

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE STATE OF MONTANA

SIMKINS-HALLIN, INC., WESTLAND ENTERPRISES, INC., SIMGRAF CORPORATION, TOM SIMKINS, RONDA SIMKINS, BRODEY SIMKINS, KORTNI (SIMKINS) HUEBNER, BILL SIMKINS, JEFFREY SIMKINS, ROSALIE SIMKINS, RICHARD SIMKINS, SIMKINS HOLDINGS, LLC, a Montana limited liability company, and SIMKINS PROPERTIES, LLC, a Montana limited liability company,

Relators,

v.

MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT,  
GALLATIN COUNTY, the Honorable Brenda Gilbert, Presiding Judge,

Respondent.

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**PETITION FOR SUPERVISORY CONTROL**

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An Original Proceeding Arising from a Ruling in the Montana Eighteenth Judicial  
District Court, Gallatin County, Cause No. DV 18-29B  
Hon. Brenda Gilbert, Presiding

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## INTRODUCTION

Plaintiffs received a copy of a surreptitious recording (the “Recording”) of a meeting held in California on May 11, 2016 between the Defendants and Janet Simkins (“Janet”), the mentally ill, and now deceased, sister of two (2) individual Plaintiffs, and a shareholder in the Plaintiff family companies. Janet committed suicide in July of 2016. The underlying litigation began following Janet’s death.

None of the Plaintiffs were involved in making the Recording and none requested that the Recording be made. Rather, another individual at the May 11 meeting, Lindsey Manning (“Lindsey”) unilaterally decided to record the conversation because of what she was hearing. Months later, Lindsey provided a copy of the Recording to Plaintiffs’ counsel and an affidavit describing what she heard and saw (the “Lindsey Affidavit”). No one disputes the Recording and Lindsey Affidavit contains evidence that is relevant in the underlying case. The Recording has been properly authenticated.

Following Defendants’ Motion *in limine* and Plaintiffs’ opposition thereto, the district court issued an Order on July 21, 2021 preventing Plaintiffs from using the Recording, anything derivative of the recording and the Lindsey Affidavit,

largely based upon a California criminal statute (the “Order”). Exhibit A [App.\_001-\_008].<sup>1</sup> The Court ordered in pertinent part:

All parties and their attorneys are hereby prohibited from referring to, arguing, interrogating any witness concerning, submitting evidence regarding, commenting upon, or otherwise mentioning at trial, whether during voir dire, opening statements, trial or closing arguments, the recording of the May 11, 2016 conversation made by Lindsey Manning, the Affidavit that was drafted directly from said recording, all transcripts of said recording, and any other evidence obtained as a result of said recording.

*Id.*, p. 7 [App.\_008].

The district court, operating under several mistakes of law, misapplied a California criminal statute to Plaintiffs, who were not part of the recording, committed no crime and did not avail themselves of the laws of California. No rule of evidence or law in Montana makes the authenticated recording inadmissible in a Montana civil proceeding.

The district court cited no authority for giving the California statute extra-territorial effect in Montana. In doing so the district court failed to enforce the plain language of Rule 402 of the Montana Rules of Evidence which makes all relevant evidence admissible unless otherwise provided by constitution, statute, the Montana Rules of Evidence or other rules applicable to Montana courts.

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<sup>1</sup> The exhibits to this Petition are set forth in the Appendix [“App.\_”] and identified by letter and bates stamp numbers at the bottom of each page.

While the Montana legislature has made certain surreptitious recordings illegal, they have not adopted the exclusionary provisions that exist in the California statute. To the contrary, this Court has expressly held the exclusionary rule “does not apply to evidence resulting from the conduct of private individuals, even if felonious, unless that conduct involves state action.” *State v. Malkuch*, 2007 MT 60, ¶¶ 12-13, 336 Mont. 219, 223, 154 P.3d 558.

This Court was asked whether a recording made in violation of Montana’s law is admissible in a civil action in *McCormick v. Brevig*, 2004 MT 179, 322 Mont. 112, 96 P. 3d 697, but declined to address the issue because the recording was not authenticated. *Id.* ¶ 73. Here, the Recording has been authenticated, is relevant, and is admissible.

