

NOTICE TO CLERK: § 3-1-805 MCA

EMERGENCY DEFENDANT'S MOTION TO DISQUALIFY JUDGE AMY EDDY

Prepared by:
Dennis Thornton,
Pro Se Defendant and Counterclaimant
151 Amatasia Lane
Kalispell, Montana 59901
Telephone: (406) 261-6814
Email: thorcoinc@outlook.com

**IN THE MONTANA ELEVENTH JUDICIAL DISTRICT COURT
FLATHEAD COUNTY**

**NEAL BOUMA and
BTS, INC.,**

Plaintiffs and Counter-Defendants,

v.

DENNIS THORNTON,

Defendant and Counter-Plaintiff.

Cause No. DV-15-2026-794-QT

Hon. Amy Poehling Eddy

**DEFENDANT'S EMERGENCY
MOTION TO DISQUALIFY
JUDGE AMY POEHLING
EDDY; AFFIDAVIT FOR
DISQUALIFICATION FOR
CAUSE; AND REQUEST FOR
REFERRAL UNDER MCA § 3-1-
805.**

Defendant and Counterclaimant Dennis Thornton, appearing pro se, moves to disqualify the Honorable Amy Poehling Eddy from further participation in this case and submits the accompanying affidavit for disqualification for cause. Thornton requests that Judge Eddy take no further substantive action in this case except actions necessary to preserve the status quo and transmit this motion, affidavit, and record as required by § 3-1-805, MCA.

This motion is based on the specific conduct and records identified below. Thornton does not seek recusal merely because Judge Eddy ruled adversely on a motion. Thornton contends that the cumulative, documented conduct alleged below creates a reasonable concern that he is being denied an equal opportunity to file papers, respond to adverse matters, obtain material evidence, and have his case considered by a fair and impartial tribunal.

I. RELIEF REQUESTED

Thornton requests that the Court:

1. Cease further substantive proceedings in Cause No. DV-15-2026-794-QT pending determination of disqualification.
2. Transmit this affidavit and motion to the Montana Supreme Court for processing under § 3-1-805, MCA and assignment of a different district judge.
3. Preserve all filing records and tendered but undocketed submissions identified in the ROA for Cause No. DV-15-2026-794-QT.
4. Direct the clerk to docket each tendered filing or issue a written notice identifying the specific legal basis for withholding or rejecting it.
5. Stay all pending motions, discovery decisions, attorney-fee requests and awards, and enforcement proceedings until a neutral judge holds hearing and determines the disqualification issue.
6. Grant such other relief necessary to preserve Thornton's right to a complete record and a fair opportunity to be heard.

II. APPLICABLE STANDARD

Section 3-1-805, MCA, provides the procedure for disqualification for cause in district court. An affidavit must allege facts showing personal bias or prejudice, be filed more than thirty days before a hearing or trial, and be accompanied by a certificate of counsel of record that it is made in good faith. If a compliant affidavit is filed against a district judge, the matter is referred to the Montana Supreme Court and the Chief Justice assigns another district judge to hear it.

Thornton appears pro se and has no counsel of record who can provide the statutory counsel certificate. He therefore submits his sworn good-faith declaration and requests that the

Court transmit the motion and affidavit for direction rather than reject the filing without a written order. Thornton understands that the assigned judge or the Montana Supreme Court may determine whether the statutory certificate requirement can be met by a self-represented litigant or whether a different procedure is required.

The Montana Code of Judicial Conduct directs a judge to disqualify when the judge's impartiality might reasonably be questioned. *Draggin' Y Cattle Co. v. Junkermier, Clark, Campanella, Stevens, P.C.*, 387 Mont. 430, 395 P.3d 497, ¶¶ 16–18, 35–38 (2017). At the same time, dissatisfaction with rulings that can be addressed on appeal is not by itself a proper basis for a disqualification affidavit. *State v. Knight*, PR 25-0001 (Mont. Feb. 24, 2026).

III. FACTUAL GROUNDS FOR DISQUALIFICATION

1. This case is a quiet-title and related civil action filed by Neal Bouma and BTS, Inc. against Dennis Thornton. Thornton has filed counterclaims concerning the alleged validity of the asserted title chain and related conduct. **ROA Filing No. 6.00, Counterclaim, filed June 2, 2026.**
2. Thornton contends that this action arose from lis pendens notices associated with an earlier, still-pending Rule 60 proceeding in *Thornton v. Whitefish Credit Union*, Flathead County Cause No. DV-18-336, before Judge Dan Wilson.
3. Thornton filed a motion requesting consolidation or coordination of this case with the earlier proceeding. He alleges that Judge Eddy has not granted that request or otherwise coordinate the cases despite their asserted factual overlap, and Supreme Court requirements for consolidation. **ROA Filing No. 59.00, D & Counter Claimant Dennis Thornton's motion to consolidate with cause DV-18-336D, request for assignment to judge Wilson, memo of law & proposed order, filed August 25, 2026.**

4. Thornton tendered for filing the papers listed in the ROA and supporting filing records on the dates stated there. He declares that the papers have not been docketed, have been withheld for weeks, or have not been placed before the Court for consideration.
5. Thornton alleges that he has not received a written, case-specific order explaining the basis for the withholding or rejection of each document identified in the ROA and supporting filing records. If any rejection notice was received, it is part of the filing record to be preserved.
6. Thornton is not the proper party to this litigation. He is not named as owner on the title that Plaintiffs seek to quiet. Judge Eddy is well aware of this fact and has been presented with this fact in numerous Motions to dismiss, which have been ignored by the Court and denied without addressing Thornton's not being a properly named Defendant.
7. Thornton alleges that Plaintiffs' motions, responses, proposed orders, and other filings have been docketed and considered while his own tendered responses or related filings have not been docketed or considered. The specific documents, dates, and resulting prejudice are identified in the ROA entries, opposing filings, and Thornton's corresponding tendered responses.
8. Judge Eddy denied Thornton's motion to dismiss by order dated August 10, 2026. The order states that Plaintiffs' allegations must be assumed true for Rule 12(b)(6) purposes and concludes that the complaint states cognizable legal theories. All of this despite the facts that the wrong Defendant is being named, Eddy's Court acknowledges the prior proceedings are ongoing in the Court of original jurisdiction where the disputed lis pendens originated, and the frivolous and vexatious nature of the Plaintiff's Complaint and the Plaintiffs' attempt at judge shopping in order to circumvent the Court of original

jurisdiction. **ROA Filing No. 50.13, Order and Rationale on Motion to Dismiss Complaint with Prejudice, filed August 10, 2026.**

9. Thornton challenges aspects of that order only insofar as documents alleged material inconsistencies between the non-citable orders, erroneous and false descriptions of prior Supreme Court proceedings and rulings and opinions, and the actual texts of those proceedings. **EXHIBIT A Sup Ct Ruling 2019; EXHIBIT B Sup Ct. Ruling 2021**
10. Thornton sought third-party records through subpoenas relevant to the property and title issues in this case. His response to every motion to quash clearly explained that he requested limited alternatives to blanket quashing, including redactions, a privilege log, in camera review, staged production, and a cure of any service or timing defect. **ROA Filing No. 47.00, Response in Opposition to Glacier Bank's Motion to Quash, filed July 30, 2026.**
11. Thornton alleges that Judge Eddy has granted, or is considering granting, attorney-fee relief to nonparties or attorneys who filed motions to quash, without providing Thornton adequate notice and a meaningful opportunity to answer the motions, fee affidavits, or proposed orders. The actual fee motions, supporting declarations, docket entries, service records, orders, and Thornton's tendered responses are reflected in the following ROA filings: **No. 56.00, Affidavit of atty's fees, filed August 21, 2026; No. 60.00, Non-Party Commissioner Melanie Hall & MT Division of Banking response to court order with affidavit of atty's fees, filed August 26, 2026; No. 64.00, Affidavit of atty's fees, filed August 27, 2026; No. 65.00, Affidavit of atty's fees, filed August 27, 2026; No. 66.00, Notice of Filing atty's fees, filed August 27, 2026; No. 67.00, Alvin Ruis Jr, Ruis Glacier, Mary Olivo, MO Somers, Ruis Holdings Industrial's declaration of attys**

fees by Riley M. Wavra, filed August 27, 2026; No. 68.00, Notice of Filing atty's fees, filed August 27, 2026; and No. 69.00, Title Specialty Service's declaration of atty's fees by Riley Wavra, filed August 27, 2026.

12. Thornton alleges that the effect of the withheld filings, the asserted denial of response opportunities, the handling of discovery, and the fee proceedings has deprived him of a meaningful chance to defend against Plaintiffs' complaint and to obtain evidence he contends is material to his counterclaims.
13. Thornton filed a motion to dismiss or, alternatively, stay this case pending a Bankruptcy Court determination of the automatic stay. That motion identifies Thorco, Inc.'s bankruptcy case, No. 9:22-bk-90119-JMM, which proves the owner of the property being disputed is Thorco, Inc, and alleges a related adversary proceeding involving the subject property being Thorco Inc's., and competing claims in that case designating the owner of the subject property to be Thorco, Inc.. It further asserts that Plaintiffs have not produced an operative Bankruptcy Court order declaring the relevant property interest outside the estate, terminating, annulling, modifying, or conditioning the automatic stay for this action, authorizing the requested quiet-title adjudication, or approving abandonment. **The supplied ROA contains no filing number or entry identifying Thornton's motion to dismiss or stay, the Bankruptcy Petition, current Bankruptcy Docket, adversary-case docket, Notice of Bankruptcy, or operative stay-relief, sale, or abandonment order.**
14. Thornton alleges that, despite actual notice of the bankruptcy issue and the pending motion seeking a stay, Judge Eddy has continued or permitted continuation of proceedings that seek to determine title, invalidate asserted interests, obtain damages

based on the asserted property dispute, and restrict Thornton's ability to obtain evidence concerning it. Thornton contends that proceeding without first requiring the governing bankruptcy record creates a reasonable concern that the Court has prejudged a threshold federal limitation on its authority. This allegation is expressly conditioned on the bankruptcy record establishing that the automatic stay protects a relevant estate interest and that no controlling exception or Bankruptcy Court authorization permits this action to proceed.

