Phone # (406) 563-4019  
Fax # (406) 563-5018

8-  
12/5/15

ELLEN DONOHUE  
Deputy County Attorney

BEN KRAKOWKA  
County Attorney

MICHELLE SIEVERS  
Deputy County Attorney

Sandy Sullivan  
Paralegal

Geri Staley  
Legal Secretary



11/30/2015

Richard Lussy  
2840 Shoreview Drive, Apt. 2  
Naples, Florida  
34112-5881

RE: Request for Prosecution

Mr. Lussy

I have received and reviewed the information that you have provided to me where you are apparently requesting the prosecution of two of your brothers. After reviewing the documentation that you have sent to me I do not believe there is a prosecutable criminal offense. Further, it is important that you understand my office does not conduct investigations into criminal conduct and that such investigations are carried out by the Anaconda-Deer Lodge County Police Department. Any requests for investigation of possible criminal conduct should be forwarded to them.

Additionally, after reviewing the documents you provided to me it appears that this matter primarily consists of a family dispute regarding the distribution of an estate. Any litigation on such a matter should be dealt with in a civil proceeding and it may be in your interest to speak with an attorney about your options.

Sincerely,



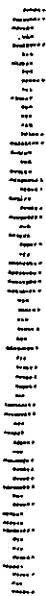
Ben Krakowka  
County Attorney

Exhibit A-9302 1042

Ben Krakowka Esq.  
County Attorney  
Office of the County Attorney  
800 Main  
Anaconda, MT 59711

Richard Lussy  
2840 Shoreview Drive, Apt. 2  
Naples, Florida  
34112-5881

341125881 0006



repost  
12/01/2015  
US POSTAGE

\$00.485



ZIP 59711  
04111225122

Exhibit A-8302  
(2 of 2)

Ben Krakowka <bkrakowka@adlc.us>

Apr 23 at 5:48 PM

2019

To: ricklussy@yahoo.com

Cc: Charles Ariss

Mr. Lussy

Mr. Chas Ariss forwarded me your email. Are you anticipating depositions in association with the litigation. We would be happy to make our personnel available to testify if required. Also, I am curious as to the nature of the litigation.

Much of the information you seek is likely contained in the rental agreement between Anaconda-Deer Lodge County and the State of Montana. That agreement should be on file with the State or with the Clerk of the Commission.

→ Retained 20%  
To County Atty

Pursuant to the right to know we will be happy to duplicate and mail an records to you. Any cost with the association of duplicating and mailing those documents will require payment in advance.

Ben Krakowka

County Attorney

From: Charles Ariss

Sent: Tuesday, April 23, 2019 3:37 PM

To: Ben Krakowka <bkrakowka@adlc.us>

Subject: FW: Courthouse Tenant: Montana Department of Revenue office space &/or home office space with Merna Green office holder

Ben:

FYI.

Ch

Exhibit A-8540 (1 of 2)

April 23, 2018  
4:48 PM

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- Inbox 528
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- Drafts 446
- Sent
- Archive
- Spam
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- Less
- Views Hide
- Photos
- Documents
- Deals
- Receipts
- Groceries
- Travel
- Folders Hide
- + New Folder
- Lee County P...
- Sara Marie

\* Courthouse Tenant: Montana  
Department of Revenue office space  
&/or home office space with Merna  
Green office holder 2

Yahoo/Sent



\* Rick Lussy <ricklussy@yahoo.com>  
To: cariss@adlc.us

Apr 23 at 4:48 PM

Dear Mr. Chas Ariss:  
4015 Cell (406) 479-4941

Office: (406) 563-

I am in litigation with the above referenced party. Would you please  
answer these 7-questions.

Question #1: Is that second floor courthouse space rented to the  
Montana Department of Revenue?  
Question #2: Is Merna Green the current occupant of that courthouse  
space with Clerk of Court & Clerk & Recorder for Anaconda Deer  
Lodge County Montana as neighbors on the same floor?  
Question #3: Is there another lease of Anaconda Deer Lodge County  
Space to the Montana Department of Revenue, Mitchell Bldg., Helena  
Montana?  
Question #4: Is this second floor courthouse space 100% office used  
by Montana Department of Revenue?  
Question #5: Is this second floor courthouse space 50% office & 50%  
used for cooking, bath residence use?  
Question #6: Is there anything notable about this government tenant for  
the State of Montana?  
Question #7: Is there any overnight-use for sleeping of this second floor  
courthouse rental space?

