

FILED

OCT 25 2021

NICK NICKERSON AND DONNA NICKERSON

Defendants Pro Se
28 U.S.C. § 1654

ANGIE SPARKS, Clerk of District Court
By _____ Deputy Clerk

IREIGERS

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR WELLS
FARGO ASSET SECURITIES
CORPORATION, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-7,
its successors in interest and/or assigns,

Plaintiff,

vs.

NICK NICKERSON and DONNA
NICKERSON,

Defendants

Cause No.: ADV-2013-253
Hon. Mike Menahan

**NOTICE OF STATUTORY
BRIEFING SCHEDULE**

COMES NOW, Nick and Donna Nickerson, as Defendants Pro Se per 28 U.S.C. § 1654, to notice this Court and the world at large of the statutory briefing schedule for motions as set forth in Uniform District Court Rule 2. Due to the previous premature ruling of this Court on five of our motions in March 2020, before the statutory briefing schedule was complete, and multiple premature rulings of this type throughout this lawsuit, we are compelled to file this notice to preserve our statutory right and commanded duty to respond to this motion.

Per Uniform District Court Rule 2(a) we are commanded to respond to the filing of a motion within 14 days.

Uniform District Court Rule 2

(b) Filing Briefs in Support of Motions. The moving party shall file with the court a supporting brief upon filing a motion. The brief may be accompanied by appropriate supporting documents. Except as provided in M. R. Civ. P. 56(c), within fourteen days after service of the movant's brief, the opposing party shall file an answer brief which also may be accompanied by appropriate supporting documents. Within fourteen days after service of the opposing party's answer brief, the movant may file a reply brief or

other appropriate responsive documents.

(e) When Motion Deemed Submitted. Unless oral argument is ordered, or unless the time is enlarged by the court, the motion is deemed submitted at the expiration of any of the applicable time limits set forth above. If oral argument is ordered, the motion will be deemed submitted at the close of argument unless the court orders additional briefs, in which case the motion will be deemed submitted as of the date designated as the time for filing the final brief. (emphasis added)

Additionally, M.R.Civ.P. 6(d) grants us three additional days for service by mail.

Rule 6. Computing and Extending Time; Time for Motion Papers.

(d) Additional Time after Certain Kinds of Service. When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), or (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

Rule 5. Serving and Filing Pleadings and other Papers.

(b)(2) Service in General. A paper is served under this rule by:

(C) mailing it to the person's last known address — in which event service is complete upon mailing;

HSBC's *Motion to Release Lis Pendens and Issue Sheriff's Deed* was served to us by mail on October 21, 2021. Therefore, our answer is preliminarily due on November 7, 2021. However, since November 7, 2021, is a legal holiday per MCA § 1-1-216, and MCA § 1-1-307 postpones acts of a secular nature until the next business day, our answer will be filed on or before November 8, 2021.

MCA § 1-1-216. Legal holidays and business days.

(1) The following are legal holidays in the state of Montana:

(a) Each Sunday;

MCA § 1-1-307. Postponement of day appointed for an action when it falls on a holiday or Saturday.

Whenever any act of a secular nature, other than a work of necessity or mercy, is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday or a Saturday, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.

Previous premature rulings from this Court not only deprived us of our right to respond, they prevented us from complying with the statutory dictate to respond. Codified, constitutional, common, moral, and common sense law and the truth have always been on our side in this case. If the bank or Montana Courts had stood with and for truth, the law, or justice at ANY point in

this lawsuit, this motion would not even be before this Court today. However, since it is before this Court, we reserve our right and duty to respond to it in a lawful timeframe.

Additionally, in the interest of fair play, we also notice this court that HSBC is allowed 14 days to respond to our answer, plus 3 days for service by mail if applicable, prior to a ruling being rendered.

DATED this 25th day of October, 2021


Nick Nickerson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of October 2021, I caused to be served a true and correct copy of NOTICE OF STATUTORY BRIEFING SCHEDULE by the method indicated below, and addressed to the following:

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klay@crowleyfleck.com

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight or Priority Mail
☐ Facsimile


Nick Nickerson