

- Petition for Rehearing

**IN THE SUPREME COURT OF THE STATE OF NORTH DAKOTA**

GLENN SOLBERG,	)	SUPREME COURT CASE NO: <del>20170246</del>
		20210084
Appellant,	)	Williams County Case no.
Vs.	)	53-2012-PR-00480
First National Bank and	)	
Trust Co. of Williston,	)	
Williston, as Personal	)	
Representative of the	)	<b><u>PETITION FOR REHEARING</u></b>
Estate of Lyle M. Nelson,	)	
Lavina Domagala, Trust	)	
Officer.	)	
Appellee.	)	

ON APPEAL FROM JUDGE RUSTADS DENIAL OF MY RULE 60(b)(6) MOTIONS

NORTHWEST JUDICIAL DISTRICT

HONORABLE JOSHUA B. RUSTAD PRESIDING

GLENN SOLBERG, APPELLANT,

*Pro Se*

13592 77<sup>TH</sup> ST. NW

Zahl, North Dakota 58856

[Glennsolberg27@gmail.com](mailto:Glennsolberg27@gmail.com)

(701) 770-0750

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION . . . . .</b>	<b>2</b>
<b>II.</b>	<b>PLAINTIFF DEMANDS</b>	<b>2</b>
	<b>TRIAL BY JURY. . . . .</b>	
<b>III.</b>	<b>FRIVOLOUS. . . . .</b>	<b>6</b>
<b>IV.</b>	<b>ARGUMENT . . . . .</b>	<b>2-7</b>

## INTRODUCTION

- 1. This appeal is only about a rule 60(b)(6) motion. In my 21/5/3 appeal brief, I listed my former attorney Greg Hennessey, and Judge Rustad, and the banks attorneys mistakes to show the statistical probability that seven attorney blunders in one case would happen only once in every million cases. I did that to show probable attorney collusion among the three. Probable attorney collusion is grounds for rule 60(b)(6) relief.**
- 2. The following are the facts of this case in the order they occurred; and reason why there should be no sanctions; and why this must be assigned to a jury. "Plaintiff demands trial by jury." Only then will Judge Rustad's frivolous judgment be rectified.**
  - a. In 2013' Bank attorney Richard McKennett said he would take my evidence, but he would not use it. Richard dismissed my claims.**
  - b. I took Richards's dismissal to court. I presented my former attorney Greg Hennessy, with two briefs; and audio tapes of Richard McKennett saying he wouldn't use my evidence; and, of Lyle stating that it was Lillian's idea to price both**

of their Farms to her two sons; and, Lillian's audio tape of affirmation that Lyle agreed to.

- c. In 2014' Greg only presented one of the two briefs and none of the audio tapes to District Court and Judge Rustad. The brief Greg Presented was only half readable.
- d. Judge Rustad dismissed my claims without discovering or reviewing any of my evidence or argument.

### **ARGUMENT**

- 3. Supreme Court Justice Lisa McEvers asked me in the 2018 oral argument: "Why is it the judge's fault if you filed an unreadable brief?"
- 4. I wrote in my 2021 brief: "Judge Rustad knew when he passed judgment, that he reviewed the banks brief, but not mine; therefore he knew he was favoring the bank, while hindering me."
- 5. I think Justice McEvers was also suggesting that I should have checked Greg's work. I did check Greg's work. I taped Greg the day of the deadline when I gave Greg my briefs and evidence. Greg stated on that tape that he knew the one brief that he did present was unreadable. He said he would present the judge with a readable brief after the deadline. After the deadline he said on tape, that he changed his mind. He would wait until Judge Rustad requested a readable brief. At that point, Greg was kind of right. Any reasonable judge would request a readable brief.
- 6. Judge Rustad did not; proving I had no fault in having no legal evidence to appeal with. The fault must either be with Judge Rustad, or Greg, or both of them.
- 7. In oral argument last month Justice McEvers said the only thing I can use in this appeal is what was presented in District Court to Judge Rustad.
- 8. That is a twisted fact; the supplement law for the Supreme Court states that The Supreme Court can introduce new evidence on their-own initiative. The Supreme Court can use

**Judge Olson's documentation if it facilitates justice; and it does facilitate justice and; because Judge Rustad didn't review what I did present. It was Greg and Rustad's fault, that I had no evidence. In Greg Hennessy's trial, Judge Olson proved beyond a doubt that Judge Rustad did not, and could not review my evidence, either in hard copy, or digitally, before he dismissed my case. I have the audio Court tape for proof, and it is 3.3 minutes long.**

