

RECEIVED BY CLERK
SUPREME COURT AUG 22 2012

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

20120145

State of North Dakota,
dba BANK OF NORTH DAKOTA, Plaintiff, Appellee.

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

AUG 20 2012

vs.

STATE OF NORTH DAKOTA

Robert Adell Brown, Defendant, Appellant.

Supreme Court No. 20120145

District Court No. 13-10-C000022

APPELLANT'S REBUTTAL

Robert Adell Brown is extremely disappointed with the Attorney General and his Bully Pulpit through the undue pressure placed on the lower district court and the clerk of North Dakota Supreme Court, including the state of North Dakota vis a vie the state of North Dakota doing business as the Bank of North Dakota and its surrogates.

I. FACTS

- a. There was a motion on the table before the court seeking relief and Oral Argument due to a cheap trick in processing and distribution of the Appellee Brief to Appellant.
- b. The motion was denied by the clerk of court on the flimsy unsubstantiated information provided by the State Attorney General and Robert Adell Brown was precluded from rebutting or offering or refuting the assertions.
- c. The controversy over the address and changes or temporary changes of address; The State Attorney General knew of the 'Hate Crimes' , and physical violence directed on and carried out against Robert Adell Brown; Nevertheless,

NOT ONE Arrest has occurred, in fact the state of North Dakota is in denial. Robert Adell Brown has been forced out of his home to protect his life.

d. Hate Case No. 45-2010-CV-00224, Case Name: Robert Adell Brown, Plaintiff, vs. Patti Newby, Craig Newby, Cliff Newby, dba ACE HARDWARE STORE, Inc., the Dickinson City Police Department, Lieutenant William Leach and the Dunn County Council on Aging, Defendants .

5. The act of wrongful conversion of the residence located at 118 2nd St., NW, Halliday, North Dakota 58636' the Wrongful Conversion was carried out by the State of North Dakota embolden by the Attorney General of North Dakota dba BANK OF NORTH DAKOTA.

II. LAW AND ARGUMENT

a. North Dakota Rules of Appellant Procedure, Rule 45, states quite clearly what the duties of the clerk entail; Moreover, at no point in the interpretation of the duties is the authority grandfathered to the clerk of court the authority to deny any motion absent due process.

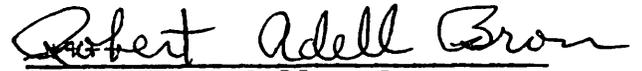
b. The Bank of North Dakota has not provided any credible response to substantiate it's Foreclosure Action nor HAS THE BANK OF NORTH DAKOTA done it's Due Diligence, aka the North Dakota State Attorney General to use the power of his 'Bully Pulpit' to stem the tide of Racial Hatred and Violence that prevents Robert Adell Brown

from enjoying the constitutional guarantee of
'DOMESTIC TRANQUILITY'.

c. It is the duty of the court to render any contract null and void when the party's behavior has been so egregiously derelict in spirit and application even when the perpetrators include the state or it's agents the court must possess the courage resist the BANK OF NORTH DAKOTA.

Dated: August 20, 2012.

Respectfully submitted,

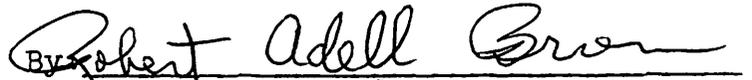

Robert Adell Brown

AFFIDAVIT OF SERVICE BY MAIL

I hereby certify that true copies of Robert Adell Brown's REBUTTAL were placed into envelopes, sealed, with first class postage affixed thereto, addressed as follows:

1. Douglas B. Anderson, Assistant Attorney General
500 North 9th Street
Bismarck, ND 58501

Dated: August 20th, 2012



Robert Adell Brown
8726 S. Sepulveda Blvd.,
Ste. D-C226
Los Angeles, CA 90045
Tel: (213) 260-4387

Supreme Court of North Dakota

OFFICE OF THE CLERK

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CLERK OF THE SUPREME COURT
PENNY MILLER

CHIEF DEPUTY CLERK
PETRA H. MANDIGO HULM

August 1, 2012

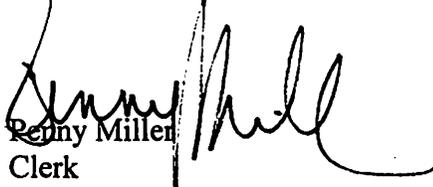
Robert A. Brown (Via U.S. Mail)
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Douglas B. Anderson (Via E-Mail)
Office of Attorney General
500 N. 9th St.
Bismarck, ND 58501-4509

RE: Bank of North Dakota v. Brown, et al.
Supreme Court No. 20120145
Dunn Co. No. 10-C-00042

Attached is the Order denying the Motion to Strike. In light of the Order, and the re-service of the Appellee's Brief and Appendix on July 19, any Appellant's Reply Brief is due August 20, 2012.