I shall appreciate your cooperation with same questions to be delivered  
to your cell phone number.  
Sincerely,  
Rick Lussy Esq. MAI, SRA  
Phone (239) 263-5413  
E-mail: ricklussy@yahoo.com



\* Ben Krakowka <bkrakowka@adlc.us>  
To: ricklussy@yahoo.com

Apr 23 at 5:48 PM



Rick Lussy

ricklussy@yahoo.com  
(239) 263-5413



ANNIE CLOTHUP TO 45% O



Exhibit A- 8580 (2062)

# JURISDICTIONAL EXCEPTION RULE

If any applicable law or regulation precludes compliance with any part of USPAP, only that part of USPAP becomes void for that assignment.

See also 413  
FAC 116 414  
126 415

Comment: When compliance with USPAP is required by federal law or regulation, no part of USPAP can be voided by a law or regulation of a state or local jurisdiction. 416

In an assignment involving a jurisdictional exception, an appraiser must: 417

1. identify the law or regulation that precludes compliance with USPAP; 418
2. comply with that law or regulation; 419
3. clearly and conspicuously disclose in the report the part of USPAP that is voided by that law or regulation; 420  
and 421
4. cite in the report the law or regulation requiring this exception to USPAP compliance. 422

Comment: The JURISDICTIONAL EXCEPTION RULE provides a saving or severability clause intended to preserve the balance of USPAP if compliance with one or more of its parts is precluded by the law or regulation of a jurisdiction. When an appraiser properly follows this Rule in disregarding a part of USPAP, there is no violation of USPAP. 423  
424  
425  
426

Law includes constitutions, legislative and court-made law, and administrative rules and ordinances. 427

Regulations include rules or orders having legal force, issued by an administrative agency. Instructions from a client or attorney do not establish a jurisdictional exception. 428  
429

Uniform Standards of Professional Appraisal Practice ("USPAP")

Exhibit A-8529

MCA Contents / TITLE 15 / CHAPTER 8 / Part 1 / 15-8-111 Appraisal -- m...

# Montana Code Annotated 2017

## TITLE 15. TAXATION

### CHAPTER 8. ASSESSMENT PROCEDURE

#### Part 1. General Provisions

## Appraisal -- Market Value Standard -- Exceptions

**15-8-111. Appraisal -- market value standard -- exceptions.** (1) All taxable property must be appraised at 100% of its market value except as otherwise provided.

(2) (a) Market value is the value at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

(b) If the department uses the cost approach as one approximation of market value, the department shall fully consider reduction in value caused by depreciation, whether through physical depreciation, functional obsolescence, or economic obsolescence.

(c) If the department uses the income approach as one approximation of market value and sufficient, relevant information on comparable sales and construction cost exists, the department shall rely upon the two methods that provide a similar market value as the better indicators of market value.

(d) Except as provided in subsection (4), the market value of special mobile equipment and agricultural tools, implements, and machinery is the average wholesale value shown in national appraisal guides and manuals or the value before reconditioning and profit margin. The department shall prepare valuation schedules showing the average wholesale value when a national appraisal guide does not exist.

(3) In valuing class four residential and commercial property described in **15-6-134**, the department shall conduct the appraisal following the appropriate uniform standards of professional appraisal practice for mass appraisal promulgated by the appraisal standards board of the appraisal foundation. In valuing the property, the department shall use information available from any source considered reliable. Comparable properties used for valuation must represent similar properties within an acceptable proximity of the property being valued.

(4) The department may not adopt a lower or different standard of value from market value in making the official assessment and appraisal of the value of property, except:

(a) the market value for agricultural implements and machinery is the average wholesale value category as provided in published national agricultural and implement valuation guides. The valuation guide must provide average wholesale values specific to the state of Montana or a region that includes the state of Montana. The department shall adopt by rule the valuation guides used as provided in this subsection (4)(a). If the average wholesale value category is unavailable, the department shall use a comparable wholesale value category.