- 9. I quote (paraphrased) from oral argument, when I was explaining Judge Olson's documentation of Judge Rustad; Justice McEver's asked me again;**
- 10. Justice McEvers: Mr. Solberg I hate to interrupt but is that something that's in the record in this case?**
- 11. Glenn: Yes, it's in the record.**
- 12. Justice McEvers: How is it the case from Ramsey County, in this case in Williams County?**
- 13. Glenn: It has to do with Judge Rustad, because both Greg and Judge Rustad suppressed my evidence; the tape applies to both.**
- 14. Judge Olson's documentation proves Judge Rustad did not review any of my evidence before dismissing my case. Greg didn't present Judge Rustad with any legal evidence. The Supreme Court must supplement that new evidence on their own initiative, as the supplement law allows, for justice to me and my family, and Lillian.**
- 15. The Supreme Court must document Judge Olson's documentation of Judge Rustad infraction; the Supreme Court must supplement all of the evidence.**
- 16. Judge Rustad denied my civil rights in 2014' & again in February of 2017, because neither he nor the Supreme Court supplemented my evidence into my record. When Judge Rustad denied my rule 60(b)(6) motion in January, and again in March of 2021, he denied my civil rights a 3rd & 4th time.**

- 17. This means, that his two rule 60(b)(6) denial orders in 2021 added to his previous two infractions, to make four illegal infractions of the law.**
- 18. What he did not know then, is that Judge Olson would later document that Judge Rustad judged my case without reviewing any of my evidence.**
- 19. Now that all five justices know the truth, there should be no sanctions making me pay the bank's legal fees. If Judge Rustad was part of the fault, the fault is with the state of North Dakota, and North Dakota must make restitution.**
- 20. The banks negligence does not need a rule 60(b)(6) motion. It falls under law 28 - 16 - 18TH. That statement is in both my appeal brief & my reply brief. That statement proves that at the onset of this appeal, I made it clear that this appeal was not on the bank or the banks negligence; it's on Judge Rustad's frivolous rule 60(b)(6) motion.**
- 21. In this appeal, Lyle's fraud is an issue Judge Rustad didn't acknowledge. That makes Lyle's fraud grounds for rule 60(b)(6) relief.**
- 22. This appeal is Unique because of my rule 60(b)(6) motion. The Supreme Court demanded the bank defend Judge Rustad. That puts the bank on Judge Rustad's side, and Judge Rustad against me.**
- 23. Judge Rustad wrote in his rule 60(b)(6) denial order: Further, Glenn Solberg is prohibited from filing any future pleadings or motions with the Court in this Estate without first obtaining permission from a District Court Judge.**
- 24. That sentence proves he has great conflict of interest with me. He should not have given an order on my rule 60(b)(6) motion when he knew he had conflict of interest with me. He broke the conflict law when he gave that rule 60(b)(6) order. His frivolous order substantiates that we have great conflict. By that order, Judge Rustad is protecting the bank.**

25. I am appealing because Judge Rustad did not judge the case right. Then, the Supreme Court ordered that I pay double the bank's attorney fees. So now the bank makes money because of Judge Rustad's infractions, which is an injustice.
26. Judge Rustad wrote in his 2014' dismissal that he reviewed the banks evidence. Judge Olson legally documented that Judge Rustad dismissed my claims in 2014' without reviewing any of my evidence. Now Judge Rustad has the nerve to try to limit judgment of the banks infractions without reviewing any evidence.
27. Judge Rustad doesn't know whether the bank is wrong, but he is second-guessing the bank might be right. That is what he did to me in 2014' and 2017'. He passes judgment with no evidence.
28. The general rule is that judges can't overrule judges. That means that Judge Rustad asking me to ask another judge to overrule his demand is impossible. That makes his denial order illegitimate and it must be denied and disregarded.
29. I ask the Supreme Court to withdraw that demand as it is unconstitutional and frivolous.
30. If my 2017' & 2018' appeal was frivolous it's because I had no evidence; and no chance for a fair trial. I had no evidence because of Greg and Judge Rustad. This appeal is not frivolous I need rule 60(b)(6) relief because of Greg and Judge Rustad.
31. The Supreme Court opinion & North Dakota law 38 States: an appeal is frivolous if it is flagrantly groundless, and devoid of Merit. The only way this appeal can be frivolous, is if Judge Rustad has no fault whatsoever.
32. I made this appeal because of Judge Rustad infractions of suppressing my argument and evidence. If he did no wrong, this appeal is frivolous. But if he did no wrong then no judge in North Dakota must do their job, and review either party's argument or evidence. Civil rights will be a thing of the past. This will become a precedent case, and any corrupt judge can cite it to relieve themselves of their Duty; and no judge can be prosecuted for not

reviewing evidence from now on in North Dakota. – If; the Supreme Court does not remand.