Sincerely yours,



Penny Miller
Clerk
North Dakota Supreme Court

Attach

-5-

EX II PP

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER

Supreme Court No. 20120145
Dunn County Case No. 10-C-00042

The State of North Dakota, doing
business as The Bank of North
Dakota,

Plaintiff and Appellee

v.

Robert A. Brown, MDU Resources
Group, Inc., d/b/a Montana-Dakota
Utilities, and City of Halliday,

Defendants

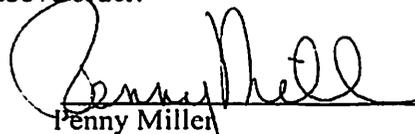
Robert A. Brown,

Appellant

The Appellee's Brief and Appendix in this matter were filed July 5, 2012, in the Office of the Clerk of the Supreme Court, and the parties were notified of the filing. The Affidavit of Service By Mail accompanying the Appellee's Brief affirmed that copies were served on the Appellant at Long Beach, California, and Halliday, North Dakota, addresses. Subsequently, on July 19, 2012, a Notice of Motion and Motion to Strike Appellee's Brief and Appendix were filed. On July 20, 2012, the Appellant's attorney filed an Affidavit of Service By Mail indicating the Appellee's Brief and Appendix were sent to the Appellant at a Los Angeles, California, address. At the request of the Chief Justice, a Response to the Motion to Strike was received and filed July 30, 2012. The Court considered the matter, and

ORDERED, that the Motion to Strike is DENIED.

Entered this 31st day of July, 2012, with the Honorable Gerald W. VandeWalle, Chief Justice, directing the Clerk of the Supreme Court to enter the above order.


Penny Miller
Clerk
North Dakota Supreme Court

ZUGER KIRMIS & SMITH

COUNSELORS AND ATTORNEYS AT LAW

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James S. Hill, P.C. ***
Patrick J. Ward***
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Shawnda R. Ereth**+
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Also licensed in
Illinois *
Kansas~
Minnesota**
Missouri+
Montana++
South Dakota^^

^Certified Civil Trial Specialist
National Board of Trial Advocacy

May 4, 2010

Chris Larsen
Clerk of District Court
Box 136
Manning, ND 58642

**Re: Robert Adell Brown v. Montana Dakota Utilities Co. and City of Halliday
Dunn County Civil No. 13-09-C-78**

Dear Clerk:

This letter is intended to inform the Court that I was unable to serve Plaintiff Robert Brown with MDU's Supplemental Brief Regarding Jurisdiction in Support of Summary Judgment. I served Mr. Brown on April 29, 2010, at the address he recently provided to the Court and parties, 118 2nd St. NW, Halliday, ND 58636. The letter was recently returned to our office indicating Mr. Brown has moved and left no forwarding address. Attached is the original returned envelope. Please be advised that Mr. Brown has not been served despite our efforts to serve him. If you have any questions, please let me know.

Sincerely,



Paul Sanderson

cc: Hon. William A. Herauf
Robert Adell Brown
Scott Porsborg

-17- EX#00

118 SECOND ST., NORTH
HALLIDAY, NORTH DAKOTA 58636

INFORMATION SERVICES SECTION
BUREAU OF CRIMINAL INVESTIGATION
ATTORNEY GENERAL'S OFFICE
POST OFFICE BOX 1054
BISMARCK, NORTH DAKOTA 58502

Re: ETHNIC INTIMIDATION OR SIMILAR PROVISION AND PROTECTED
STATUS.

DEAR SIR/MAM:

I AM SEEKING INFORMATION IN THE FORM OF CHARTS,
RECORDS, COMPLAINTS ON FILE ^{AND/OR} CIVIL COURT ACTION(S) THAT
YOUR OFFICE MAY HAVE BEEN SOURCES OF ATTENTION OR INVESTIGATION
HERE IN NORTH DAKOTA SINCE 2000.

THANK YOU

Sincerely,

DATED: JUNE 8TH, 2009

Robert Adell Brown
ROBERT ADELL BROWN