(b) for agricultural implements and machinery not listed in an official guide, the department shall

**AFFIDAVIT DOCUMENTING: FIFTEEN PERCENT LESS (\$22,005) FOR ASSESSED VALUE  
FRACTIONAL MARKET VALUE: UNWILLING SELLER**

PRIMARY OWNER: LUSSY, DOROTHY TRUSTEE  
RE: Property Tax Appeal ADDRESS: 301 Main Street, Anaconda, Montana 59711  
ATTENTION: Geocode: 30-1285-03-4-36-09-0000

Tax Year	Land Value	Building Value	Total Value	Method
2017	36316	110384	146700	INCOME
2016	16119	117081	133200	INCOME
2015	16119	117081	133200	INCOME
Conclusion	\$146,700	(\$22,005)	\$124,695	Bldg
=>2017	0		5	Value

1.) The number one person in charge of Montana Department of Revenue: *Property Assessment Division is Administrator Ms. Cynthia Montecau Moore ((405) 444-7968). She advised me that these values are 100% market value for 1/1/2014 assessment date. Market value defined below: requires a willing buyer & seller.*

DEFINITION OF MARKET VALUE The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated; 2. both parties are well informed or well advised, and acting in what they consider their best interests; 3. a reasonable time is allowed for exposure in the open market; 4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and 5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. Source: Appraisal Standards Board, Appraisal Foundation, Uniform Standards of Professional Appraisal Practice, 1995 Ed., Appraisal Institute compliant.

**CONCLUSION:** This property owner is not willing to sell as needing a place to do business in & is not typically motivated. This 2017 Property Assessment Bldg value \$146,700 should be less 15% discount to equal \$124,695 as not willing seller per market value definition pursuant property total tax value: States of Montana & Florida.

2.) An additional unknowing expert Naples-Collier County Florida Property Appraiser is Jeep Quinby & noted below:

A 15% discount is 85% Fractional Assessment Ratio for Public Assessment, Collier County Fla. Property Appraiser #2 man: Jeep Quinby (1/28/2015, PH 239-252-8162) each 67-Fla. County must file a DR-493 to comply.

**Conclusion:** Montana State is not Florida State: yet the market value definition is consistent in both Montana & Florida. Property Tax Value is based on unwilling seller. Deceased Dorothy H. Lussy is not a willing seller deserve (15%) discount: proposed assessment \$146,700 less 15% discount equals (\$124,695) \$124,695 for 2017 assessment.

STATE OF FLORIDA

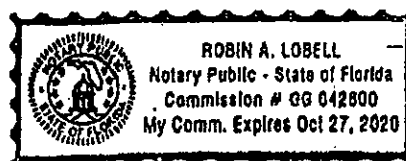
County of Florida

The signer Richard C. Lussy MAI (Member of Appraisal Institute), SRA (Senior Residential Appraiser) as a property appraiser, has been duly sworn, hereby deposes and says with #1 & #2 above:

- 3.) I am 67-years old, resident of State of Florida & #3-son of this property owner. I have personal knowledge of the facts herein, and if called as a witness could testify completely thereto.
- 4.) I suffer no legal disabilities and have personal knowledge of facts set forth herein.
- 5.) I declare that to the best of my knowledge & belief the information herein is true, correct and complete.

NOTARY PUBLIC VERIFIED, SWORN To & Subscribed before me this day of November 3, 2017, by Richard C. Lussy, Richard C. Lussy who ☐ is personally known to me or who ☒ have produced his Florida Drivers License as identification: 2840 Shoreview Dr., Suite #2, Naples, Fla. 34112 Ph (239) 263-5413, E-mail: ricklussy@yahoo.com.

By Robin A. Lobell  
Notary Public, State of Florida  
Print, Type, or Name of Notary Public



(SEAL)

Exh.d. + A-8533  
1



**AFFIDAVIT DOCUMENTING: FIFTEEN PERCENT LESS (\$29,430) FOR ASSESSED  
VALUE FRACTIONAL MARKET VALUE: UNWILLING SELLER**

PRIMARY OWNER: Washoe Amusement Company c/o Jerome C. Lussy & Richard C. Lussy  
RE: Property Tax Appeal ADDRESS: 305 Main Street; Washoe Theatre, Anaconda, MT. 59711  
Legal Description: Anaconda Original Town site, S03, T04 N, R11 W, BLOCK 57, Lot 6 - 11, S 24 FT 3 1/2 IN LT 6  
ATTENTION: Geocode: 30-1285-03-4-36-10-0000, 305 Main Street, Anaconda