33. The present Supreme Court judgment on this case will tell every judge in the state that they can do whatever they want, and the Supreme Court will protect them.

34. I can prove all my statements in this petition. I ask the Supreme Court to have me prove any statements in this petition that they think may be questionable.

35. The Supreme Court must supplement all of my evidence to make up for what Judge Rustad left out by using the supplement law.

2. **Service Method:** I served a true and correct copy of each of the above documents by:

☐ Mail or third-party commercial carrier

☒ Electronic Mail

☐ Hand-delivery

3. **Date of Service:** October 29, 2021

Person or People Served

Supreme Court  
600 east blvd. av.  
#180, Bismarck ND 58505

Brent M. Olson at bolson@pringlend.com  
2525 Elk Dr.  
P.O. Box 1000  
Minot ND 58702-1000

4. I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on 1/11/21, at Williston, ND, USA, by:

NAME (typed or signed): Glenn Sydney Solberg

ADDRESS: **13592 77th St. NWZahl ND 58856**

CITY, STATE, ZIP CODE: **NWZahl ND 58856**

PHONE NUMBER: **701 770-0750**

E-MAIL ADDRESS: GlennSolberg27@gmail.com

**PROOF OF SERVICE**

**PLAINTIFF-APPELLANT'S CERTIFICATE OF SERVICE BY EMAIL**

**[¶ 1] I, Glenn Sidney Solberg, hereby declare that I am the Plaintiff-Appellant in this case, and that I served the following:**

**PETITION FOR REHEARING BY PLAINTIFF**

**On the 28th day of Oct. 2021, by sending a true and correct copy of the same via email Oct 28th, or US Mail on Oct 28th to the following:**

**Brent Elk Drive, bolson@pringlend.com**

**Minot ND Olson**

**2525**

**58701**



**IN THE SUPREME COURT**  
**STATE OF NORTH DAKOTA**

FILED  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT  
NOVEMBER 1, 2021  
STATE OF NORTH DAKOTA

**Glenn Solberg**

**13592 77th St. NW**

**Zahl ND 58856**

) **Supreme Court No.**

) **20170246**

) \_\_\_\_\_

) **DECLARATION OF SERVICE**

)

)

**Glenn Solberg, serving court documents by mail states:**

**1. MOTION FOR EXPLANATION OF MY CERTIFICATE OF SERVICE ERROR**

**2. PETITION FOR REHEARING**

**1. MOTION LETTER PETRA AND BRENT**

I make a motion to fix the mistake of my PETITION FOR REHEARING by doing the following:

I finished my petition for rehearing on the 28th of October, and sent it to you and the bank. Then, I noticed I forgot to add the certificate of service to Brent. I used the form of the certificate off of my reply brief, copied it, and put it under the petition.

My assistant was new on the job, and mistakenly sent the reply brief instead of the petition that was fixed.

I will put the certificate of service that I filled out last night under my petition for rehearing; it will be the same petition I emailed to both of you last night.

I will then email another certificate of service to Petra and Brent, with this explanation above it. So you both understand the error.

Sorry for the mishap.

Thanks / Glenn

**\*I served a true and correct copy of each of the above documents by:**

☐ Mail or third-party commercial

☒ carrierElectronic Mail

☐ Hand

**delivery**

**October 29, 2021**

**Person or People Served**

**Brent M. Olson at bolson@pringlend.com**

**2525 Elk Dr.**

**P.O. Box 1000**

**Minot ND 58702-1000**

**\*I declare, under penalty of perjury under the law of North Dakota, that the foregoing  
is true and correct.**

**29/10/21, at Bismarck, ND, USA, by:**

**Glenn Solberg**

**13592 77th st. n.w.**

**Zahl N.D 58856**

**701 770-0750**

**Glennsolberg27@gmail.com**

**IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

Glenn Solberg  
13592 77th St. NW  
Zahl ND 58856

) Supreme Court No.  
) 20210084  
)  
)

**DECLARATION OF SERVICE**

**The person serving court documents by mail states:**

1. **List of Court Documents Served** (*write the title of each document served*):

- Motion Letter

**Petra and Brent,**

**I make a motion to fix the mistake of my petition for rehearing by doing the following:**

**I finished my petition for rehearing on the 28th of October, and sent it to you and the bank.**

**Then, I noticed I forgot to add the certificate of service to Brent. I used the form of the certificate off of my reply brief, copied it, and put it under the petition.**

**My assistant was new on the job, mistakenly sent the reply brief instead of the petition that was fixed. I will put the certificate of service that I filled out last night under my petition for rehearing; it will be the same petition I emailed to both of you last night.**

**I will then email another certificate of service to Petra and Brent, with this explanation above it. So you both understand the error. Sorry for the mishap.**

**Thanks / Glenn**