It is contrary to Montana law and manifestly unjust to prevent Plaintiffs from using the Recording and the Lindsey Affidavit because of a California criminal statute when Plaintiffs were not in California, have done nothing wrong and the Recording contains relevant evidence. No legitimate policy is advanced by preventing an innocent party (Plaintiffs) from using critical relevant evidence derived from a surreptitious recording made by an independent third party.

The Order allows the Defendants to conceal from the jury Defendants’ malicious and duplicitous conduct captured by a third party. That critical evidence supports Plaintiffs’ causes of action for tortious interference and breaches of



fiduciary duty and is, therefore, relevant; without it Plaintiffs are at a significant disadvantage. Supervisory control is appropriate in order to prevent Plaintiffs from being placed at a significant disadvantage and to prevent unwarranted expenses and delays in the ultimate resolution of the litigation. The district court's Order should be reversed.

### **QUESTIONS PRESENTED BY WRIT**

1. Does a California criminal statute apply to Montana parties regarding admissibility of evidence in a Montana civil proceeding when the Plaintiffs had no contact with the state of California?

2. May a party that was not involved in the making of a surreptitious recording use relevant evidence from that recording in a civil trial?

### **STATEMENT OF CASE**

The underlying case involves, in part, alleged breaches of stock restriction and operating agreements in closely held companies owned by the Simkins family since the 1940s. Robert and Jean Simkins began the family businesses, and their interests were eventually transferred to their four children: Tom, Bill, Janet and John "Mitch" Simkins.

Mitch Simkins took his life in April of 2016. Exhibit B [App.\_009] *Plaintiffs' Opposition to Defendants' Motion in Limine* at pp. 6-7 [App.\_015-\_016]. On July

21, 2016, Janet took her life.<sup>2</sup> Following Janet's death, her probate was opened in the Eighteenth Judicial District Court as *In re Estate of Janet T. Simkins* DP 16-122A (the "Estate Matter"). The Honorable Brenda Gilbert is presiding over the underlying case and the Estate Matter. Janet suffered from severe mental illness throughout her life. Exhibit B [App.\_009] at p. 7 [App.\_016]; Exhibit C [App.\_140] at p. 2, ¶ 4 [App.\_142].

On May 11, 2016, after Mitch's death and before Janet's death, Sheryl, Shane and Kelli Simkins (Defendants) met with Janet in a hotel room and discussed, among other things, altering control of the family businesses in favor of Sheryl and her family and altering Janet's Will. Defendants worked on Janet by maligning Plaintiffs and making statements to Janet that they knew were untrue or made with reckless disregard for the truth. Lindsey was present during that meeting. Exhibit B [App.\_009] at pp. 7-9 [App.\_016-018] and Ex. 1 (Lindsey Affidavit) [App.\_030] at p. 3, ¶ 12 [App.\_032], and Exhibit C [App.\_140] at p. 5, ¶18 [App.\_145].

None of the Defendants have had anything to with the management or operation of any of the Simkins family businesses. Exhibit B [App.\_009] at p. 7 [App.\_016]. Sheryl has never been a shareholder, officer, director or employee of any of the family business and has invoked the spousal privilege, preventing her

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<sup>2</sup> Exhibit C, [App.\_140] at p. 7, ¶ 23 [App.\_147], *Findings of Fact, Conclusions of Law and Order Regarding Petition to Remove Personal Representative and Rescind Transactions* dated June 14, 2021 (the Estate Matter).

from testifying about what she might claim she heard about the businesses from Mitch. *Id.* at 7, n. 9 [App.\_016]. She had no factual basis upon which to form an opinion on any of the Plaintiffs' ability to operate any of the companies, let alone express a negative opinion. *Id.* Despite their complete lack of knowledge, Defendants manipulated Janet by making claims they knew were untrue to convince Janet to modify her Will. *Id.*, Ex 1 [App.\_030] at ¶¶ 12, 15-17, 22 [App.\_032-\_034]. The recording also reveals Sheryl was on notice as of May 11, 2016 that there were stock restriction agreements in place for one or more of the family businesses. Exhibit B [App.\_009] at pp. 8-9 [App.\_017-\_018].