Tax Year	Land Value	Building Value	Total Value	Method
2017	53571	142629	196200	INCOME
2016	24321	167179	191500	INCOME
2015	24321	167179	191500	INCOME

Conclusion  
11 196,200 (\$29,430) \$166,770 Total Value  
=>2017 7 ) 0

1.) The number one person in charge of Montana Department of Revenue: *Property Assessment Division* is Administrator *Ms. Cynthia Monteanu Moore* ((405) 444-7968). She advised me that these values are 100% market value for 1/1/2014 assessment date. Market value defined below: requires a willing buyer & seller.

DEFINITION OF MARKET VALUE The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1.) buyer and seller are typically motivated; 2.) both parties are well informed or well advised, and acting in what they consider their best interests; 3.) a reasonable time is allowed for exposure in the open market; 4.) payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and 5.) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. Source: Appraisal Standards Board, Appraisal Foundation, Uniform Standards of Professional Appraisal Practice, 1995 Ed., Appraisal Institute compliant.

**CONCLUSION:** This property owner is not willing to sell & is not typically motivated. This 2017 Property Assessment \$196,200 should be less 15% discount to equal \$166,770 as not a willing seller per market value definition; that control the beginning level property assessment: States of Montana & Florida.

2.) An additional unknowing expert Naples-Collier County Florida Property Appraiser is Jeep Quinby & noted below:  
A 15% discount is 85% Fractional Assessment Ratio for Public Assessment, Collier County Fla. Property Appraiser #2 man: Jeep Quinby (1/28/2015, PH 239-252-8162) each 67-Fla. County must file a DR-493 to comply.  
**Conclusion:** Montana State is not Florida State; yet the market value definition is consistent in both Montana &

Florida. Property Tax Value is based on unwilling seller. Jerome C. Lussy, General Manager/Owner is not a willing seller deserves this (15%) discount: proposed assessment \$196,200 less 15% discount equals \$166,770 for 2017.

STATE OF FLORIDA

County of Florida

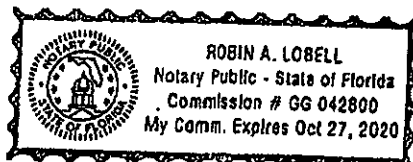
The signer Richard C. Lussy Richard C. Lussy MAI (Member of Appraisal Institute), SRA (Senior Residential Appraiser) as a property appraiser, has been duly sworn, hereby deposes and says with #1 & #2 above:

3.) I am 67-years old, resident of State of Florida & son of this former property owner Henry F. Lussy. I have personal knowledge of the facts herein, and if called as a witness could testify completely thereto.

4.) I suffer no legal disabilities and have personal knowledge of facts set forth herein.

5.) I declare that to the best of my knowledge & belief the information herein is true, correct and complete.

**NOTARY PUBLIC VERIFIED, SWORN To & Subscribed** before me this day of November 3, 2017, by Richard C. Lussy, Richard C. Lussy who ( ) is personally known to me or who ( ) have produced his Florida Drivers License as identification: 2840 Shoreview Dr., Suite #2, Naples, Fla. 34112, Ph (239) 263-5413, E-mail: ricklussy@yahoo.com.



(SEAL)

By Robin Lobell  
Notary Public, State of Florida  
Robin Lobell  
Print, Type, or Name of Notary Public

Exhibit A-9534

**AFFIDAVIT DOCUMENTING: FIFTEEN PERCENT LESS (\$25,837) FOR ASSESSED VALUE  
FRACTIONAL MARKET VALUE: UNWILLING SELLER**

PRIMARY OWNER: ~~Indenture conspicuous contested No Receipt & Sale Deed~~ Richard C. Lussy versus Lussy, Henry Paumie  
RE: Property Tax Appeal ADDRESS: 1818 Tammany Avenue, Anaconda, Montana 59711  
ATTENTION: Geocode: 30-1285-04-2-07-01-0000

Tax Year	Land Value	Building Value	Total Value	Method
2017	36127	136120	172247	COST
2016	23925	121875	145800	MKT
2015	23925	121875	145800	MKT
Conclusion				
n	\$172,247	(\$25,837)	\$146,410	Total Value
=>2017				

