

IN THE SUPREME COURT OF THE STATE OF NORTH DAKOTA

In the Interest of C.D.C

B.B. C

Plaintiff,

vs.

S.M.P/H

Defendant.

**PETITION FOR
REHEARING**

Supreme Court File # 20180371

1. Plaintiff B.C. not only filed an Appeal of Judicial Referee Susan Solhiem Judgement but stated also in the Plaintiff's Brief there was also an Appeal to "Consolidation" of the "TWO SEPARATE" cases; that there may not be a misinterpretation to the Argument presented in the District Court when the option for consolidation was discussed. The Argument presented by the Petitioner was that it was obvious the two cases are consolidated for the purpose that a judgment might interfere with another previous judgment; but by the district Courts opinion in several previous cases were in fact two separate issues; therefore the two cases were not consolidated by the Petitioner in all aspects. The Judicial Referee did not have "authority" to consolidate the two cases, if the Court had such authority then the District Court would not have asked permission from the Plaintiff concerning consolidation. Res Judicata cannot apply to this case as it was the Petitioner who authorized the consolidation; therefore it was the Petitioner's interpretation of the consolidation that must be reviewed. If there is no avenue for interpretation of the consolidation of the two cases then the Petitioner therefore revokes and rescinds consolidation.
 - a. ND Supreme Court Opinion states that *Hofsommer v.Hofsommer Excavating, Inc.*, 488 N.W.2d 380, 383 (N.D. 1992) would be a relevant case law to apply to this Appeal, however the Plaintiff strongly disagrees as in the Above-Mentioned case all Evidence, Testimony and Witnesses were respectfully heard in the Court and considered for judgement. In this Case of B.C vs S.H as well as in the previous support file of ND/S.H vs B.C. The Court has continually argued and upheld that the issues of Paternity and the Issues of Support are Two Complete and Separate Issues

and Evidence, Testimony and Witnesses have not been allowed or heard as prescribed under the “DEFINITION” of Res Judicata.

- b. The Petitioner’s point making is, we must go back to the Transcript. Judicial Referee not allowed to give legal advice does so anyways to their own demise. The District Court who “Not” having authority to consolidate the two cases asked for permission from the parties. Assuming the Judicial receives the desired answer; assumes now Res Judicata is applied and makes attempts at this point to close case. However, the Court did not Receive Evidence and Confirmation concerning “Consolidation” as the Plaintiff continually contradicts by interpretation of the Courts desired interpretation. How so; but the Petitioners continual objection to consolidation in confirming “These are Two Separate Cases” as ruled since 2005 by ND District Courts. The District Court receives two separate and conflicting answers. One saying the Plaintiff desires consolidation, and another with Plaintiff not allowing consolidation. The District Court having two conflicting testimonies never confirmed prior to making opinion and judgment therefore pre-hearing stance is still confirmed. Plaintiff then Appeals to the ND Supreme Court and in such Brief makes this Appeal clear, there is no Consolidation, therefore there is no grounds for Res Judicata.

- c. Assuming the Court has interpreted a full consolidation between the Support File and the Paternity File; then the Court may have a concern with “Res Judicata”, however because those two files are now consolidated then the Court must now take into consideration the Plaintiff’s Constitutional Rights in both the Paternity and Support file. The Supreme Court may write an Opinion in Affirmation with the District Court based on previous obligations and court hearings; But must also Award the Plaintiff his Freedom, Termination of the Support File and Contracts including but not limited to Acknowledgement of Paternity and Birth Certificate. Ie, the Court may not award the Plaintiff the Monetary but must award the Plaintiff his Freedom.

2. As argued in District Court and Appealed to North Dakota Supreme Court there were Federal and Constitutional Laws and Rights of the Petitioner that were overlooked which overruled any State Laws and Regulations that may interfere with those Constitutional Rights; the Opinion completely disregarded this Argument; as well as My Right to Religion and to Serve My God according to His WORD. The “Weightier Matters of the Law” were presented for the simple fact you can’t be fined for speeding in one State if you live in another and don’t have a car or a license to drive. What can we conclude from the Opinion presented on this Appeal but that:

- Peonage and Involuntary Servitude have been reinstated in the State of North Dakota.
- That the residents of North Dakota no longer have Federal and Constitutional Rights and
- That Residents of North Dakota may have the right to go to Church but don’t have the Right to Obey the very scriptures they Read.

ND District Court and the ND Supreme Court have made an error in assumption. The Plaintiff did not petition the Court with a Request, nor was the Plaintiff asking for a Judgment. The Plaintiff petitioned the Court with “Giving Notice” that the Plaintiff was Exercising His Constitutional Rights. ND Supreme Court will consider all of the Plaintiffs Brief and write an Opinion concerning the Constitutional Laws and the Plaintiff’s right to Follow a religious preference according to Scripture. Anything less would be negligence. It is the Petitioners “Continual Objection” that these US Constitutional Rights be overlooked and disregarded; if the ND Supreme Court will not consider them, then it is My Right and Obligation to petition a Higher Court that will.

B.B. C.