15. Thornton does not allege as fact, without supporting evidence, that Judge Eddy instructed any clerk to withhold his papers. Rather, the asserted pattern of withholding and allegedly unequal processing of filings is the factual basis for his request that an assigned neutral judge determine whether disqualification is required.

IV. ARGUMENT

A. The affidavit identifies conduct beyond adverse rulings alone.

Thornton recognizes that the August 10 dismissal order, any discovery ruling, and any other adverse ruling can ordinarily be reviewed through regular appellate procedures. Those rulings are not, standing alone, the basis of this affidavit. The claimed basis is the alleged denial of access to the court's filing process and response procedures, coupled with the asserted unequal processing of adverse papers and fee matters. If established, that conduct affects whether Thornton can create a record and participate meaningfully in the pending litigation.

B. The cumulative facts alleged require neutral review.

The statutory procedure requires factual allegations showing personal bias or prejudice. The Montana Supreme Court has explained that the disqualification inquiry requires an objective examination of the circumstances and that judicial disqualification protects the right to a fair and

impartial tribunal. *Draggin' Y Cattle Co.*, 387 Mont. at 438–39, 395 P.3d at 503–04. Thornton requests neutral review of the specific factual allegations and ROA entries, not a determination based on rhetoric, speculation, or disagreement with legal rulings.

C. Continuing merits proceedings without resolving the threshold bankruptcy issue is a separate and substantial basis for neutral review.

Thornton's filed motion to dismiss or stay identifies Thorco, Inc.'s bankruptcy case, No. 9:22-bk-90119-JMM, and alleges a related adversary proceeding involving the subject property and competing claims all prove Thorco Inc owns the subject property, not Thornton. It asserts that Plaintiffs seek a quiet-title decree and related relief affecting an interest attributed to Thorco, Inc. even though Plaintiffs have not produced an operative Bankruptcy Court order lifting, annulling, modifying, or conditioning the automatic stay, authorizing this action, or establishing that the relevant interest is no longer estate property. **The supplied ROA contains no filing number or entry identifying that bankruptcy motion or the related bankruptcy documents.**

The legal consequence is significant. Section 362(a) stays, among other acts, a judicial action against the debtor and any act to obtain possession of, or exercise control over, property of the estate. Relief from the stay may be granted only through the bankruptcy process under § 362(d). 11 U.S.C. § 362. The Ninth Circuit holds that the bankruptcy courts have final authority to determine the scope and applicability of the automatic stay; a state court has no power to modify or dissolve that federal injunction. *Gruntz v. County of Los Angeles*, 202 F.3d 1074, 1082–87 (9th Cir. 2000). It further holds that acts taken in violation of an applicable automatic stay are void. *Schwartz v. United States (In re Schwartz)*, 954 F.2d 569, 571–72 (9th Cir. 1992).

Thornton does not contend that a state court lacks ordinary subject-matter jurisdiction over every quiet-title case involving a bankruptcy debtor. The narrower and controlling point is

that, if the asserted Thorco interest remains property of the bankruptcy estate and the stay applies, the Court cannot enter or continue a merits adjudication that exercises control over, determines, cancels, or impairs that protected interest unless the Bankruptcy Court first authorizes it or the bankruptcy record establishes that no stay applies. The controlling inquiry is therefore record-dependent. It must be resolved from the current bankruptcy docket and operative orders, not inferred from argument, a previous state-court decision, or a party's characterization of the estate interest.

Continuing to adjudicate merits issues after notice of this threshold federal limitation, while allegedly withholding Thornton's filings seeking a stay and while allowing Plaintiffs' litigation to proceed, would reasonably cause a litigant to question whether the Court remains open to Thornton's jurisdictional defense. This is not an attempt to convert an ordinary legal error into recusal. It is a request for an assigned neutral judge to assess the asserted pattern: notice of a potentially controlling federal stay, the alleged absence of any operative authorizing Bankruptcy Court order, continued merits litigation, and the claimed denial of a meaningful chance to place the issue before the court.

D. A stay is necessary to prevent the disputed process from continuing before the recusal question is resolved.

Further decisions on the pleadings, discovery, subpoenas, sanctions, attorney-fee requests, or property-related merits issues could increase the asserted prejudice before both the recusal and bankruptcy issues are resolved. A brief stay preserves the parties' positions, the tendered filings, and the Court's ability to consider a complete record. It does not decide whether Thornton's subpoenas, counterclaims, or bankruptcy position will ultimately prevail.

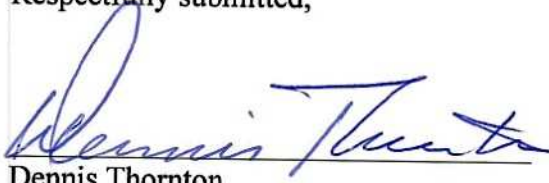
V. PRAYER FOR RELIEF

WHEREFORE, Thornton respectfully requests that:

1. Judge Eddy take no further substantive action in Cause No. DV-15-2026-794-QT pending disposition of this motion, except preservation of the record and transmission of the disqualification materials;
2. The motion and affidavit be transmitted to the Montana Supreme Court for processing under § 3-1-805, MCA;
3. All filings tendered by Thornton be preserved and either docketed or addressed through a written, particularized rejection notice;
4. All pending merits, discovery, attorney-fee, and enforcement proceedings be stayed pending neutral determination of disqualification and verification from the current bankruptcy docket whether an automatic stay protects an asserted Thorco, Inc. estate interest;
5. The assigned judge require Plaintiffs to file and serve the current docket from *In re Thorco, Inc.*, Case No. 9:22-bk-90119-JMM, the docket of any related adversary proceeding, and every operative Bankruptcy Court order concerning stay relief, termination, annulment, modification, abandonment, sale, or the estate status of the disputed interest before any property-related merits ruling;
6. If the assigned judge finds disqualification is warranted, all future proceedings be reassigned to the Court of Original Jurisdiction in Judge Dan Wilson's Court into Cause No. **DV-18-336D** and the assigned judge determine what effect, if any, the disqualification has on prior rulings and Orders; and
7. The Court grant such other and further relief as justice requires.

DATED this 9th day of September 2026.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dennis Thornton", is written over a horizontal line.

Dennis Thornton,
Pro Se Defendant and Counterclaimant
151 Amatasia Lane
Kalispell, Montana 59901
Telephone: (406) 261-6814
Email: thorcoinc@outlook.com

AFFIDAVIT OF DENNIS THORNTON FOR DISQUALIFICATION FOR CAUSE

STATE OF MONTANA
COUNTY OF FLATHEAD: ss

I, Dennis Thornton, being first duly sworn, state:

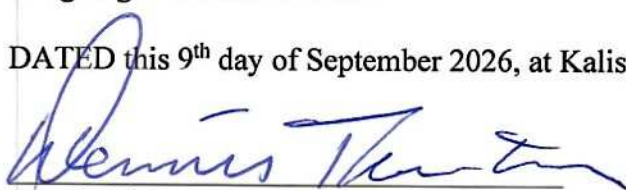
1. I am the Defendant and Counterclaimant in Flathead County Cause No. DV-15-2026-794-QT. I have personal knowledge of the facts stated below except where identified as information and belief, and I could testify competently to them.
2. I submit this affidavit in support of my motion to disqualify Judge Amy Poehling Eddy for cause under § 3-1-805, MCA.
3. The facts supporting my motion are not limited to my disagreement with Judge Eddy's legal rulings. They include the alleged withholding or non-docketing of filings I tendered, the alleged denial of a reasonable opportunity to respond to adverse papers and fee requests, and the asserted disparate processing of my filings and opposing parties' filings.
4. The ROA identifies each filing that I tendered, its tender date, the means of delivery, the person or office to whom it was delivered, and its status on the register of actions as of August 28, 2026. The supplied ROA does not assign filing numbers to tendered but undocketed submissions. The tendered filings and available proof of tender are to be preserved in the court record.
5. To the best of my knowledge, the papers identified in the ROA and filing record remained undocketed or unavailable for judicial consideration for numerous days and weeks after tender. (SEE: EXHIBIT D: Filing and ROA Posting Report) I received no written, case-specific order explaining the legal grounds for withholding each of them, except as shown in the court filing record.

6. The ROA identifies the opposing papers that were docketed or acted upon during the relevant period and the Thornton documents that I contend were not docketed or considered. I believe this pattern has deprived me of a fair opportunity to respond and defend.
7. The fee proceedings record is reflected in ROA Filing Nos. 56.00, 60.00, and 64.00 through 69.00, with the full descriptions and dates stated in paragraph 11 of this motion. I contend that I was not afforded notice and a meaningful opportunity to respond before the fee request was granted or presented for decision. I further contend that the cited records do not establish a valid basis or properly supported amount for the requested fees. I ask a neutral judge to determine these issues from the complete record.
8. **ROA Filing No. 47.00, Response in Opposition to Glacier Bank's Motion to Quash, filed July 30, 2026**, is my response to Glacier Bank's motion to quash. It proposed alternatives to blanket quashing, including redactions, confidentiality restrictions, privilege logs, in camera review, staged production, and correction of a service or timing defect. I contend that discovery of relevant nonprivileged evidence is necessary for my defense and counterclaims.
9. I sought consolidation or coordination with the earlier Rule 60 proceeding before Judge Dan Wilson because both matters arise from the same asserted property history and lis pendens dispute. I contend that the requested coordination was not fairly addressed. **ROA Filing No. 59.00, D & Counter Claimant Dennis Thornton's mtn to consolidate with cause DV-18-336D, request for assignment to judge Wilson, memo of law & proposed order, filed August 25, 2026.**

10. I have identified the precise language of the Supreme Court memorandum dispositions and the precise language in the order that I contend is inconsistent with them. I request neutral review of the actual documents. I do not ask for recusal simply because I disagree with the interpretation of those decisions. **The supplied ROA contains no filing number or entry for those Supreme Court dispositions and comparison documents.**
11. I have alleged that the complaint proceedings should be stayed because of bankruptcy. I request neutral review of that claim and do not ask this Court to accept the allegation without examining the actual bankruptcy records.
12. I do not state as a fact that Judge Eddy directed the clerk to withhold my filings. I state that the alleged repeated withholding and unequal processing, when considered with the other circumstances described here, has caused me reasonably to question whether I can receive a fair and impartial process in this case.
13. I make this affidavit in good faith to seek a fair and impartial tribunal and to preserve my right of access to the court. I do not file it for delay, harassment, or to relitigate an adverse ruling.

I declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct.

DATED this 9th day of September 2026, at Kalispell, Montana.



Dennis Thornton,
Pro Se Defendant and Counterclaimant
151 Amatasia Lane
Kalispell, Montana 59901
Telephone: (406) 261-6814
Email: thorcoinc@outlook.com

EXHIBIT LIST

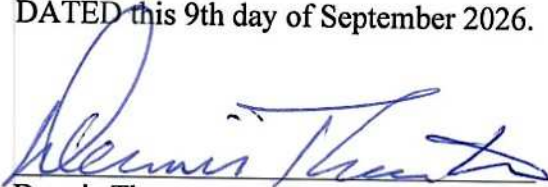
The following EXHIBITS are included by reference and attached hereto:

- 1. EXHIBIT A: 2019 SUPREME COURT ORDER**
- 2. EXHIBIT B: 2021 SUPREME COURT ORDER**
- 3. EXHIBIT C: ROA CAUSE NO. DV-15-2026-794-QT**
- 4. EXHIBIT D: Filing and ROA Posting Report**

PRO SE GOOD-FAITH DECLARATION REGARDING § 3-1-805(1)(b), MCA

I, Dennis Thornton, am self-represented and do not have counsel of record. I cannot supply a certificate of counsel. I nevertheless certify under penalty of perjury that this affidavit is made in good faith, is based on the specific facts and ROA entries identified above, and is not based solely on rulings that may be addressed by appeal.

DATED this 9th day of September 2026.



Dennis Thornton,
Pro Se Defendant and Counterclaimant
151 Amatasia Lane
Kalispell, Montana 59901
Telephone: (406) 261-6814
Email: thorcoinc@outlook.com

EXHIBIT A
2019 SUPREME COURT ORDER



CLERK OF DISTRICT COURT
2021 SEP 13 PM 2:01
FILED
BY _____ DEPUTY *W*

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

September 7, 2021

REMITTITUR

Supreme Court Case No. DA 20-0179
District Court Case No. DV-15-2019-0000534-OC

THORCO, INC.,

Plaintiff and Appellant,

v.

WHITEFISH CREDIT UNION, and JOHN DOES 1-10,

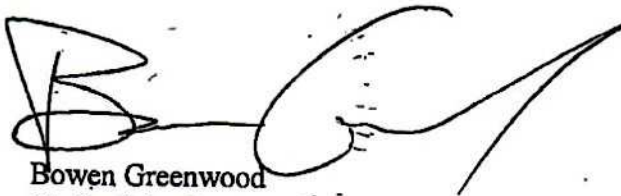
Defendant and Appellee.

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.

I certify that the attached is a true and correct copy of the opinion filed by the Supreme Court on August 17, 2021.

Sincerely,


Bowen Greenwood
Clerk of the Supreme Court

ORIGINAL

DA 20-0179

IN THE SUPREME COURT OF THE STATE OF MONTANA

2021 MT 207N

THORCO, INC.,

Plaintiff and Appellant,

v.

WHITEFISH CREDIT UNION, and JOHN DOES 1-10,

Defendants and Appellees.

FILED

AUG 17 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

APPEAL FROM: District Court of the Eleventh Judicial District,
In and For the County of Flathead, Cause No. DV-19-534B
Honorable Robert B. Allison, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Nathan G. Wagner, Sullivan, Wagner & Lyons, PLLC, Missoula, Montana

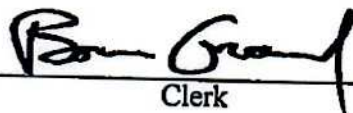
For Appellees:

Sean S. Frampton, Frampton Purdy Law Firm, Whitefish, Montana

Submitted on Briefs: November 4, 2020

Decided: August 17, 2021

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 Thorco, Inc. appeals from the order of the Eleventh Judicial District Court, Flathead County, barring it from asserting claims under the doctrines of claim preclusion and issue preclusion and ruling that Thorco was a vexatious litigant. We restate and address the following issues on appeal: (1) whether the District Court erred in applying claim preclusion and issue preclusion to Thorco's claims; and (2) whether the District Court abused its discretion in ruling that Thorco was a vexatious litigant. We affirm.

¶3 Thorco is an entity owned and controlled by Dennis and Donna Thornton. In 2009, Whitefish Credit Union (WCU) loaned \$3.3 million to Thorco to subdivide and develop two parcels of land in Flathead County. The loan was secured by liens against the property, and the Thorntons personally guaranteed the loan. This is the third appeal from the Thorntons or Thorco arising from WCU's attempt to foreclose on its security.

¶4 The District Court granted summary judgment in favor of WCU as to all claims. The Thorntons appealed and we affirmed the District Court's summary judgment in favor of WCU and its denial of the Thornton's motion to file an amended complaint. *Thornton v. WCU*, 2019 MT 138N, 396 Mont. 549, 455 P.3d 435.

¶5 Fifteen days after we affirmed the District Court's summary judgment ruling in favor of WCU, the Thorntons, on behalf of Thorco, initiated Cause No. DV-19-534B by

refiling a complaint substantively similar to the previous action. Thorco also recorded a lis pendens to prevent WCU from selling the property. WCU moved to dismiss the complaint and moved to have Thorco declared a vexatious litigant. After WCU moved to dismiss, Thorco amended its complaint without seeking leave of the court.

¶6 The District Court granted WCU's motion to dismiss and declared Thorco a vexatious litigant. The District Court entered a pre-filing and pre-recording order, subsequently amended, that restricted Thorco, Dennis Thornton, Donna Thornton, or any person acting on their behalf from filing any document in the case, without first obtaining leave from the District Court.¹ The District Court also ordered:

[N]o document submitted for filing or recording with the Flathead County Clerk and Recorder by Thorco, Inc., Dennis Thornton, Donna Thornton or by any person on behalf of any of the same, for recording against the property [that is the subject of this litigation] shall not be of any force or effect unless the recording of the same is accompanied by an order of this Court expressly authorizing the recording of such document(s).

(Original emphasis omitted).

¶7 We review a district court's application of the doctrines of claim preclusion or issue preclusion de novo. *Denturist Ass'n of Mont. v. State*, 2016 MT 119, ¶ 8, 383 Mont. 391, 372 P.3d 466. An order declaring a party a vexatious litigant is reviewed for an abuse of

¹ Thorco complains on appeal that "[t]he Pre-Filing Order is . . . not narrowly tailored so as to limit pro se filings, but rather is extremely broad, and purports to affect non-parties and Thorco's attorneys, who have not been found to have done anything improper." (original italics omitted). Thorco's point is somewhat puzzling. First, Thorco's attorneys would only be filing documents in the case as Thorco's counsel, and there is no question the District Court has jurisdiction over the parties to the action. Second, to the extent the Pre-Filing Order "purports to affect non-parties," as Thorco complains, non-parties—vexatious or not—would have no right to file anything in the case without obtaining leave of the court in any event. (original italics omitted).

discretion. *Belanus v. Potter*, 2017 MT 95, ¶ 15, 387 Mont. 298, 394 P.3d 906 (citing *Boushie v. Windsor*, 2014 MT 153, ¶ 8, 375 Mont. 301, 328 P.3d 631).

¶8 “The related common law doctrines of issue preclusion and claim preclusion (also known as collateral estoppel and res judicata, respectively) exist to preclude future litigation of a final judgment.” *Reisbeck v. Farmers Ins. Exch.*, 2020 MT 171, ¶ 13, 400 Mont. 345, 467 P.3d 557. “Issue preclusion bars the same parties or their privies from relitigating issues in a second suit that is based upon a different cause of action.” *Reisbeck*, ¶ 14 (quotations and emphasis omitted). A matter is barred by issue preclusion when the following elements are met:

- (1) the issue decided in the prior adjudication is identical to the issue raised in the action in question;
- (2) a final judgment on the merits has been issued in the prior adjudication;
- (3) the party against whom preclusion is now asserted was a party or in privity with the party to the prior adjudication; and
- (4) the party against whom preclusion is now asserted was afforded a full and fair opportunity to litigate the issue which may be barred.

Reisbeck, ¶ 14 (citing *Denturist*, ¶ 12). All elements of issue preclusion must be satisfied for the doctrine to apply. *Gibbs v. Altenhofen*, 2014 MT 200, ¶ 21, 376 Mont. 61, 330 P.3d 458.

¶9 Claim preclusion “bars a second suit involving the same parties or their privies based on the same cause of action.” *Denturist*, ¶ 11. Claim preclusion requires all the following elements to be met:

- (1) the parties or their privies are the same;
- (2) the subject matter of the present and past actions is the same;
- (3) the issues are the same and relate to the same subject matter;

- (4) the capacities of the parties are the same to the subject matter and issues between them; and
- (5) a final judgment on the merits has been entered in an earlier action.

Touris v. Flathead County, 2011 MT 165, ¶ 13, 361 Mont. 172, 258 P.3d 1.

¶10 The District Court correctly held Thorco's claims arising under the renewed option agreement (Count III) and the breach of implied covenant of good faith and fair dealing (Count IV) are barred by claim preclusion. (1) The parties are the same as the prior actions as Thorco was a party in DV-12-174B and in privity with the Thorntons in DV-18-336D; (2) the Thorntons/Thorco had an opportunity to litigate breach of the renewed option agreement and breach of the implied covenant of good faith and fair dealing in both previous suits and did not do so; (3) the issues relate to the same subject matter regarding the secured loan from WCU that was not paid back and a failed settlement agreement; (4) the parties litigated claims in an identical capacity against the same defendant, WCU; and (5) a final judgment was entered in DV-12-174B upon voluntary dismissal of the action with prejudice and in DV-18-336D when summary judgment was entered by the District Court and affirmed by this Court. *Touris*, ¶ 15 (voluntary dismissal of an action with prejudice constitutes a final judgment on the merits); *Mills v. Lincoln Cty.*, 262 Mont. 283, 286, 864 P.2d 1265, 1267 (1993) (summary judgment is, for purposes of claim preclusion, a final judgment on the merits).