1.) The number one person in charge of Montana Department of Revenue: *Property Assessment Division is Administrator Ms. Cynthia Montecau Moore ((405) 444-7968). She advised me that these values are 100% market value for 1/1/2014 assessment date. Market value defined below: requires a willing buyer & seller.*

DEFINITION OF MARKET VALUE The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1) buyer and seller are typically motivated;
  - 2) both parties are well informed or well advised, and acting in what they consider their best interests;
  - 3) a reasonable time is allowed for exposure in the open market;
  - 4) payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
  - 5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.
- Source: Appraisal Standards Board, Appraisal Foundation, Uniform Standards of Professional Appraisal Practice, 1995 Ed., Appraisal Institute compliant.

**CONCLUSION:** Henry Paumie Lussy "property owner" is not willing to sell as needing a place to lease in & is not typically motivated. This 2017 Property Assessment Bldg value \$172,247 should be less 15% discount to equal \$146,410 to start with as not willing seller per market value definition; that control the beginning level property assessment: States of Montana & Florida.

2.) An additional unknowing expert Naples-Collier County Florida Property Appraiser is Jeep Quinby & noted below:

A 15% discount is 85% Fractional Assessment Ratio for Public Assessment, Collier County Fla. Property Appraiser #2 man: Jeep Quinby (1/28/2015, PH 239-252-8162) each 67-Fla. County must file a DR-493 to comply.

**Conclusion:** Montana State is not Florida State: yet the market value definition is consistent in both Montana & Florida. Property Tax Value is based on unwilling seller. Contested Indenture as "lease indenture" agreement Henry P. Lussy is not a willing occupant-seller deserving this (15%) discount: proposed assessment \$172,247 less 15% discount equals (\$25,837) for 2017 assessment of \$146,410.

STATE OF FLORIDA

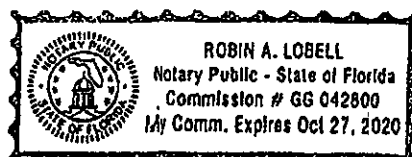
County of Florida

The signer Richard C. Lussy MAI (Member of Appraisal Institute), SRA (Senior Residential Appraiser) as a property appraiser, has been duly sworn, hereby deposes and says with #1 & #2 above:

- 3.) I am 67-years old, resident of State of Florida & #3-brother of this claimed property owner. I have personal knowledge of the facts herein, and if called as a witness could testify completely thereto.
- 4.) I suffer no legal disabilities and have personal knowledge of facts set forth herein.
- 5.) I declare that to the best of my knowledge & belief the information herein is true, correct and complete.

NOTARY PUBLIC VERIFIED, SWORN To & Subscribed before me this day of November 3, 2017, by Richard C. Lussy, Richard C. Lussy who ( ) is personally known to me or who ( ) have produced his Florida Drivers License as identification: 2840 Shoreview Dr., Suite #2, Naples, Fla. 34112, Ph (239) 263-5413, E-mail: ricklussy@yahoo.com.

By Robin A. Lobell  
Notary Public, State of Florida  
Print, Type, or Name of Notary Public

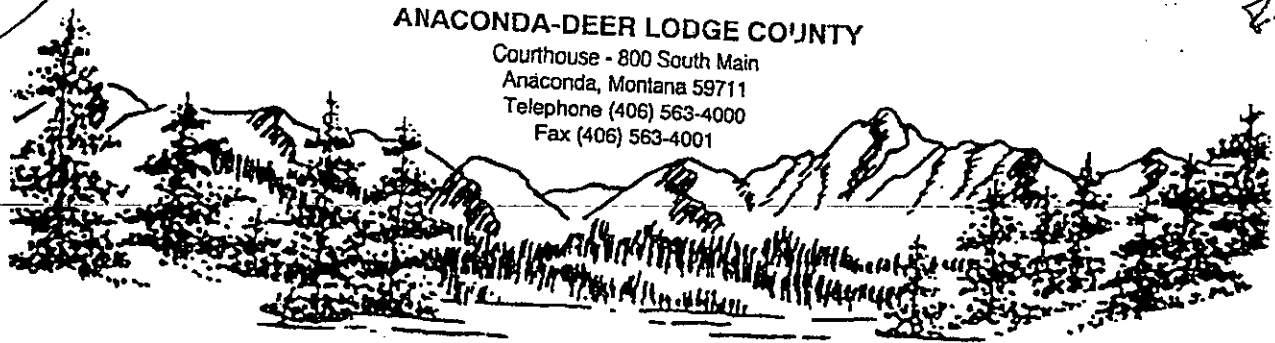


(SEAL)

