

ORIGINAL

FILED

07/09/2021

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 21-0061

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 21-0061

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DANIEL P. McCAUL,

Plaintiff and Appellant,

v.

SOUTHWEST MONTANA FEDERAL  
CREDIT UNION,

Defendant and Appellee.

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Clerk of Supreme Court  
State of Montana

ORDER

Representing himself, Daniel P. McCaul moves this Court to allow “new evidence” to be part of this appeal. McCaul explains that he seeks to include various documents, including a personal and confidential letter from the Office of Disciplinary Counsel (ODC), about his former counsel. McCaul alleges that this “evidence” supports his claim of ineffective assistance of counsel because his complaint was dismissed in court.

McCaul appeals a January 8, 2021 Summary Judgment Order, issued in the Third Judicial District Court, where the District Court granted the underlying Defendant Southwest Montana Federal Credit Union’s motion for summary judgment in an employment termination case.

This Court reviews the filed briefs and the record of the District Court. The record is comprised of “the original papers and exhibits filed in the district court, the transcript of the proceedings, if any, and a certified copy of the docket entries . . . .” M. R. App. P. 8(1). McCaul’s motion is not well-taken. Any “evidence” that McCaul seeks to include in his appeal is outside of the record. We further point out that this case was sent to the Court on June 29, 2021, because briefing was completed. A decision will be issued in due course. Therefore,

IT IS ORDERED that McCaul’s Motion to Present New Evidence is DENIED.

The Clerk is directed to provide a copy of this Order to counsel of record and to Daniel P. McCaul personally.

DATED this 9<sup>th</sup> day of July, 2021.

For the Court,

By   
Chief Justice