¶11 The District Court did not err in determining Thorco's claims based on the settlement agreement (Count I) were barred by issue preclusion. (1) Thorco's claim is based on WCU failing to deposit the executed documents in an escrow account—an issue resolved in DV-18-336D and affirmed on appeal by this Court; (2) final judgment was

entered in favor of WCU by the District Court in DV-18-336D, and affirmed by this Court; (3) as the sole shareholders of Thorco, the Thorntons are in privity with Thorco, *see Adams v. Two Rivers Apts., LLLP*, 2019 MT 157, ¶ 13, 396 Mont. 315, 444 P.3d 415 (quotations omitted) (“Privity exists where two parties are so closely aligned in interest that one is the virtual representative of the other.”); and (4) the party against whom preclusion is asserted, Thorco, was afforded a full and fair opportunity to litigate the issue through the Thorntons, as sole shareholders of the corporation. *See Adams*, ¶ 13.

¶12 All elements of claim preclusion and issue preclusion being satisfied, the District Court correctly granted WCU’s motion to dismiss.

¶13 The District Court did not abuse its discretion by declaring Thorco a vexatious litigant and imposing a pre-filing and pre-recording order.

¶14 Although Montana does not have a statute authorizing the imposition of sanctions upon vexatious litigants, our common law has developed such authority. *Stokes v. First Am. Title Co. of Mont., Inc.* 2017 MT 275, ¶ 4, 389 Mont. 245, 406 P.3d 439 (citing *Motta v. Granite Cty. Comm’rs*, 2013 MT 172, ¶¶ 19-23, 370 Mont. 469, 304 P.3d 720).

A five-factor test is utilized to determine whether a pre-filing order is justified:

- (1) the litigant’s history of litigation and, in particular, whether it has entailed vexatious, harassing, or duplicative lawsuits;
- (2) the litigant’s motive in pursuing the litigation; e.g., whether the litigant has an objective, good faith expectation of prevailing;
- (3) whether the litigant is represented by counsel;
- (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and court personnel; and
- (5) whether other sanctions would be adequate to protect the courts and other parties.

Stokes, ¶ 4.

7

¶15 The District Court substantively analyzed each *Stokes* factor. The District Court noted that Thorco and the Thorntons filed duplicative lawsuits, filed and then dismissed multiple bankruptcies for the purpose of manipulating the litigation, lacked good faith in pursuing litigation, and were represented by “many counsel” throughout the litigation, including their bankruptcies and their appeals to this Court. The District Court noted that the litigation has caused needless expense and unnecessary burdens on the judicial system, “particularly where the same parties are doing the relitigating and one keeps winning while the other keeps losing.” Having conscientiously gone through the history of this saga and analyzing each of the first four *Stokes* criteria, the District Court concluded that no other sanction “other than a declaration of vexatious litigant with pre-filing and [pre-]recording orders would be adequate at this time to protect the Court, WCU and the integrity of the process.”

¶16 The District Court did not act arbitrarily or without conscientious judgment in declaring Thorco a vexatious litigant.

¶17 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:


Chief Justice





Justices

EXHIBIT B

2021 SUPREME COURT ORDER



CLERK OF DISTRICT COURT

2019 JUL -1 AM 10:58

FILED

BY

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

June 27, 2019

REMITTITUR

Supreme Court Case No. DA 18-0595
District Court Case No. DV-18-336D

DENNIS THORTON and DONNA THORNTON,

Plaintiffs and Appellants,

v.

WHITEFISH CREDIT UNION,

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 Flathead County District Court.

I certify that the attached is a true and correct copy of the opinion filed by the Supreme Court on June 11, 2019.

Sincerely,

Bowen Greenwood
Clerk of the Supreme Court

ORIGINAL

DA 18-0595

CLERK OF DISTRICT COURT

IN THE SUPREME COURT OF THE STATE OF MONTANA

2019 JUL -1 AM 10:58

2019 MT 138N

FILED

BY

RECEIVED

DENNIS THORNTON and DONNA THORNTON,

Plaintiffs and Appellants,

v.

WHITEFISH CREDIT UNION,

Defendant and Appellee.

FILED

JUN 11 2019

Bowen Greenwood
Clerk of Supreme Court
State of Montana

APPEAL FROM: District Court of the Eleventh Judicial District,
In and For the County of Flathead, Cause No. DV-18-336D
Honorable Dan Wilson, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Michael R. Klinkhammer, Klinkhammer Law Offices, Kalispell, Montana

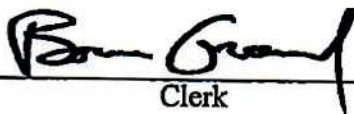
For Appellee:

Sean S. Frampton, Frampton Purdy Law Firm, Whitefish, Montana

Submitted on Briefs: April 10, 2019

Decided: June 11, 2019

Filed:


Clerk

Chief Justice Mike McGrath 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 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 Dennis and Donna Thornton appeal from an order of the Eleventh Judicial District Court, Flathead County, denying their motion to file an amended complaint and granting Whitefish Credit Union's motion for summary judgment. We affirm.

¶3 In 2009, Thorco, Inc. (Thorco), an entity owned and controlled by Dennis and Donna Thornton, borrowed \$3.3 million from Whitefish Credit Union (WCU) to subdivide and develop real property in Somers, Montana. Thorco pledged real property as collateral and the Thorntons personally guaranteed the loan. Thorco did not apply for a preliminary plat, never completed the development, and did not pay back the loan at maturity.

¶4 In 2012, WCU commenced a foreclosure action against Thorco and the Thorntons. The action involved two tracts of land, a 300-acre tract and a 200-acre tract (the Property). Foreclosure was entered in favor of WCU and against Thorco and the Thorntons with the total indebtedness due and owing equal to \$4,348,880.01. The court

ordered the Property to be sold.¹ However, in 2016, the foreclosure action settled at mediation and the parties executed a settlement agreement and mutual release (Settlement Agreement). Under the Settlement Agreement, WCU agreed to pay Thorco² \$150,000, the parties stipulated to vacate the foreclosure action with prejudice, and Thorco received an option to purchase the Property for the reduced price of \$1.4 million if they exercised the option within eighteen months of execution of the Settlement Agreement. In June 2016, WCU tendered the \$150,000 settlement payment. Thorco did not exercise its option to purchase the Property.

¶5 In April 2018, the Thorntons filed suit against WCU alleging that, pursuant to the Settlement Agreement, WCU failed to fulfill its obligation to open an escrow and place mortgage releases signed by WCU and Warranty Deeds and Realty Transfer Certificates signed by the Thorntons into the escrow. The Thorntons asserted that WCU should have recorded the mortgage releases and WCU's failure to do so prevented the Thorntons from exercising the option. The Thorntons argued that by failing to open the escrow, WCU clouded the title to the remaining real property owned by the Thorntons, preventing them from securing financial assistance. According to the Thorntons, WCU also falsely represented to potential lenders that the Thorntons and/or Thorco owed more than the agreed purchase option price. The Thorntons' claims against WCU include breach of contract, breach of the covenant of good faith and fair dealing, and allegations that WCU

¹ Thorco appealed from the judgment and order of sale and WCU moved to dismiss the appeal. This Court granted WCU's motion to dismiss.

² In the Settlement Agreement Thorco and Dennis and Donna Thornton were collectively referred to as "Thorco."

committed actual fraud and actual malice. The Thorntons seek actual and compensatory damages in the amount of approximately \$80 million, in addition to punitive damages and attorney's fees and costs. Alternatively, the Thorntons seek specific performance requiring WCU to open the escrow and extend the window to exercise the purchase option.

¶6 On July 24, 2018, WCU filed a motion for summary judgment. The District Court granted WCU's motion, finding that each of the Thorntons' claims failed as a matter of law. The Thorntons appeal.

¶7 This Court reviews summary judgment rulings de novo for conformance to M. R. Civ. P. 56. *Davis v. Westphal*, 2017 MT 276, ¶ 9, 389 Mont. 251, 405 P.3d 73. Summary judgment is proper only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. M. R. Civ. P. 56(c)(3); *Davis*, ¶ 9. "A material fact is a fact that involves the elements of the cause of action or defenses at issue to an extent that necessitates resolution of the issue by a trier of fact." *Roe v. City of Missoula*, 2009 MT 417, ¶ 14, 354 Mont. 1, 221 P.3d 1200 (citation omitted). The party moving for summary judgment bears the initial burden of establishing both the absence of genuine issues of material fact and entitlement to judgment as a matter of law. *Roe*, ¶ 14 (citation omitted). If the moving party meets this burden, then the "burden . . . shifts to the nonmoving party to establish that a genuine issue of material fact does exist." *Roe*, ¶ 14 (citation omitted). All reasonable inferences that may be drawn from the evidence must be drawn in favor of the party opposing summary judgment. *Dick*

Anderson Constr., Inc. v. Monroe Prop. Co., 2011 MT 138, ¶ 16, 361 Mont. 30, 255 P.3d 1257.

¶8 When interpreting a contract, this Court's role is to construe the instrument according to its terms and neither insert nor omit terms to the contract. *Sayegusa v. Rogers*, 256 Mont. 269, 271, 846 P.2d 1005, 1006 (1993). "In situations in which the terms of the contract are clear and unambiguous, it is the duty of the court to enforce the contract as the parties intended." *Sayegusa*, 256 Mont. at 271, 846 P.2d at 1006. The Settlement Agreement language is unambiguous—Thorco had eighteen months, from the date of execution of the Settlement Agreement, to purchase one or both tracts of the Property and, if Thorco exercised the option, the appropriate mortgage releases were to be recorded and deposited into escrow. As noted by the District Court, Thorco's timely exercise of the purchase option was a condition precedent to the recording of the mortgage releases. "A condition precedent is one which is to be performed before some right dependent thereon accrues or some act dependent thereon is performed." Section 28-1-403, MCA. It is undisputed that Thorco failed to exercise the purchase option within the specified period. Therefore, as a matter of law, no obligation accrued for either party to ensure the recording of the mortgage release or to open an escrow before the option period expired. The court correctly noted: "The original mortgage is securing an unpaid debt and its recording is authorized by law. If the Thorntons wanted the mortgage releases recorded prior to performance of the condition precedent, they could have (and must have) included language to that effect in the Settlement Agreement." The District Court correctly interpreted the Settlement Agreement.