Exhibit A-8535

ANACONDA-DEER LODGE COUNTY

Courthouse - 800 South Main  
Anaconda, Montana 59711  
Telephone (406) 563-4000  
Fax (406) 563-4001



HONORABLE RAY J. DAYTON  
DISTRICT COURT JUDGE

Telephone (406) 563-4040  
Fax (406) 563-4077

SUSIE KRUEGER  
CLERK OF COURT  
JODI LECHMAN  
DEPUTY CLERK  
JAMIE BLASKOVICH  
DEPUTY CLERK

November 18, 2019

RICHARD LUSSY  
860 Sixth Avenue South  
P.O. Box 152  
Naples, MT 34106

Dear Mr. Lussy:

The Court ordered in its Findings of Fact, Conclusion of Law and Order filed on March 4, 2019 in Cause No. DV-18-37 and Cause No. DV-18-38 that you were prohibited from proceeding or filing any further pleadings pro se without leave of the Court.

Therefore, I am returning this to you.

Sincerely,

Susie Krueger  
Clerk of the District Court

enc.

*This is → Extensive Fraud*

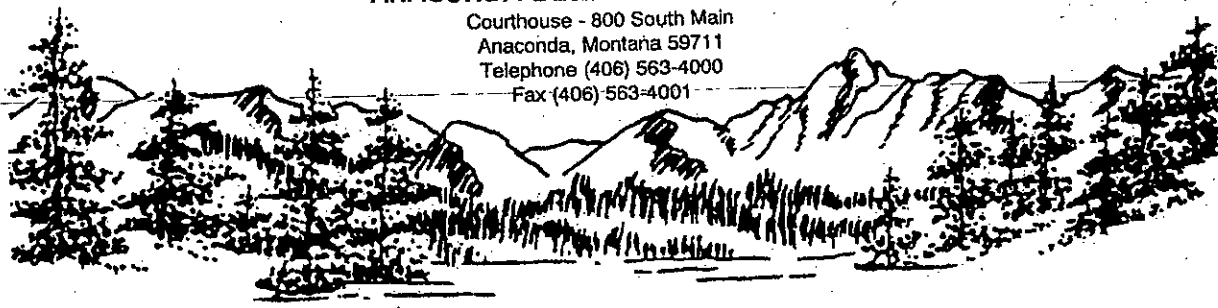
*800*

*1/21/2020*

*Sotzke*

ANACONDA-DEER LODGE COUNTY

Courthouse - 800 South Main  
Anaconda, Montana 59711  
Telephone (406) 563-4000  
Fax (406) 563-4001



HONORABLE RAY J. DAYTON  
DISTRICT COURT JUDGE

Telephone (406) 563-4040  
Fax (406) 563-4077

SUSIE KRUEGER  
CLERK OF COURT  
JODI LECHMAN  
DEPUTY CLERK  
JAMIE BLASKOVICH  
DEPUTY CLERK

December 30, 2019

RICHARD LUSSY  
860 Sixth Avenue South  
P.O. Box 152  
Naples, MT 34106

Dear Mr. Lussy:

*of one  
Twice without the other one  
(DV 19-38)*

I am in receipt of your letter dated December 23, 2019. I have emailed the Register of Actions you requested in both Cause Numbers DV-18-37 and DV-18-38 and will enclose your receipt. The Court ordered in its Findings of Fact, Conclusion of Law and Order filed on March 4, 2019 in Cause No. DV-18-37 and Cause No. DV-18-38 that you were prohibited from proceeding or filing any further pleadings pro se without leave of the Court. The letter states a Motion and Answer Brief were sent into my office on 7-9-19 to file, however, I was Court Ordered - per Order dated March 4, 2019 to not file unless permission was given by Judge Krueger. Therefore, the Motion and Affidavit were not filed in District Court.

Therefore, I am returning this to you.

