

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 224

In the Matter of Emelia Hirsch Trust, June 9, 1994, Irrevocable Trust

Timothy Betz, Respondent

v.

Emelia A. Hirsch, aka Emelia Hirsch, aka
Emilia Hirsch, Carolyn Twite and Duane Hirsch, Petitioners and Appellees
and

Marlene Betz, Interested Party
and

Allen Betz, Interested Party and Appellant

No. 20220194

Appeal from the District Court of Burleigh County, South Central Judicial
District, the Honorable Bruce A. Romanick, Judge.

AFFIRMED.

Per Curiam.

Sheldon A. Smith and Tyler J. Malm, Bismarck, ND, for petitioners and
appellees Carolyn Twite and Duane Hirsch; submitted on brief.

Allen Betz, self-represented, Burnsville, MN, interested party and appellant.

Matter of Emelia Hirsch Trust
No. 20220194

Per Curiam.

[¶1] Allen Betz appeals from a district court order finding him to be a vexatious litigant and requiring him to obtain leave of the court prior to filing documents in any new or existing litigation. He claims the required procedure for issuing the vexatious litigant pre-filing order was not followed and the court erred in issuing a July 16, 2008 order reforming the Emelia Hirsch June 9, 1994, Irrevocable Trust.

[¶2] The issues Allen Betz raises related to the July 16, 2008 order are not properly before this Court. *See In re Emelia Hirsch Trust*, 2022 ND 89, ¶ 7, 973 N.W.2d 427 (holding issues related to July 16, 2008 order would not be addressed on appeal because order was not appealed and any attempted appeal was untimely). Furthermore, we affirmed the reformation order in *In re Emelia Hirsch Trust*, 2009 ND 135, 770 N.W.2d 225. Several other attempts to have the reformation order revisited have been unsuccessful. *See In re Emelia Hirsch Trust*, 2022 ND 89; *In re Emelia Hirsch Trust*, 2021 ND 142, 963 N.W.2d 259; *In re Emelia Hirsch Trust*, 2020 ND 129, 944 N.W.2d 334; *In re Emelia Hirsch Trust*, 2019 ND 264, 935 N.W.2d 255; *In re Emelia Hirsch Trust*, 2017 ND 291, 904 N.W.2d 740; *In re Emelia Hirsch Trust*, 2016 ND 217, 888 N.W.2d 205; *In re Emelia Hirsch Trust*, 2014 ND 135, 848 N.W.2d 719; *In re Emelia Hirsch Trust*, 2013 ND 63, 832 N.W.2d 334.

[¶3] “This Court reviews pre-filing orders issued under N.D. Sup. Ct. Admin. R. 58 for an abuse of discretion.” *In re Emelia Hirsch Trust*, 2022 ND 89, ¶ 10. We conclude the district court did not abuse its discretion by finding Allen Betz is a vexatious litigant and issuing the pre-filing order. We affirm the vexatious litigant pre-filing order under N.D.R.App.P. 35.1(a)(4). We order Allen Betz to pay double costs under N.D.R.App.P. 38.

[¶4] Daniel J. Crothers, Acting C.J.
Gerald W. VandeWalle
Lisa Fair McEvers
Jerod E. Tufte
Daniel D. Narum, D.J.

[¶5] The Honorable Daniel D. Narum, D.J., sitting in place of Jensen, C.J.,
disqualified.