¶9 The Thorntons' claim that WCU's actions clouded the title is similarly unpersuasive. A cloud on title impairs the ability to sell the property to others. *West v. Club at Spanish Peaks LLC*, 2008 MT 183, ¶ 59, 343 Mont. 434, 186 P.3d 1228. The Thorntons assert that WCU's failure to open the escrow and record the mortgage releases resulted in a cloud on the title because prospective buyers were unaware that the original mortgage would no longer be in effect once the option was exercised. Again, this Court is bound by the unambiguous terms of the Settlement Agreement, which clearly state that an escrow was not to be opened and the mortgage releases were not to be recorded until after the Thorntons timely exercised the purchase option. It is undisputed that the Thorntons did not exercise the purchase option. Thus, until the option was exercised, the original mortgage accurately reflected what the Thorntons owed and cannot be considered a cloud on the title.

¶10 The Thorntons further assert that the District Court improperly disregarded affidavits and exhibits which, they argue, establish genuine issues of material fact. The Thorntons argue the documents demonstrate that WCU misrepresented to potential lenders that the loan was in default and remained owing. The court disregarded the affidavits finding they were either inadmissible or immaterial. It is undisputed that the Thorntons failed to repay the loan at maturity and the original loan amount remained due and owing until the Thorntons exercised the purchase option. The affidavits and exhibits cannot prove otherwise and therefore do not establish a genuine issue of material fact.

¶11 The Thorntons alternatively contend that the District Court erred in granting summary judgment prior to the completion of discovery. However, Rule 56 provides that

“a party may move for summary judgment at any time.” M. R. Civ. P. 56(c)(1)(A). Further, the Thorntons did not move for additional time pursuant to Rule 56(f), nor did they raise this argument below. M. R. Civ. P. 56(f); *Mt. W. Bank, N.A. v. Glacier Kitchens, Inc.*, 2012 MT 132, ¶ 13, 365 Mont. 276, 281 P.3d 600 (declining to address an issue raised for the first time on appeal). Accordingly, the District Court did not err in granting WCU’s motion for summary judgment before the completion of discovery.

¶12 The Thorntons also challenge the District Court’s denial of their request to file an amended complaint. This Court reviews a district court’s decision regarding a motion to amend a complaint for abuse of discretion. *Hickey v. Baker Sch. Dist. No. 12*, 2002 MT 322, ¶ 12, 313 Mont. 162, 60 P.3d 966. In August 2018, the court issued a scheduling order providing a September 14, 2018 deadline to amend pleadings and join parties. On September 14, 2018, the Thorntons filed an amended complaint but failed to move for the court’s leave as required by M. R. Civ. P. 15(a)(2). The District Court struck the amended complaint for failure to comply with the Montana Rules of Civil Procedure and, considering WCU’s motion for summary judgment had already been filed, extraordinary circumstances did not exist to allow the amendment. *Schumacker v. Meridian Oil Co.*, 1998 MT 79, ¶ 26, 288 Mont. 217, 956 P.2d 1370 (holding that litigants will be allowed to change legal theories after a motion for summary judgment has been filed only in extraordinary cases). The Thorntons failed to present the District Court with extraordinary circumstances entitling them to a change in legal theory. Additionally, the claims they wish to include in the amended complaint are simply derivative of those

already included, and were claims that the Thorntons were aware of, or should have been aware of, when they filed their original complaint. The court did not abuse its discretion.

¶13 Finally, the Thorntons' claim of "actual malice" as set forth in § 27-1-221(2), MCA, fails as a matter of law because actual malice is not an independent cause of action. Rather, § 27-1-221(2), MCA, provides that before punitive damages may be imposed actual fraud or actual malice must be established. As noted by the District Court, "[c]ontract claims do not provide an avenue for punitive damages." *Masters Group Intl., Inc. v. Comerica Bank*, 2015 MT 192, ¶ 77, 380 Mont. 1, 352 P.3d 1101; § 27-1-220, MCA.³

¶14 No issues of material fact preclude summary judgment and, based on the undisputed material facts, WCU is entitled to judgment as a matter of law.

¶15 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review.

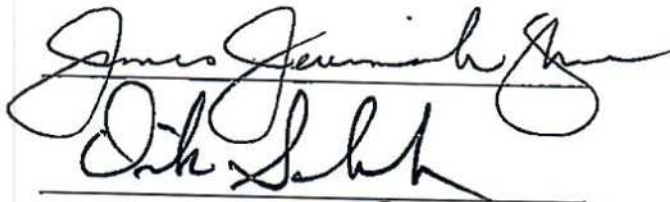
¶16 Affirmed.


Chief Justice

³ The Thorntons add that they are entitled to relief from forfeiture per § 28-1-104, MCA, and § 71-1-212, MCA, "required the filing of the mortgage releases upon the Thorntons' request." They did not raise these arguments before the District Court and we therefore decline to address them for the first time on appeal. *Mt. W. Bank, N.A.*, ¶ 13.

We Concur:


Lorne Soper


James J. Leeming

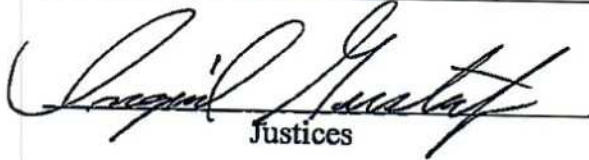

Dik Sukh
Justices

EXHIBIT C

ROA CAUSE NO. DV-15-2026-794-QT

Flathead County District Court

User: CUE015

Roa Listing

DV-15-2026-0000794-QT

Date	Filing #	Action
Neal Bouma et al. vs. Dennis Thornton		
05/07/2026	1.00	Complaint and Demand for Jury Trial (Filed By Taleff, Ward on behalf of Bouma, Neal; BTS, Inc.) 471422 \$120.00
05/08/2026	2.00	Summons Issued on Dennis Thornton 05/08/2026
05/26/2026	3.00	Summons served on Dennis Thornton, 05/19/2026 (Filed By Taleff, Ward on behalf of Bouma, Neal; BTS Inc)
06/02/2026	4.00	Answer to Complaint (Filed By Thornton, Dennis on behalf of) 473129 \$70.00
06/02/2026	5.00	Motion to Dismiss Complaint with Prejudice (Filed By Thornton, Dennis on behalf of)
06/02/2026	6.00	Counterclaim (Filed By Thornton, Dennis on behalf of)
06/05/2026	7.00	Scheduling Order
06/16/2026	8.00	Answer to Counterclaim (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
06/16/2026	9.00	Answer to Mtn to Dismiss (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
06/26/2026	10.00	Reply in Support of Mtn to Dismiss (Filed By Thornton, Dennis on behalf of)
07/01/2026	11.00	Subpoena Issued_First American Title Company
07/01/2026	12.00	Subpoena Issued_James Kenyon
07/01/2026	13.00	**QUASHED** Subpoena Issued_N. Louise Ellingsworth
07/01/2026	14.00	**QUASHED** Subpoena Issued_Ryan D. Purdy
07/01/2026	15.00	**QUASHED** Subpoena Issued_Sean S. Frampton
07/01/2026	16.00	Subpoena Issued_Whitefish Credit Union Custodian of Records
07/01/2026	17.00	**QUASHED** Subpoena Issued_Title Financial Specialty Services
07/01/2026	18.00	**QUASHED** Subpoena Issued_Meagan P. VanderWeele
07/02/2026	19.00	Subpoena Issued_Flathead Premier Title Company
07/02/2026	20.00	Subpoena Issued_Moss Adams LLP
07/02/2026	21.00	Subpoena Issued_Karla Kemm
07/06/2026	22.00	Subpoena Issued_Montana Regional MLS
07/06/2026	23.00	Subpoena Issued_Aaron Archer
07/06/2026	24.00	Subpoena Issued_Brian Murphy
07/06/2026	25.00	Subpoena Issued_Jessica Hufford
07/06/2026	26.00	**QUASHED** Subpoena Issued_Melanie Hall
07/08/2026	27.00	**QUASHED** Subpoena Issued_Ruis Holdings Industrial LLC
07/08/2026	28.00	**QUASHED** Subpoena Issued_Glacier Bank
07/08/2026	29.00	**QUASHED** Subpoena Issued_Montana Dept of Admin, Misty Ann Giles
07/08/2026	30.00	Subpoena Issued_Austin Knudsen, MT Attorney General
07/08/2026	31.00	**QUASHED** Subpoena Issued_Mary Olivo and MO Somers LLC
07/08/2026	32.00	**QUASHED** Subpoena Issued_Alvin Ruis Jr and Ruis Glacier LLC
07/10/2026	32.01	Subpoena Issued_Flathead County Clerk and Recorder
07/10/2026	32.02	Subpoena Issued_Office of the Montana State Auditor, Commissioner of Securities and Insurance
07/10/2026	32.03	Subpoena Issued_Federal Deposit Insurance Corporation
07/13/2026	33.00	Motion to Quash_Whitefish Credit Union (Filed By Ellingsworth, Nancy on behalf of)
07/13/2026	33.01	Subpoena Issued_Internal Revenue Service-Criminal Investigation, Missoula Office
07/13/2026	33.02	Subpoena Issued_Federal Bureau of Investigation
07/13/2026	33.03	**QUASHED** Subpoena Issued_Flathead County IT Department