Sincerely,

*Susie Krueger*  
Susie Krueger  
Clerk of the District Court

*Exhibit A-8587 (106A)*

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
For The District of Montana

Tyler Gilman  
Clerk of Court



Beth Conley  
Chief Deputy Clerk

February 18, 2015

Rick Lussy MAI, SRA  
RICHARD LUSSY & ASSOCIATES  
2165 Greenback Circle, Suite #5-303  
Naples, FL 34112

Dear Mr. Lussy,

I regret to inform you that I am unable to supply copies of the documents you requested in case CV 78-67-BU, as the case file has been destroyed.

I apologize for the inconvenience this has caused.

Sincerely,

A handwritten signature in cursive script that reads "Beth Conley".

Beth Conley  
Chief Deputy

*Exhibit A-8978*

Russell E. Smith Courthouse  
P.O. Box 8537 ♦ 201 East Broadway  
Missoula, MT 59807  
[www.mtd.uscourts.gov](http://www.mtd.uscourts.gov)

406-542-7260

Fax 406-542-7272



Florida Department of  
Law Enforcement

Gerald M. Bailey  
Commissioner

Office of General Counsel  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
(850) 410-7676  
[www.fdle.state.fl.us](http://www.fdle.state.fl.us)

Rick Scott, Governor  
Pam Bondi, Attorney General  
Jeff Atwater, Chief Financial Officer  
Adam Putnam, Commissioner of Agriculture

December 7, 2012

Rick C. Lussey  
2165 Greenback Circle, Suite 5-303  
Naples, Florida 34112

RE: 2012 Florida Statute 839.13

Dear Mr. Lussey,

Pursuant to your request today by telephone, I have attached a copy of Section 839.13, Florida Statutes.

If I can provide anything further you may contact me directly.

Sincerely,

James D. Martin  
Assistant General Counsel  
850-410-7679

Enclosure

"D"  
LAWS

Exhibit A-3863 (1 of 3)

## The 2012 Florida Statutes

## Title XLVI

## CRIMES

## Chapter 839

## OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES

[View Entire Chapter](#)

## 839.13 Falsifying records.—

(1) Except as provided in subsection (2), if any judge, justice, mayor, alderman, clerk, sheriff, coroner, or other public officer, or employee or agent of or contractor with a public agency, or any person whatsoever, shall steal, embezzle, alter, corruptly withdraw, falsify or avoid any record, process, charter, gift, grant, conveyance, or contract, or any paper filed in any judicial proceeding in any court of this state, or shall knowingly and willfully take off, discharge or conceal any issue, forfeited recognizance, or other forfeiture, or other paper above mentioned, or shall forge, deface, or falsify any document or instrument recorded, or filed in any court, or any registry, acknowledgment, or certificate, or shall fraudulently alter, deface, or falsify any minutes, documents, books, or any proceedings whatever of or belonging to any public office within this state; or if any person shall cause or procure any of the offenses aforesaid to be committed, or be in anywise concerned therein, the person so offending shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) Any person who knowingly falsifies, alters, destroys, defaces, overwrites, removes, or discards an official record relating to an individual in the care and custody of a state agency, which act has the potential to detrimentally affect the health, safety, or welfare of that individual, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term "care and custody" includes, but is not limited to, a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415.

(b) Any person who commits a violation of paragraph (a) which contributes to great bodily harm to or the death of an individual in the care and custody of a state agency commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term "care and custody" includes, but is not limited to, a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415.

(c) Any person who knowingly falsifies, alters, destroys, defaces, overwrites, removes, or discards records of the Department of Children and Family Services or its contract provider with the intent to conceal a fact material to a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Nothing in this paragraph prohibits prosecution for a violation of paragraph (a) or paragraph (b) involving records described in this paragraph.

(d) This section does not prohibit the disposing or archiving of records as otherwise provided by law.

Exhibit 11-3863(2013)

11-2

In addition, this section does not prohibit any person from correcting or updating records. ←

(3) In any prosecution under this section, it shall not be necessary to prove the ownership or value of any paper or instrument involved.

History.—s. 19, Feb. 10, 1832; RS 2571; GS 3483; RGS 5357; CGL 7492; s. 1023, ch. 71-136; s. 1, ch. 2002-386; s. 2, ch. 2007-174.

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Exhibit A-3863(3043)

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