

IN THE SUPREME COURT
FOR THE STATE OF NORTH DAKOTA

A.R. Audit Services Inc.)	
Plaintiff and Appellee)	CASS COUNTY CASE
)	# 09-2019-CV-03270
VS)	
)	SUPREME COURT CASE
Tahnee Young)	# 20200064
Defendant and Appellant)	

RESPONSE BRIEF OF APPELLANT
APPEAL FROM ORDER OF THE DISTRICT COURT
FOR ENTRY OF JUDGMENT
DISTRICT COURT OF CASS COUNTY
THE HONORABLE STEVEN L MARQUART, PRESIDING

Oral Argument Not Requested

Tahnee Young, Pro Se, Defendant/Appellant
Fargo, North Dakota 58103

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LAW AND ARGUMENT

1. In the Plaintiff's Brief they attempt on paragraph 7 to dismiss the fact that I had concerns of the admissibility of the affidavit of Randy Lang and that I am bringing this up for the first time in this appeal. They attempt to block me from bringing this up to the Supreme Court, Yet, I have pointed out in the court transcript the judge did NOT ask me if I had anything else further to add to my case.
2. In fact, I felt the judge did not want to hear anything I had to say. This is evident in the short hearing for that day (7 minute long hearing.)
3. Yes, the other side is presenting all kinds of cases that show what other courts have ruled, yet each court looks at ALL of the evidence and weights it individually. To place a same standard to every case where there are slight differences is not justice.
4. In the cases the Plaintiffs have pointed out, in each case it was LONGER than 7 MINUTES. This should show the intent of the judge from the lower court that he had no interest in listening to what I had to say. Had I been given the opportunity like everyone else. It would have been brought up then.
5. Justice was not served that day. I may not have a law degree, or have fancy initials after my name, but I should be protected by the Constitution, yet lately people's rights are being violated. As I look at the news, it is disheartening that people's constitutional rights are being ignored.
6. My Constitutional rights enables me to self-representation, It should NOT be held against me for attempting to represent myself, but it was VERY clear with this judge that he did not like or tolerate any person whom does self-representation.

7. Another point of fact is that I did bring up in court that I have never lived in Minot, North Dakota. Which the court basically ignored. The statements the Plaintiff provided as evidence had addresses of Minot, North Dakota. I have never lived there nor do I have any relatives whom live there.

8. Yet, when I attempted to tell the court they ignored it and kept moving on. Here are the exact comments from the transcript: On the court transcript page 5, lines 24-25 which I had stated; "I don't. I've never lived – any of the statements—I have never lived in Minot. I have an address here for Minot, North Dakota. I've never lived in Minot."

9. The court flat out ignores what I said and goes into replied with; "Well, the Court—the Court finds here that when the paperwork was presented there were no genuine issues of material fact, and the Courts going to deny Ms. Youngs Motion for Rule 60 relief." The judge does NOT address the fact about never living in Minot, which is VERY relevant to this case.

10. In paragraph 13 the Plaintiff is grossly exaggerating the time frame, stating I should not have waited nearly a year to use a Rule 60(b). When in fact, it had only been months, not nearly a year, since the summary judgement.

11. If the court please look at the judge's responses. At NO time did he ask if there was anything else I would like to say or bring forward. He just quickly shut everything down and adjourned the court.

12. Had the lower court just taken a couple extra minutes to ask if there was anything I wanted to add, then I would have pointed out all of these issues. However, I was NOT afforded that curtesy. The Plaintiffs attorney is taking advantage of this and it just is simply wrong and unjust.

13. On another note in regards to the Michael Berg Affidavit, whom supposedly works for Sanford. None of these other cases the plaintiffs have pointed out has the SAME concerns about an affidavit.

14. The concerns of the following: the questionable authority for making an assessment, no idea on what the title of the individual, or the fact the document was not notarized. This case is DIFFERENT than the long string of cases they attempted to distract this court.

15. Citing 45 case laws is EXTREMELY excessive and a distraction to the real issues at hand in this case.

16. PLUS, as it has been mentioned that none of these other cases, did the judge flat out dismiss the Defendant and did NOT want to hear from the Defendant, like in this case. So, with that said, this case is different and should NOT be held to the same rulings as those other cases.

17. The Supreme Court has the power to interpret any and all information and decide on what the laws mean and what they were intended to represent. What happened to protecting the people from the abuse of power?