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1 of 4

9/8/2026

Flathead County District Court

User: CUE015

Roa Listing

DV-15-2026-0000794-QT

Date	Filing #	Action
Neal Bouma et al. vs. Dennis Thornton		
07/14/2026	34.00	Motion to Quash_S. Frampton & R. Purdy (Filed By Frampton, Sean on behalf of)
07/14/2026	35.00	Motion to Quash_M. Vanderweele & L. Ellingsworth (Filed By Ellingsworth, Nancy on behalf of)
07/14/2026	36.00	Motion to Quash_Title Financial Specialty Services Inc (Filed By Wavra, Riley on behalf of)
07/16/2026	37.00	Order Setting Hearing
07/22/2026	37.01	Response and Objection to Motion to Quash, Request for Limited Disclosure, Preservation, Privilege Log, and Protective Conditions (Filed By Thornton, Dennis)
07/22/2026	37.02	Response in Opposition to Motion to Quash Tecum Issued to S. Frampton and R. Purdy (Filed By Thornton, Dennis)
07/23/2026	38.00	Motion to Quash_Commissioner M. Hall and MT Division of Banking (Filed By McConnell, Chris)
07/24/2026	39.00	Motion to Quash_Commissioner M. Hall and MT Division of Banking (Filed By McConnell, Christopher on behalf of)
07/24/2026	40.00	Witness & Expert Disclosure (Filed By Taleff, Ward on behalf of Bouma, Neal; BTS Inc)
07/24/2026	41.00	Response in Opposition to M. Vanderweele & L. Ellingsworth Motion to Quash (Filed By Thornton, Dennis)
07/24/2026	42.00	Memorandum of Law in Support of Response (Filed By Thornton, Dennis)
07/24/2026	43.00	Response in Opposition to Whitefish Credit Unions Motion to Quash (Filed By Thornton, Dennis)
07/24/2026	44.00	Memorandum of Law in Support of Response (Filed By Thornton, Dennis)
07/24/2026	45.00	Motion to Quash Subpoena and Brief in Support (Filed By Cockrell, Dale on behalf of Non-Party Glacier Bank's)
07/24/2026	45.01	Notice of limited Appearance of Counsel for Non-Party (Filed By McConnell, Christopher on behalf of Bouma, Neal; Vanderweele, Meagan; Ellingsworth, Louise; Thornton, Dennis; BTS Inc; Title Financial Specialty Services)
07/30/2026	46.00	Motion to Quash Subpoena_Flathead County IT (Filed By Fugina, Tara on behalf of)
07/30/2026	47.00	Response in Opposition to Glacier Bank's Motion to Quash (Filed By Thornton, Dennis)
07/30/2026	48.00	Response in Opposition to Commissioner M. Hall and MT Division of Banking Mtn to Quash (Filed By Thornton, Dennis)
07/31/2026	49.00	Notice of Appearance (Filed By Swingley, Julia on behalf of Bouma, Neal; BTS Inc; Ellingsworth, Louise; Vanderweele, Meagan; Title Financial Specialty Services; Thornton, Dennis)
07/31/2026	50.00	Motion to Quash_Dept of Administration M. Giles (Filed By Swingley, Julia)
08/04/2026	50.01	Notice of Good-Faith Attempt to Confer with Counsel (Filed By Thornton, Dennis)
08/04/2026	50.02	Motion and Supporting Brief to Compel Discovery, for Sanctions, for OSC, and to Extend Discovery Deadlines (Filed By Thornton, Dennis)
08/04/2026	50.03	Second Motion to Dismiss (Filed By Thornton, Dennis)
08/05/2026	50.04	Reply to Motion to Quash Subpoenas_S. Frampton & R. Purdy (Filed By Frampton, Sean on behalf of Ruise Holdings Industrial, LLC; Ruise, Alvin M Jr.; Title Financial Specialty Services; Vanderweele, Meagan; BTS Inc; Thornton, Dennis; Bouma, Neal; Olivo, Mary; Ruise Glacier, LLC; Ellingsworth, Louise; Glacier Bank; MO Somers, LLC)
08/05/2026	50.05	Response in Opposition to Motion to Quash Subpoena_Flathead County IT (Filed By Thornton, Dennis)
08/05/2026	50.06	Response in Opposition to Motion to Quash_Dept of Admin M. Giles (Filed By Thornton, Dennis)
08/07/2026	50.07	Response to Notice of Good-Faith Attempt to Confer with Counsel (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
08/07/2026	50.08	Motion to Modify the Scheduling Order and Extend Deadlines (Filed By Thornton, Dennis)
08/07/2026	50.09	Subpoena Issued_RRR & WR LLC

Flathead County District Court

User: CUE015

Roa Listing

DV-15-2026-0000794-QT

Date	Filing #	Action
Neal Bouma et al. vs. Dennis Thornton		
08/07/2026	50.10	Subpoena Issued_Jackley Family 2016 Trust
08/07/2026	50.11	Subpoena Issued_Chris Knowlton
08/07/2026	50.12	Subpoena Issued_Kesteleyr Family Trust
08/10/2026	50.13	Order and Rationale on Motion to Dismiss Complaint with Prejudice
08/10/2026	50.14	Reply in Support of Motion to Quash (Filed By Ellingsworth, Nancy on behalf of Whitefish Credit Union)
08/10/2026	50.15	Reply in Support of Motion to Quash (Filed By Ellingsworth, Nancy on behalf of Ellingsworth, Louise; Vanderweele, Meagan)
08/10/2026	50.16	Reply in Support of Motion to Quash (Filed By Wavra, Riley on behalf of Title Financial Specialty Services)
08/11/2026	50.17	Response and Objection to Frampton Purdy Law Firm's Motion to Quash (Filed By Thornton, Dennis)
08/13/2026	51.00	Order Re: Vexatious Litigant
08/13/2026	52.00	Order Re: Mtns to Quash
08/13/2026	52.10	D Thornton's reply & notice of clarification regarding P's response to notice of good faith attempt to confer
08/13/2026	52.11	Reply in Support of Mtn to Quash Subpoena (Filed By Cockrell, Dale on behalf of Glacier Bank)
08/14/2026	52.12	MSJ on Counterclaim & Brf in Support (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
08/14/2026	52.13	MSJ on Def's Liability on Plaintiffs' Claim and Brf in Support (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
08/14/2026	52.14	Declaration of Neal Bouma (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
08/14/2026	52.15	Declaration of Mary Olivo (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
08/14/2026	52.16	Declaration of Alvin Ruis, Jr (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
08/14/2026	52.17	Request to Take Judicial Notice (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
08/14/2026	52.18	Response to Mtn to Compel and for Related Relief (Filed By Taleff, Ward on behalf of BTS Inc; Bouma, Neal)
08/14/2026	52.19	MT Division of Banking & Financial Institutions Non-Party Commissioner Melanie Hall and MT Division of Banking & Financial Institution' reply to Thornton's response in opposition
08/17/2026	53.00	Order re WCU Motion to Quash
08/17/2026	54.00	Notice of Errata to Response to Mtn to Compel (Filed By Taleff, Ward on behalf of Bouma, Neal; BTS Inc)
08/17/2026	55.00	Notice of Errata to MSJ on Counterclaim (Filed By Taleff, Ward on behalf of Bouma, Neal; BTS Inc)
08/21/2026	56.00	Affidavit of atty's fees (Filed By Frampton, Sean on behalf of BTS Inc; Thornton, Dennis; Bouma, Neal)
08/21/2026	57.00	P's response to Thornton's 2nd mtn to dismiss (Filed By Taleff, Ward on behalf of Bouma, Neal; BTS Inc)
08/21/2026	58.00	P's response to Thornton's mtn to modify SO and extend deadlines (Filed By Taleff, Ward on behalf of Bouma, Neal; BTS Inc)
08/25/2026	59.00	D & Counter Claimant Dennis Thornton's mtn to consolidate with cause DV-18-336D, request for assignment to judge Wilson, memo of law & proposed order
08/26/2026	60.00	Non-Party Commissioner Melanie Hall & MT Division of Banking response to court order with aff of atty's fees (Filed By McConnell, Christopher on behalf of Thornton, Dennis; Bouma, Neal; BTS Inc)

Flathead County District Court

User: CUE015

Roa Listing

DV-15-2026-0000794-QT

Date	Filing #	Action
Neal Bouma et al. vs. Dennis Thornton		
08/26/2026	61.00	D's opp to P's errata to MSJ on counter claim & brief in support, request to deny SJ, dismissal or other appropriate relief
08/26/2026	62.00	D's response & objection to order re potential erroneous vexatious litigant designation
08/26/2026	63.00	D's consolidated answer & opp to P's MSJ and request for judicial notice
08/27/2026	64.00	Affidavit of atty's fees (Filed By Cockrell, Dale on behalf of Bouma, Neal; BTS Inc; Thornton, Dennis)
08/27/2026	65.00	Affidavit of atty's fees (Filed By Ellingsworth, Nancy on behalf of Thornton, Dennis; BTS Inc; Bouma, Neal)
08/27/2026	66.00	Notice of Filing atty's fees (Filed By Laird, Cory on behalf of Olivo, Mary; Ruis Glacier, LLC; Bouma, Neal; Rulse Holdings Industrial, LLC; MO Somers, LLC; Rulse, Alvin M Jr.)
08/27/2026	67.00	Alvin Ruis Jr, Ruis Glacier, Mary Olivo, MO Somers, Ruis Holdings Industrial's declaration of attys fees by Riley M. Wavra (Filed By Laird, Cory on behalf of Olivo, Mary; Ruis Glacier, LLC; Bouma, Neal; Rulse Holdings Industrial, LLC; MO Somers, LLC; Rulse, Alvin M Jr.)
08/27/2026	68.00	Notice of Filing atty's fees (Filed By Wavra, Riley on behalf of Title Financial Specialty Services)
08/27/2026	69.00	Title Specialty Service's declaration of atty's fees by Riley Wavra (Filed By Wavra, Riley on behalf of Title Financial Specialty Services)
08/27/2026	70.00	D's mtn for leave to file surreply to Glacier Bank's reply in support of mtn to quash subpoena
08/27/2026	71.00	D's limited surreply in opp to Glacier Bank's reply in support of mtn to quash subpoena
08/27/2026	72.00	D's mtn for reconsideration
08/28/2026	73.00	P's mtns in limine & to expunge lls pendens (Filed By Krumm, Zachary on behalf of Bouma, Neal; BTS Inc)

EXHIBIT D

Filing and ROA Posting Report

Filing and ROA Posting Report

Case: *Neal Bouma and BTS, Inc. v. Dennis Thornton*
Cause No.: DV-15-2026-0000794-QT

Purpose and Method

This report compares the clerk's file stamps on the supplied copies of Dennis Thornton's filings with the successive Record of Action (ROA) printouts supplied for the same case. Its purpose is to distinguish the date a document was accepted for filing from the date on which it was actually visible in an ROA copy obtained from the clerk.

