

DA 23-0125

IN THE SUPREME COURT OF THE STATE OF MONTANA

2023 MT 207N

JADA KU,

Plaintiff and Appellant,

v.

GREAT FALLS COLLEGE MONTANA STATE UNIVERSITY,

Defendant and Appellee.

APPEAL FROM: District Court of the Eighth Judicial District,
In and For the County of Cascade, Cause No. ADV 20-0380(D)
Honorable John W. Parker, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Jada Ku, Self-represented, Great Falls, Montana

For Appellee:

B. Jennifer Glad, Montana State University, Bozeman, Montana

Submitted on Briefs: August 23, 2023

Decided: October 31, 2023

Filed:


Clerk

Justice Ingrid Gustafson delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Jada Ku appeals from the February 3, 2023 Order to Dismiss issued by the Eighth Judicial District Court, Cascade County. The District Court's order dismissed Ku's Amended Complaint for both lack of subject matter jurisdiction under M. R. Civ. P. 12(b)(1) and for failure to state a claim upon which relief can be granted under M. R. Civ. P. 12(b)(6). We affirm.

¶3 On December 1, 2020, Ku filed her Amended Complaint, which alleged she was subjected to discrimination, harassment, intimidation, and breach of confidence by Great Falls College Montana State University (Great Falls College). Ku's amended complaint requested financial damages, the dismissal of certain Great Falls College employees, and a public apology. Great Falls College moved to dismiss the amended complaint for lack of subject matter jurisdiction under Rule 12(b)(1), asserting Ku's claims were barred under the Montana Human Rights Act (MHRA) because she did not file a claim with the Human Rights Bureau within the statute of limitations and were also barred because she did not file a claim with the Department of Administration under the Montana Tort Claims Act (MTCA) prior to filing suit in the District Court. Great Falls College further asserted Ku's amended complaint failed to state a claim under Rule 12(b)(6) as it failed to allege

sufficient facts to allow Great Falls College to prepare a responsive pleading. The District Court granted Great Falls College’s motion to dismiss, finding Ku failed to comply with both the MHRA and MTCA and that her pleading failed to put forth sufficient facts to state a claim.

¶4 In her briefing on appeal, Ku generally asserts she suffered discrimination at Great Falls College due to her mental disability and is owed compensation. Ku also notes she did not follow the MHRA or MTCA because she is not a lawyer and did not know the rules or how to proceed. Ku’s briefing contains no citations to any legal authorities.

¶5 “[A] district court’s decision is presumed correct and it is the appellant who bears the burden of establishing error by that court.” *In re Marriage of McMahon*, 2002 MT 198, ¶ 7, 311 Mont. 175, 53 P.3d 1266. An appellant’s brief on appeal must raise legal errors with the district court’s order and contain citations to legal authorities in support of the appellant’s contentions. *See* M. R. App. P. 12(1)(g). “It is not this Court’s obligation to formulate arguments or locate authorities for the parties in support of their positions on appeal.” *State v. Blackcrow*, 1999 MT 44, ¶ 33, 293 Mont. 374, 975 P.2d 1253 (collecting cases). Ku has failed to articulate a legal error with the District Court’s order or cite to any legal authority in support of her contentions.¹ “While dismissal is a harsh result, it is nonetheless necessary when the utter failure to comply with the rules of appellate procedure

¹ This Court has, on more than one occasion, informed Ku of her requirement as the appellant to present a legal argument which articulates a legal error by the District Court and is supported by citations to legal authorities. *Ku v. Great Falls Pub. Library*, No. DA 21-0111, 2021 MT 273N, ¶ 4, 2021 Mont. LEXIS 841; *Ku v. Great Falls Pub. Schs.*, No. DA 21-0095, 2021 MT 274N, ¶ 4, 2021 Mont. LEXIS 842.

results in an appellate filing that can neither be comprehended by this Court or realistically responded to by the opposing party.” *In re Marriage of McMahon*, ¶ 6. Ku has failed to meet her burden of establishing error by the District Court and we affirm the court’s order of dismissal.

¶6 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review.

¶7 Affirmed.

/S/ INGRID GUSTAFSON

We concur:

/S/ MIKE McGRATH
/S/ BETH BAKER
/S/ JAMES JEREMIAH SHEA
/S/ DIRK M. SANDEFUR