

Patrick T. Fox
HUNT & FOX PLLP
111 N. Last Chance Gulch, Ste. 3A
Helena MT 59601
(406) 442-8552
pat@huntfoxlaw.com

Veronica A. Procter
PROCTER LAW PLLC
2718 Montana Avenue, Suite 200
P.O. Box 782
Billings, MT 59103
(406) 294-8915
vp@procterlawfirm.com

Attorneys for Amicus Curiae MTLA

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 20-0514

PAUL WILKIE,

Plaintiff and Appellant,

v.

HARTFORD UNDERWRITERS INSURANCE COMPANY, a/k/a
THE HARTFORD; RICHARD L. SPROUT; and SHAUNA SPROUT,

Defendants and Appellees.

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS*
CURIAE BY THE MONTANA TRIAL LAWYERS ASSOCIATION**

Pursuant to Mont. R. App. P. 12(7), the Montana Trial Lawyers Association (MTLA) respectfully moves the Court for leave to file a brief of *amicus curiae* in support of the position of Plaintiff and Appellant Paul Wilke, to be filed on or before the deadline for Appellant's Opening Brief. Counsel for all parties has been contacted and does not object to this motion.

Statement of Interest

MTLA is a member organization of Montana attorneys who represent litigants to secure a just result for the injured, the accused, and those whose rights are jeopardized. MTLA's purpose,¹ in part, is: to uphold and defend the constitutions of Montana and the United States; to promote the administration of justice for the public good, and to advance the cause of those who are damaged in person or property and who must seek redress. These interests are implicated by the substantive underlying dispute between the parties.

MTLA's *Amicus* Participation is Desirable

Longstanding Montana precedent supports an insurer's obligation to disclose policy limits prior to suit. Nonetheless, because the issue has not been explicitly settled, carriers continue to withhold such information from injured third parties. MTLA asserts this issue deserves substantive consideration by Montana Courts and that settlement of the law in favor of such an obligation would promote:

¹ MTLA Statement of Purpose, found at <https://www.monttla.com/?pg=who>

- equality in consumer/insurer negotiations;
- higher rates of pre-suit dispute resolution;
- more accurate claim valuations and settlement amounts;
- a reduction in civil case filings;
- increased judicial resources available for other issues; and
- a net positive effect on the public good.

Given this case's procedural history, however, the *gravamen* of this appeal is mootness. Consequently, the balance of appellate argument will necessarily focus on mootness, not the underlying dispute. The issue of mootness, however, cannot be decided without considering the underlying dispute and related policy concerns. MTLA's *amicus* involvement is desirable because it would enhance the Court's ability to evaluate the potential impacts of its decision on such policy concern.

Accordingly, MTLA should be granted leave to file a brief of *amicus curiae*.

DATED this 15th day of January, 2021.

By: /s/ Patrick T. Fox
Patrick T. Fox
HUNT & FOX PLLP
Veronica A. Procter
PROCTER LAW, PLLC
Attorneys for Amicus Curiae MTLA

CERTIFICATE OF SERVICE

I, Patrick T. Fox, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 01-15-2021:

Ian McIntosh (Attorney)
1915 S. 19th Ave
P.O. Box 10969
Bozeman MT 59719
Representing: Hartford Underwriters Insurance Company
Service Method: eService

Patrick M. Sullivan (Attorney)
1341 Harrison Ave
Butte MT 59701
Representing: Richard Sprout, Shauna Sprout
Service Method: eService

Jeffrey J. Tierney (Attorney)
35 N. Grand
P.O. Box 6580
Bozeman MT 59715
Representing: Paul Wilkie
Service Method: eService

Robert K. Baldwin (Attorney)
P.O. Box 6580
Bozeman MT 59771-6580
Representing: Paul Wilkie
Service Method: eService

Veronica Alyn Procter (Attorney)
2718 Montana Ave, Ste 200
PO Box 782
Billings MT 59101
Service Method: eService
E-mail Address: vp@procterlawfirm.com

Electronically Signed By: Patrick T. Fox
Dated: 01-15-2021