The ROA's own entry date is not treated here as proof of the date the entry became publicly visible. Instead, each conclusion is limited to the available evidence: a filing was either absent from a particular dated ROA snapshot or was present in a later dated ROA snapshot. When no daily ROAs were obtained, the exact upload day and time cannot be determined.

Summary

The supplied records show multiple instances in which a clerk-stamped filing was not yet shown in an ROA obtained days later. The records establish only a posting **interval**—after the last supplied ROA that did not contain the entry and by the first supplied ROA that did contain it.

The most definite example is the July 30, 2026 response opposing Glacier Bank's motion to quash. It bears a July 30 clerk file stamp, was absent from the ROA obtained August 10, and was listed in the ROA obtained August 11. Thus, it was not visible on the supplied ROA as of August 10, 2026, at 2:03 p.m.; it appeared sometime after that point and no later than the August 11, 2026 ROA.

June 2026 Filings

Motion to Dismiss Plaintiffs' Complaint with Prejudice

The supplied filed copy bears the clerk's stamp of **June 2, 2026, at 3:56 p.m.** (ROA's and Filings.pdf, p. 2) The ROA printed on June 2 at 3:59 p.m. showed only entries 1.00 through 3.00 and did not show the motion. (ROA's and Filings.pdf, p. 26) The next supplied ROA, printed June 26 at 2:39 p.m., listed the motion as Entry 5.00, dated June 2. (ROA's and Filings.pdf, p. 24)

Supported conclusion: The motion was not visible in the ROA obtained June 2 at 3:59 p.m. It was visible by June 26 at 2:39 p.m. The records supplied do not identify the exact posting date in that interval.

Answer to Complaint

The filed copy bears the clerk's stamp of **June 2, 2026, at 3:57 p.m.** (ROA's and Fillings.pdf, p. 1) The ROA printed two minutes later, at 3:59 p.m., did not list an Answer to Complaint. (ROA's and Fillings.pdf, p. 26) The June 26 ROA listed the Answer as Entry 4.00, dated June 2. (ROA's and Fillings.pdf, p. 24)

Supported conclusion: The Answer was not visible in the ROA obtained June 2 at 3:59 p.m. It was visible by June 26 at 2:39 p.m. The available ROAs do not show the exact date it was posted.

Reply in Support of Motion to Dismiss

The filed copy bears the clerk's stamp of **June 26, 2026, at 2:38 p.m.** (ROA's and Fillings.pdf, p. 4) The ROA printed at 2:39 p.m. the same day listed the Reply in Support of Motion to Dismiss as Entry 10.00. (ROA's and Fillings.pdf, p. 24)

Supported conclusion: This filing was visible in the supplied ROA by June 26 at 2:39 p.m.—one minute after the time shown on the file stamp. The supplied documents do not establish whether it was entered immediately or whether any earlier ROA would have reflected it.

July 2026 Filings

July 22 Responses to Motions to Quash

On July 22, 2026, at 4:35 p.m., Dennis Thornton filed: (1) a Response and Objection to Title Financial Specialty Services, Inc.'s Motion to Quash; and (2) a Response in Opposition to Frampton Purdy Law Firm's Objection to and Motion to Quash Tecum issued to Sean S. Frampton and Ryan D. Purdy. (ROA's and Fillings.pdf, p. 8)(ROA's and Fillings.pdf, p. 7)

The July 30 ROA, printed at 3:43 p.m., ended with Entry 37.00 and did not list Entries 37.01 or 37.02. (ROA's and Fillings.pdf, p. 27) The ROA printed August 4 at 1:51 p.m. listed the two filings as Entries 37.01 and 37.02, both dated July 22. (ROA's and Fillings.pdf, p. 30)

Supported conclusion: Neither July 22 filing was visible in the July 30 ROA. Both were visible by the August 4 ROA. Their posting dates fall somewhere in that interval.

July 24 Responses and Memoranda Concerning Motions to Quash

On July 24, 2026, at 12:21 p.m., Dennis Thornton filed four documents: a response opposing the VanderWeele/Ellingsworth motion to quash; a memorandum supporting that response; a response opposing Whitefish Credit Union's motion to quash; and a memorandum supporting the Whitefish Credit Union response. (ROA's and Fillings.pdf, p. 10)(ROA's and Fillings.pdf, p. 9)(ROA's and Fillings.pdf, p. 3)(ROA's and Fillings.pdf, p. 11)

The ROA obtained August 4 at 1:51 p.m. listed only through Entry 38.00 and did not include Entries 41.00 through 44.00. (ROA's and Fillings.pdf, p. 30) The ROA printed August 7 at 3:59

p.m. listed the four filings as Entries 41.00 through 44.00, all dated July 24. (ROA's and Fillings.pdf, p. 31)

Supported conclusion: The four July 24 filings were not visible in the ROA obtained August 4. They were visible by August 7. Their posting dates are therefore within that interval.

July 30 Responses to Glacier Bank and the Division of Banking

On July 30, 2026, at 3:38 p.m., Dennis Thornton filed a Response in Opposition to Glacier Bank's Motion to Quash and a Response in Opposition to Commissioner Melanie Hall and the Montana Division of Banking Motion to Quash. (ROA's and Fillings.pdf, p. 5)(ROA's and Fillings.pdf, p. 6)

The ROA printed August 10 at 2:03 p.m. listed entries through 44.00 and did not list Entries 47.00 or 48.00. (ROA's and Fillings.pdf, p. 34) The ROA printed August 11 at 3:51 p.m. listed the Glacier Bank response as Entry 47.00 and the Division of Banking response as Entry 48.00, both dated July 30. (ROA's and Fillings.pdf, p. 36)

Supported conclusion: Both July 30 filings were not visible in the ROA obtained August 10 at 2:03 p.m. They were visible by August 11 at 3:51 p.m. The evidence therefore establishes posting sometime after the August 10 ROA snapshot and no later than the August 11 snapshot.

August 2026 Filings

August 4 Filings

On August 4, 2026, at 1:44 p.m., Dennis Thornton filed: (1) a Notice of Good-Faith Attempt to Confer with Counsel; (2) a Motion and Supporting Brief to Compel Discovery, for Sanctions, for Order to Show Cause, and to Extend Discovery Deadlines; and (3) a Second Motion to Dismiss. (ROA's and Fillings.pdf, p. 16)(ROA's and Fillings.pdf, p. 15)(ROA's and Fillings.pdf, p. 17)

The ROA obtained August 11 at 3:51 p.m. did not list Entries 50.01, 50.02, or 50.03; it ended with Entry 48.00. (ROA's and Fillings.pdf, p. 36) The ROA printed August 26 at 4:00 p.m. listed the three documents as Entries 50.01, 50.02, and 50.03, all dated August 4. (ROA's and Fillings.pdf, p. 38)

Supported conclusion: These August 4 filings were not visible in the supplied ROA as of August 11 at 3:51 p.m. They were visible by August 26 at 4:00 p.m.

Motion to Modify Scheduling Order and Extend Deadlines

The filed copy bears a clerk's stamp of **August 7, 2026, at 3:43 p.m.** (ROA's and Fillings.pdf, p. 18) It was not listed in the August 11 ROA. (ROA's and Fillings.pdf, p. 36) It appears as Entry 50.08 in the August 26 ROA. (ROA's and Fillings.pdf, p. 38)

Supported conclusion: The motion was not visible in the ROA as of August 11 at 3:51 p.m. It was visible by August 26 at 4:00 p.m.

August 11 Response and Objection to Frampton Purdy Law Firm's Motion to Quash

The filed copy bears a clerk's stamp of **August 11, 2026, at 3:48 p.m.** (ROA's and Fillings.pdf, p. 19) The August 26 ROA did not list Entry 50.17. (ROA's and Fillings.pdf, p. 39) The August 27 ROA listed it as Entry 50.17, dated August 11. (ROA's and Fillings.pdf, p. 40)

Supported conclusion: This August 11 filing was not visible by August 26 at 4:00 p.m. It was visible by August 27 at 4:39 p.m.

August 25–27 Filings

The following clerk-stamped filings were absent from the ROA printed August 27 at 4:39 p.m., but were listed in the ROA printed September 3 at 4:23 p.m.:

- 1.- **Motion to Consolidate with Cause No. DV-18-336-D, Request for Assignment to Judge Wilson, Memorandum of Law, and Proposed Order.** Filed August 25, 2026, at 12:44 p.m.; listed by September 3 as Entry 59.00. (ROA's and Fillings.pdf, p. 20)(ROA's and Fillings.pdf, p. 43)
- 2.- **Opposition to Plaintiffs' Errata to Motion for Summary Judgment on Counterclaim.** Filed August 26, 2026, at 3:54 p.m.; listed by September 3 as Entry 61.00. (ROA's and Fillings.pdf, p. 21)(ROA's and Fillings.pdf, p. 44)
- 3.- **Response and Objection to Order Regarding Potential Erroneous Vexatious Litigant Designation.** Filed August 26, 2026, at 3:55 p.m.; listed by September 3 as Entry 62.00. (ROA's and Fillings.pdf, p. 22)(ROA's and Fillings.pdf, p. 44)
- 4.- **Consolidated Answer and Opposition to Plaintiffs' Summary-Judgment Motions and Request for Judicial Notice.** Filed August 26, 2026, at 3:55 p.m.; listed by September 3 as Entry 63.00. (ROA's and Fillings.pdf, p. 23)(ROA's and Fillings.pdf, p. 44)
- 5.- **Motion for Leave to File Surreply to Glacier Bank's Reply.** Filed August 27, 2026, at 4:30 p.m.; listed by September 3 as Entry 70.00. (ROA's and Fillings.pdf, p. 12)(ROA's and Fillings.pdf, p. 44)
- 6.- **Limited Surreply in Opposition to Glacier Bank's Reply.** Filed August 27, 2026, at 4:31 p.m.; listed by September 3 as Entry 71.00. (ROA's and Fillings.pdf, p. 13)(ROA's and Fillings.pdf, p. 44)
- 7.- **Motion for Reconsideration.** Filed August 27, 2026, at 4:32 p.m.; listed by September 3 as Entry 72.00. (ROA's and Fillings.pdf, p. 14)(ROA's and Fillings.pdf, p. 44)

The August 27 ROA ends with the August 10 Entry 50.17 and does not contain Entries 59.00, 61.00, 62.00, 63.00, 70.00, 71.00, or 72.00. (ROA's and Fillings.pdf, p. 40)

Supported conclusion: Each of these seven filings was not visible in the August 27 ROA snapshot at 4:39 p.m. Each was visible by the September 3 ROA snapshot at 4:23 p.m. The available records do not establish their respective exact upload dates.

