

Pro Se Litigant  
Dan Patrick McCaul  
P.O. Box 10396  
Bozeman, Montana 59719  
Phone: 406-490-8677  
Email: [danmccaul97@gmail.com](mailto:danmccaul97@gmail.com)

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

ATTORNEY FOR PLAINTIFF

IN THE SUPREME COURT OF THE STATE OF MONTANA

DANIEL McCaul,  Plaintiff  vs. SOUTHWEST MONTANA COMMUNITY FEDERAL CREDIT UNION,  Defendant.	CAUSE NO. DA 21-0061  <b>MOTION, BRIEF IN SUPPORT OF MOTION AND ORDER GRANTING NEW EVIDENCE BE PRESENTED</b>
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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:

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

**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

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DANIEL McCAUL,

Plaintiff and Appellant,

v.

SOUTHWEST MONTANA COMMUNITY

FEDERAL CREDIT UNION,

Defendant and Appellee.

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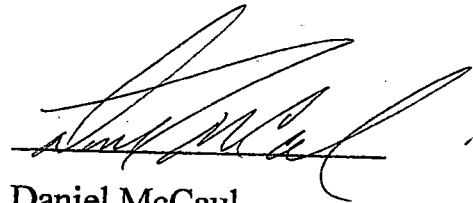
**CERTIFICATE OF COMPLIANCE**

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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 7<sup>th</sup> day of July 2021.



Daniel McCaul

*Pro Se Litigate*

P.O. Box 10396

Bozeman, MT 59719

(406) 490-8677

DanMcCaul97@gmail.com