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ATTORNEY FOR PLAINTIFF

FILED

07/09/2021

FILED

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

JUL 09 2021

Case Number: DA 21-0061

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

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| DANIEL McCaul, Plaintiff vs. SOUTHWEST MONTANA COMMUNITY FEDERAL CREDIT UNION, Defendant. | CAUSE NO. DA 21-0061 MOTION, BRIEF IN SUPPORT OF MOTION AND ORDER GRANTING NEW EVIDENCE BE PRESENTED |
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BEFORE THE HONORABLE SUPREME COURT is a Motion, Brief and Brief in Support and New Documentary Evidence Records.

Upon review of Plaintiff Opening Brief, Brief in Support and NEW Documentary Evidence as referenced by exhibit within this Motion and for good cause, because of the evidence now available through by Office of Disciplinary Counsel (ODC) dated May 20, 2021, such material give rise to Plaintiff McCaul's claim of ineffective counsel by former Attorney Michael Sinks actions or lack thereof. If not for the conduct of Attorney Sinks, the result of my case being dismissed with prejudice before I had my day in court would not have engendered and Plaintiff McCaul would have not been denied his constitutional right to a Jury Trial, and Plaintiff McCaul would have been afforded his legal right to conduct discovery and under oath deposition testimonials of the Defendants.

Respectfully, Plaintiff McCaul Motions the Honorable Court to provide this new evidence now available to the Court determining in Granting Plaintiff the opportunity to have this matter reversed and remanded to the District Court and the District Court Trial Judge respectfully.

It is hereby ORDERED that Plaintiffs Motion be GRANTED and the new evidence of the ODC May 20, 2021, be part of the exhibit record.

DATED this _____ day of _____ 2021.

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BY: _____
SUPREME COURT FOR MONTANA

CERTIFICATE OF MAILING

This is to certify that the foregoing MOTION, BRIEF and BRIEF IN SUPPORT involving the May 20, 2021, ODC letter was duly served upon the opposing attorneys of record by hand delivering a true and correct copy addresses as follows, to-wit:

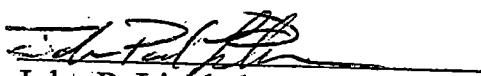
Scott D. Hagel/Ashely A. DiLorenzo, P.O. Box 759, Kalispell, MT 59903-0759

CROWLEY FLECK LAW OFFICE
via U.S.P.S Mail Services
via email to: shagel@crowleyfleck.com

Clerk of Supreme Court: Bowen Greenwood
MONTANA SUPREME COURT CLERK
via U.S.P.S Mail Services only
P.O. Box 203003
Helena, MT 59620

Office of Disciplinary Counsel (ODC) Sheena Broadwater and Shelby Streib
OFFICE OF DISCIPLINARY COUNSEL
via email only to: sbroadwater@montanaodc.org
via email only to: sstreib@montanaodc.org

DATED this 7th day of July 2021.


John P. Liebhaber

I, John P. Liebhaber do hereby certify that I placed a true and correct copy of the BRIEF, BRIEF IN SUPPORT and DOCUMENT EVIDENCE and ODC Exhibits in the United States Mail Service located in Bozeman MT to the respected parties.

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 21-0061

DANIEL McCaul,

Plaintiff and Appellant,

v.

SOUTHWEST MONTANA COMMUNITY

FEDERAL CREDIT UNION,

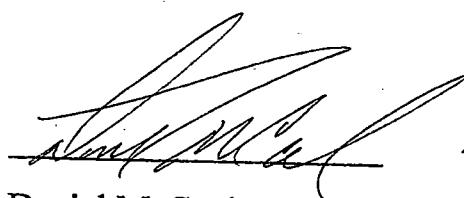
Defendant and Appellee.

CERTIFICATE OF COMPLIANCE

As required by the Supreme Court of the State of Montana Rules of Appellate Procedure, rule 11(4)(e), I, Dan McCaul, certify that the document contains 1.5 line spacing, Times New Roman typeface, 14-point size, and 445 words.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 7th day of July 2021.



Daniel McCaul

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