18. The Plaintiff's did not show, nor could they show that I ever lived in Minot, North Dakota, because I never did.

19. The Plaintiff's failed to provide an affidavit which bears a person, with the proper authority to transfer any money owed to the Plaintiff's.

20. I have said it before and I will state it again, I do NOT owe the money the Plaintiff's are claiming I owe.

21. It is disturbing that a mysterious person, with no title, and no real proof of working for the original creditor claims to know anything about the debts which I “supposedly” owe. And which they claim they sent notices out, in a town I never lived.

22. The bottom line is that the plaintiffs had an affidavit which is VERY questionable and raises HUGE doubt on who this person was, and IF he had the authority to transfer any documentation to any party to collect on any alleged monies owed.

23. When the judge cuts me off and rules on the motion, how am I supposed to present the many issues I had? In order to raise concerns that I had to the judge, the judge must first allow those concerns to be heard.

CONCLUSION

24. The lower court judge is supposed to be neutral and listen to both sides; however, I didn't feel he wanted to listen to anything I had to say. This is clear with the hearing only lasting 7 minutes.

25. IF the lower court judge had even cared at all about what I had to say in the hearing, I would have had the chance to bring up the issues the Plaintiffs continue to state I didn't bring up until an appeal.

26. It is also very important that the transcript does not reflect the judges' demeanor or tone during the hearing, which showed that he was NOT interested in what I had to say at all.

27. I'm sure he did not like it that I was representing myself, but I have a constitutional right to represent myself. Hiring an attorney is expensive and some people just can't afford one. I should not have to be punished for self-representation. There was no respect to me to be able to even state my case by cutting me off and disregarding what I had to say. This

hearing ONLY lasted seven (7) Minutes. The Judge never asked me if there was anything else I would like to present. He just abruptly ended the hearing.

28. The lower court judge failed to allow me to enter in any more information, he cut me off from talking to him, especially when I told him I never lived in Minot, North Dakota.

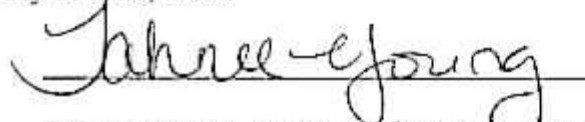
29. He failed to identify and spot the assignment flaws. The lower court should not have given any weight to the assignment, which then if there is no legal assignment the Plaintiff cannot win.

30. To put it simply, the District Court erred on many levels in this case. The Plaintiff failed to provide a notarized assignment and failed to provide any affidavit showing an assignment can be transferred to the Plaintiff.

31. Plus, the Plaintiffs had statements showing an address from Minot, North Dakota, a place where I have NEVER lived in my life.

32. Tahnee respectfully requests this Court REVERSE the District Court's Order and Judgment.

Respectfully Submitted this 10th day of June, 2020.

A handwritten signature in cursive script that reads "Tahnee Young". The signature is written in black ink and is positioned above the typed name and title.

Tahnee Young, Pro Se, Defendant/Appellant

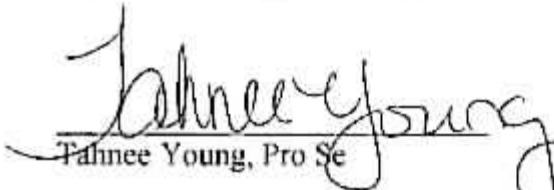
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Certificate of Service

I, the undersigned, hereby certify pursuant to Rule 5(f) of the North Dakota Rules of Civil Procedure that I served the foregoing Brief of Appellant/Cross Appellee by emailing true and correct copies of the same on June 10, 2020 to:

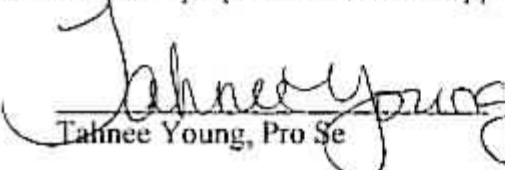
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Certificate of Compliance

The undersigned hereby certifies that the foregoing Brief of the Appellant complies with the type-volume limitations imposed by the North Dakota Rules of Appellant Procedure. The Brief of Appellant contains 7 pages with 1647 words of proportionated spaced type as counted by Microsoft Word 2010 the software used to prepare the Brief of Appellant.


Tahnee Young, Pro Se