

No. DA 21-0095

2021 MT 274N

Jada Ku v. Great Falls Public Schools

In the Supreme Court of the State of Montana, Honorable Judges, Mike McGrath,
Ingrid Gustafson, Beth Baker, Laurie Mckinnon, Dirk M. Sandefur, and Jim Rice.

APPENDIX

Jada Ku

300 56th St. So.

Great Falls, MT 59405

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Fax Number:

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Plaintiff/Appellant

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Attorneys for Appellee

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District Court Case No. DDV-20-0378

Jada Ku - Petitioner

v.

Great Falls Public Schools - Respondent

Appendix Sequence	Filed	Text	Judge
A	12/10/2020	Order of Dismissal with Prejudice	John W. Parker
B	02/02/2021	Order to Re-close Case	John W. Parker
C	10/19/2021	Final Judgment of the Supreme Court	Ingrid Gustafson, Beth Baker, Laurie Mckinnon, Dirk M. Sandefur, Jim Rice
D	11/12/2021	Notice of Filing Remittitur	The Supreme Court of the State of Montana

*Jada Ku - Plaintiff/Appellant, Great Falls Public Schools - Defendant/Appellee

App. A

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

JADA KU, Plaintiff, v. GREAT FALLS PUBLIC SCHOOLS, Defendant.	Cause No. DDV-20-0378 Hon. John W. Parker ORDER OF DISMISSAL WITH PREJUDICE
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This matter came before the Court for hearing on Defendant, Great Falls Public Schools' (GFPS) Motion to Dismiss on December 8, 2020. Notice of the hearing was provided to Plaintiff Jada Ku at her address of record, 300 – 56th Street South, Great Falls, MT 59405. Plaintiff did not appear for the hearing. GFPS appeared through its counsel of record, Jean E. Faure of Faure Holden Attorneys at Law, P.C. The Court has reviewed the pleadings, considered the arguments and positions of the parties, and is prepared to rule.

On August 11, 2020, GFPS timely filed a Motion to Dismiss Ku's Complaint. Pursuant to Uniform District Court Rule 2(a), Ku's brief in opposition was due within 14 days after service. With 3 days for mailing added to the end of the 14 period, Ku's brief in opposition was due on or before August 28, 2020. See Mont. R. Civ. P. 6(d). When Ku did not timely file a response, GFPS filed a Reply and requested a hearing. This Court set a hearing on September 25, 2020.

Over two months after GFPS' motion, Plaintiff filed a "Response". All litigants, even those appearing pro se, must adhere to procedural rules. *Xin Xu v. McLaughlin*

Research Inst. for Biomedical Sci., Inc., 2005 MT 209, ¶ 23, 328 Mont. 232, 119 P.3d

100. The Montana Supreme Court has said that while it is "predisposed to give pro se litigants considerable latitude in proceedings, that latitude cannot be so wide as to prejudice the other party." See, e.g., *Greenup v. Russell*, 2000 MT 154, ¶ 15, 300 Mont. 136, 3 P.3d 124.

Ku claims to have no internet access or a computer. She also claims there is a language barrier and asks to meet in person for Judge Parker to review her diary. None of these arguments is persuasive. Ku's Response is handwritten on forms – they are not typed. Ku cites no authority, belying any argument that she waited to respond because she needed the internet to conduct research. It is unclear why she would need access to the internet or a computer. It is not her English skills that are the issue – it is that her Complaint, written in fairly fluent English, does not state a claim.

Ku is no stranger to the judicial process. She was a party to litigation against GFPS almost 20 years ago. In 2002, Ku (then known as Jasoog Sanchez) filed a suit in Cause NO. AVD-02-696. She capably prosecuted that action all the way through the Montana Supreme Court. See *Sanchez v. Great Falls Public Schools*, 2003 MT 301N.

But even considering Ku's untimely response, her arguments do not address the real issue – neither GFPS nor the Court can connect any of the statements in her Complaint to a cause of action. It is Ku's burden, pro se or otherwise, to adequately plead a cause of action. *Jones v. Mont. Univ. Sys.*, 2007 MT 82, ¶ 42, 337 Mont. 1, 155 P.3d 1247. Failure to allege sufficient facts that, if true, would entitle the Plaintiff to relief under a cognizable legal theory subjects a complaint to dismissal under Mont. R.

Civ. P. 12(b)(6). *Anderson v. ReconTrust Co., N.A.*, 2017 MT 313, ¶ 8, 390 Mont. 12, 407 P.3d 692; *Estate of Swanberg*, 2020 MT 153, ¶ 6, 400 Mont. 247, 465 P.3d 1165.

Accordingly, IT IS HEREBY ORDERED THAT Ku's Complaint and this action is dismissed with prejudice. The Clerk is directed to close this case.

DATED this 10th day of December 2020.


DISTRICT COURT JUDGE

Jada Ku, 300 56th Street South, Great Falls, MT 59405

Faure Holden Attorneys

App. B

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

JADA KU,
Plaintiff,

VS.

No. DDV-20-0378

ORDER TO RE-CLOSE CASE

GREAT FALLS PUBLIC SCHOOLS,
Defendant.

On December 10, 2020, following a hearing in this matter which Plaintiff failed to attend, this Court issued a detailed Order of Dismissal With Prejudice. Subsequently, on December 15, 2020, Plaintiff filed a forty-page hand-written affidavit accompanied by a proposed order seeking to reopen the case.

The District Court has afforded Plaintiff, a self-represented litigant, numerous opportunities to be heard in this matter. Self-represented parties enjoy considerable latitude, but that latitude cannot be so wide as to prejudice the other party. *Greenup v. Russell*, 300 Mont. 136, 139 (2000). These issues are set forth more fully in the Order of Dismissal With Prejudice.