September 3 Filing Still Not Posted as of September 8

Dennis Thornton's **Reply and Objections to Plaintiffs' Response to Defendant's Second Motion to Dismiss** bears a clerk file stamp of **September 3, 2026, at 4:19 p.m.** (ROA's and Fillings.pdf, p. 45) It was not listed on the ROA printed September 3 at 4:23 p.m. (ROA's and Fillings.pdf, p. 44)

The subsequently supplied current ROA, printed **September 8, 2026, at 3:04 p.m.**, still ends with Entry 73.00 dated August 28, 2026. It contains no entry dated September 3 or later. (9.8.2026 DV-26-794QT ROA.pdf, p. 4)

Supported conclusion: The September 3 Reply and Objections was accepted for filing, but it was **not visible in the ROA as of September 8, 2026, at 3:04 p.m.**

Careful Statement of the Evidence

The attached filing copies establish that the clerk accepted the listed documents on the stamped dates and times. The ROAs establish which items were visible in the ROA at the dates and times the ROAs were printed. They do not reveal the clerk's actual data-entry time. Accordingly, the evidence supports the statement that a filing was not reflected in a particular ROA snapshot and later appeared by a later supplied ROA snapshot. It does not support assigning a precise upload date within the interval without an intervening ROA or separate clerk/docket audit record.

Comparison of Court Orders with Filing / ROA Posting Record

Scope of This Comparison

The orders discussed below identify filings by their assigned document numbers and filing dates. This report separately establishes when those filings were visible in the specific ROA snapshots obtained from the clerk. These records do not disclose what materials the Court's internal case file contained on a particular day. Accordingly, this comparison does not assert that the Court lacked access to any filing unless the records directly establish that fact. It identifies the documented difference between clerk acceptance, ROA-assigned filing date, and public visibility in the ROAs supplied.

August 10 Order and Rationale on Motion to Dismiss Complaint with Prejudice

The August 10 Order and Rationale identifies the Defendant's Motion to Dismiss as Doc. 5, dated June 2, 2026; Plaintiffs' response as Doc. 9, dated June 16; and Defendant's Reply in Support as Doc. 10, filed June 26. (court orders DV-26-794QT.pdf, p. 2)

The Motion to Dismiss was accepted for filing on June 2 at 3:56 p.m., but it was not visible on the ROA obtained June 2 at 3:59 p.m.; it was visible by the June 26 ROA. The Answer filed June 2 at 3:57 p.m. followed the same pattern. The Reply was visible in the supplied ROA obtained June 26 at 2:39 p.m., one minute after its file stamp. (ROA's and Fillings.pdf, p. 2)(ROA's and Fillings.pdf, p. 26)(ROA's and Fillings.pdf, p. 24)

Comparison conclusion: No inconsistency is established between the August 10 order and the filing-posting record. The documents identified in the order were visible in the supplied ROAs by the time of that order. But the order's use of the June 2 assigned filing date does not establish that the motion was visible on the ROA on June 2.

August 13 Order Re: Motions to Quash

The August 13 Order Re: Motions to Quash states that Defendant filed a response to the Commissioner Melanie Hall / Montana Division of Banking motion as Doc. 48 on July 30 and a response to Glacier Bank's motion as Doc. 47 on July 30. (court orders DV-26-794QT.pdf, p. 11)

Both responses were clerk-filed July 30 at 3:38 p.m. They were not listed in the ROA obtained August 10 at 2:03 p.m., but both were listed in the August 11 ROA at 3:51 p.m. (ROA's and Fillings.pdf, p. 5)(ROA's and Fillings.pdf, p. 6)(ROA's and Fillings.pdf, p. 34)(ROA's and Fillings.pdf, p. 36)

Comparison conclusion: The August 13 order was issued after the August 11 ROA on which Docs. 47 and 48 first appear. The records therefore do not establish that the Court ruled without access to those responses. However, they establish that the responses, although assigned July 30 filing dates, were not visible on the August 10 ROA snapshot.

August 17 Order Re: Whitefish Credit Union Motion to Quash

The August 17 order states that Whitefish Credit Union filed its motion as Doc. 33 and that Defendant filed a Response, Doc. 43, on July 24, 2026. (court orders DV-26-794QT.pdf, p. 7)

Doc. 43 bears a July 24 at 12:21 p.m. clerk file stamp. It was not visible in the August 4 ROA, but it was listed in the August 7 ROA. (ROA's and Fillings.pdf, p. 3)(ROA's and Fillings.pdf, p. 30)(ROA's and Fillings.pdf, p. 31)

Comparison conclusion: The ROA-posting record does not demonstrate that the Court lacked access to Doc. 43 when it issued the August 17 order, because the document was visible in the supplied ROA by August 7.

August 13 Order Re: Vexatious Litigant and the Timely Filed Objection

The August 13 Order Re: Vexatious Litigant set a September 14 hearing and permitted Defendant to submit a pleading objecting to the proposed designation and restrictions by September 4, 2026. (court orders DV-26-794QT.pdf, p. 18)

Defendant's Response and Objection to Order Regarding Potential Erroneous Vexatious Litigant Designation was clerk-filed August 26 at 3:55 p.m. The August 27 ROA did not list it, but the September 3 ROA listed it as Entry 62.00. (ROA's and Fillings.pdf, p. 22)(ROA's and Fillings.pdf, p. 40)(ROA's and Fillings.pdf, p. 44)

Comparison conclusion: The objection was clerk-filed nine days before the September 4 deadline. It was not shown on the August 27 ROA snapshot, but it was shown in the September 3 ROA—before the stated deadline. The supplied ROAs do not reveal the exact upload date between those two snapshots.

September 3 Reply and Objections

The Reply and Objections to Plaintiffs' Response to Defendant's Second Motion to Dismiss was clerk-filed September 3 at 4:19 p.m. It was not visible in the September 3 ROA printed at 4:23 p.m. and remained absent from the September 8 ROA printed at 3:04 p.m. (ROA's and Fillings.pdf, p. 45)(ROA's and Fillings.pdf, p. 44)(9.8.2026 DV-26-794QT ROA.pdf, p. 4)

No supplied order refers to that September 3 filing. Thus, no order-to-filing inconsistency can yet be identified concerning it. The available record does establish that the filing was accepted by the clerk but had not appeared on the ROA as of September 8.

Overall Combined Finding

The strongest conclusion from the comparison is not that the Court necessarily acted without access to particular filings; the supplied documents do not disclose what was in the Court's internal file. The documented point is that court orders use document numbers and assigned filing dates that can differ from when the items became visible in the ROA copies obtained from the clerk. The July 30 responses to Glacier Bank and the Division of Banking provide the clearest example: they are identified in the August 13 order as July 30 filings, but were absent from the August 10 ROA and first appear in the August 11 ROA.

The August 13 vexatious-litigant order also refers to the Clerk of District Court's responsibility for managing documents "in various states of limbo." (court orders DV-26-794QT.pdf, p. 18) This language does not admit delay or mishandling of any specific filing. It is, however, consistent with the ROA snapshots documenting intervals between clerk acceptance of certain filings and their later appearance on the ROA.

**IN THE MONTANA ELEVENTH JUDICIAL DISTRICT COURT
FLATHEAD COUNTY**

**NEAL BOUMA and
BTS, INC.,**

**Plaintiffs and Counter-Defendants,
v.**

THORNTON,

Defendant and Counter-Plaintiff.

Cause No. DV-15-2026-794-QT

Hon. Amy Poehling Eddy

(Proposed) ORDER

Defendant Dennis Thornton has filed a Motion to Disqualify Judge Amy Poehling Eddy and Affidavit for Disqualification for Cause.

IT IS ORDERED:

1. The Clerk shall preserve without alteration the motion, affidavit, and every filing-related record concerning the documents identified in the ROA for Cause No. DV-15-2026-794-QT.
2. The Clerk shall promptly transmit the motion and affidavit for processing under § 3-1-805, MCA.
3. Except for preservation and administrative transmission of the record, no further substantive rulings shall be issued in Cause No. DV-15-2026-794-QT pending direction from the Montana Supreme Court or the judge assigned to determine disqualification.

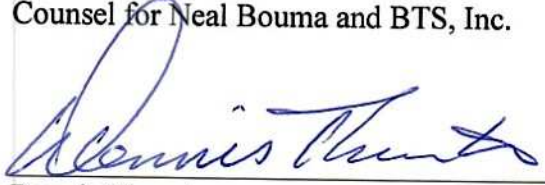
DATED this ____ day of _____ 2026.

Hon. Amy Poehling Eddy
District Court Judge

CERTIFICATE OF SERVICE

I certify that on September 9, 2026, I served a true and correct copy of Defendant Dennis Thornton's Motion to Disqualify Judge Amy Poehling Eddy; Affidavit for Disqualification for Cause; and Request for Referral Under § 3-1-805, MCA, with EXHIBITS A, B , C, and D Defendant's Good Faith Declaration and Proposed ORDER upon U.S. Mail upon:

Ward E. Taleff and Zachary M. Krumm
Resolute Law PLLC
300 River Drive, Suite 5
Great Falls, MT 59401
Counsel for Neal Bouma and BTS, Inc.



Dennis Thornton,
Pro Se Defendant and Counterclaimant
151 Amatasia Lane
Kalispell, Montana 59901
Telephone: (406) 261-6814
Email: thorcoinc@outlook.com