

SUPREME COURT OF THE STATE OF MONTANA

Yeager v. Anderson Dba Superior

2015 MT 211N (2015) · No. DA 14-0490 · Decided July 28, 2015

SUMMARY

The Montana Supreme Court affirmed the dismissal with prejudice of Michael Yeager’s complaint against Dick Anderson, Diana Anderson, and Superior Auto Body & Tow, Inc. The Court held that the District Court did not abuse its discretion by striking Yeager’s repeatedly lengthy, repetitive, confusing, and vitriolic pleadings for failure to comply with Montana Rule of Civil Procedure 8. The memorandum opinion is designated noncitable and nonprecedential.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	James Jeremiah Shea; Laurie McKinnon; Beth Baker; Patricia Cotter; Michael E. Wheat
JURISDICTION	Montana
DECIDED	July 28, 2015
DOCKET	DA 14-0490
DISPOSITION	affirmed
PROCEDURAL POSTURE	Yeager appealed the dismissal with prejudice of his fourth complaint against the appellees for failure to comply with Montana pleading requirements and the district court's prior order requiring a short and simple complaint.
STANDARD OF REVIEW	Abuse of discretion. The Supreme Court stated that it exercises caution in reviewing involuntary dismissals but will reverse only when the district court abused its discretion.
PRECEDENTIAL VALUE	Nonprecedential; memorandum opinion designated noncitable under Montana Supreme Court Internal Operating Rules.
PARTIES	Michael Yeager v. Dick Anderson, Diana Anderson, Superior Auto Body & Tow, Inc., Does 2 to 5

TOPICS

- pleadings
- motions to dismiss
- civil procedure
- appellate procedure
- standard of review

PRACTICE AREAS

civil procedure

appellate procedure

commercial litigation

remedies

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by striking Yeager's fourth complaint and dismissing the action with prejudice under Montana Rules of Civil Procedure 8 and 41(b).
2. Whether the district court's refusal to consolidate the action with the agister's lien action required reversal.
3. Whether Yeager's other appellate arguments warranted relief despite being inapplicable, unpreserved, or previously adjudicated.

HOLDINGS

1. The district court did not abuse its discretion by striking Yeager's fourth complaint and dismissing the action with prejudice because Yeager failed to make the complaint short, simple, concise, and direct after being warned and given an opportunity to amend.
2. The denial of Yeager's motion to consolidate did not require reversal because the Supreme Court had already held that denying consolidation was not an abuse of discretion.

KEY QUOTATIONS

"This Court encourages the cautious exercise of discretion in involuntary dismissal actions, but we will reverse the district court only if the court has abused its discretion in dismissing the action." (¶ 6)

"A district court "is not required to exhaust all possible sanctions prior to dismissing a case with prejudice."" (¶ 7)

"The District Court did not abuse its discretion when it dismissed Yeager's fourth complaint with prejudice." (¶ 7)

FACTUAL BACKGROUND

Superior Auto Body stored Yeager's totaled 2003 Aston Martin Vanquish at its shop for more than four years while Yeager did not pay repair or storage fees. Superior enforced an agister's lien against the vehicle, and the Supreme Court had previously upheld that lien enforcement. Yeager's later complaint asserted claims including conversion, deceit, intentional infliction of emotional distress, and breach of the covenants of good faith and fair dealing, but the pleadings remained noncompliant with Rule 8 despite the district court's warning and opportunity to amend.

PROCEDURAL HISTORY

Yeager filed an action against Superior Auto Body and related defendants on October 29, 2013. After the district court struck an amended complaint for failure to comply with Montana Rule of Civil Procedure 8 and gave Yeager 30 days to file a compliant complaint, Yeager filed a fourth complaint that the court found remained long,

repetitive, confusing, and vitriolic. The district court denied oral argument, struck the complaint, and dismissed the action with prejudice under Rule 41(b). The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Superior Auto Body & Tow, Inc. v. Yeager, 2015 MT 152N
- Nystrom v. Melcher, 262 Mont. 151, 864 P.2d 754 (1993)

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