Therefore, IT IS HEREBY ORDERED that the Clerk of the District Court shall re-close this case with no further proceedings.

DATED this 2nd day of February, 2021.

JOHN W. PARKER
DISTRICT COURT JUDGE

cc: Plaintiff Pro Se
Defendant - c/o Counsel/Faure

App. C

FILED FILED
10/19/2021

DA 21-0095

OCT 19 2021
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 21-0095
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

2021 MT 274N

JADA KU,

Plaintiff and Appellant,

v.

GREAT FALLS PUBLIC SCHOOLS,

Defendant and Appellee.

APPEAL FROM: District Court of the Eighth Judicial District,
In and For the County of Cascade, Cause No. DDV-20-0378
Honorable John W. Parker, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Jada Ku, Self-Represented, Great Falls, Montana

For Appellee:

Jean E. Faure, Katie R. Ranta, Faure Holden Attorneys at Law, P.C.,
Great Falls, Montana

Submitted on Briefs: September 29, 2021

Decided: October 19, 2021

Filed:


Clerk

Justice Ingrid Gustafson delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(e), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and 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 Jada Ku appeals from the February 2, 2021 Order to Re-Close Case filed by the Eighth Judicial District Court, Cascade County. Ku filed a complaint against Great Falls Public Schools (GFPS) on July 17, 2020. She alleged "Breach of Confidence," "Discrimination of my mental disability," "Intimidation," and "Harassment" and sought financial compensation and a public apology. Ku attached 114 pages of her handwritten diary, as well as letters she wrote to various government agencies about her complaints against GFPS. GFPS moved to dismiss the case under M. R. Civ. P. 12(b)(6) for failure to state a claim on August 11, 2020. Ku filed an untimely response on October 28, 2020. The District Court held a hearing on the motion on December 8, 2020. Ku did not attend the hearing. The District Court dismissed the case with prejudice on December 10, 2020. On December 15, 2020, Ku filed a motion to reopen the case and a 40-page handwritten affidavit. GFPS opposed the motion, arguing Ku satisfied none of the M. R. Civ. P. 60(b) criteria for relief from final judgment. The District Court denied the motion on February 2, 2021, and Ku appeals.

¶3 In her briefing on appeal, Ku generally alleges she was treated differently by the staff at GFPS's adult education program while a student there. She maintains the District Court erred in dismissing her case against GFPS as the court should have appointed her counsel because she has a mental disability and an interpreter due to a language barrier.

¶4 "[A] district court's decision is presumed correct and it is the appellant who bears the burden of establishing error by that court." *In re Marriage of McMahon*, 2002 MT 198,

¶7, 311 Mont. 175, 53 P.3d 1266. An appellant's brief on appeal must raise legal errors with the district court's order and contain citations to legal authorities in support of the appellant's contentions. See M. R. App. P. 12(1)(g). Ku has failed to articulate a legal error with the District Court's orders or cite to any legal authority in support of her contentions. She has failed to meet her burden of establishing error by the District Court.

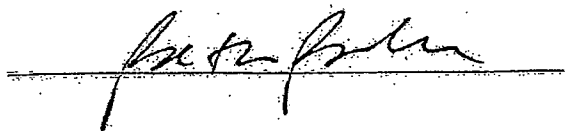
¶5 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. This appeal presents no constitutional issues, no issues of first impression, and does not establish new precedent or modify existing precedent.

¶6 Affirmed.


Justice

We concur:





Justice
J. R. ...
J. R. ...

App. D

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

Jada Ku,
Plaintiff/ Petitioner,

Vs.

Great Falls Public Schools,
Defendant/ Respondent

2021 NOV 12 AM 8:54

Case Number: DV-7-2020-0000378-OC

FILED

BY

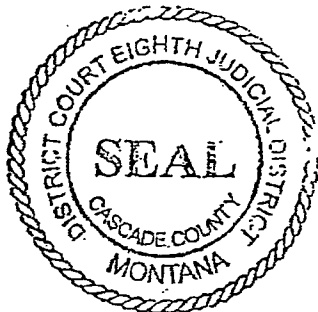
NOTICE OF FILING
REMITTITUR

To: Plaintiff's Attorney: Pro Se

Defendant's Attorney: Jean Elizabeth Faure

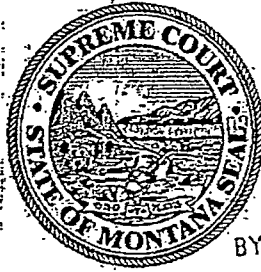
NOTICE IS HEREBY GIVEN OF THE RECEIPT OF Remittitur from the Supreme Court of
the State of Montana of the above-entitled case.

DATED this 12th day of November 2021.



TINA HENRY, CLERK OF COURT

BY *Emileth Freer*
Deputy



NOV 10 PM 2:01

FILED

BY

Elizabeth Sullivan

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

November 8, 2021

REMITTITUR

Supreme Court Case No. DA 21-0095
District Court Case No. DDV-20-0378

JADA KU,

Plaintiff and Appellant,

v.

GREAT FALLS PUBLIC SCHOOLS,

Defendant and Appellee.

This case was a review of the order/judgment of the District Court.

IT IS ORDERED by the Supreme Court in an opinion, that the decision of the District Court is Affirmed.

The appeal record is hereby returned to the Clerk of District Court of Cascade County District Court.

I certify that the attached is a true and correct copy of the opinion filed by the Supreme Court on October 19, 2021.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Bowen Greenwood".

Bowen Greenwood
Clerk of the Supreme Court