Given the aggressive, manipulative, and bizarre tone and contents of Defendants' communication with Janet, Lindsey decided to start recording the conversation. Exhibit B [App. 009], Ex. 4 [App.\_062] at p. 47 [App.\_067] and pp. 116-117 [App.\_073-\_074]. She did not tell anyone in the room she was recording the conversation. Exhibit B [App.\_009] at pp. 8-9 [App.\_017-\_018] and Ex. 4 [App.\_062] at p. 47 [App.\_067] and pp. 116-117 [App.\_073-074]. Unquestionably, Sheryl knew her actions with respect to Janet were improper, as she instructed Lindsey (22 years old and like her own niece) not to tell her parents what she was witnessing. Exhibit B [App.\_009] at pp. 9-10 [App.\_018-\_019], and Ex. 3 [App.\_059-\_061], Ex. 7 [App.\_103] at p. 82 [App.\_110] and p. 182 [App.\_116],

Ex. 4 [App.\_062] at p. 71 [App.\_068], and p. 124 [App.\_075]; Exhibit C [App.\_140] at p. 5, ¶ 18 [App.\_145].

Janet revised her Will on June 28, 2016. Exhibit C [App. 140] at p. 7, ¶ 23 [App.\_147]. Sheryl stopped communicating with her thereafter. Janet took her life on July 21, 2016. *See id.* at p. 7, ¶ 23 [App.\_147].

Months after the May 11, 2016, meeting and at the urging of her parents, Lindsey voluntarily brought the recording to the Plaintiffs, through counsel. Exhibit B [App.\_009] at p. 10 [App.\_019], Ex.4 [App.\_062] at pp. 75-76 [App.\_069]. In December of 2016 Lindsey executed an Affidavit based upon her recollection of the May 2016 meeting in Los Angeles without the aid of the recording. Ex. 1 [App.\_030] & Ex. 10 (Affidavit of Brian Gallik) [App.\_136] at p. 3, ¶ 6 [App.\_138].

None of the Plaintiffs knew Lindsey was in (or going to be in) Los Angeles, none knew she would be with Janet, and none asked Lindsey to record any conversation. Exhibit B at 6 [App.\_015] and Ex. 4 at p. 32 [App.\_065], p. 47 [App.\_067], and p. 116 [App.\_073]. The duplicity and malice reflected in the recordings support their claims against the Defendants for tortious interference, breach of fiduciary duties and the corresponding punitive damages claims set forth in their Second Amended Complaint and show they had notice of the agreements at issue in this case.

After a successful motion to compel, Defendants have authenticated the recording and the corresponding transcript of the same. Exhibit B [App.\_010] at p. 11 [App.\_020] and Ex. 9 [App.\_122, \_125, \_130, \_135]. Despite this, Defendants chose the “I can’t remember” tactic when confronted with their statements or specifics (including inconsistent statements) at their depositions. Exhibit B at 11 [App.\_020], Ex. 5 [App.\_077] at p. 68 [App.\_090], p. 35 [App.\_084], p. 55 [App.\_087], and pp. 62-69 [App.\_089-\_091]. In this way, Defendants hope to avoid exposure and impeachment now that Janet is no longer available to testify about what they told her.

In summary:

1. Plaintiffs Tom, Bill, Ronda, Brodey, Kortni, Richard Simkins and Sheryl Simkins are all Montana residents, and all of the Simkins Entities are Montana corporations or Montana limited liability companies. The case is before the Eighteenth Judicial District Court;
2. Lindsey Manning recorded a part of a conversation in California between Defendants and Janet Simkins without notifying anyone else at the meeting that she was recording it;
3. None of the Plaintiffs (i) knew Lindsey was going to Los Angeles; (ii) asked Lindsey to record anything; or (iii) were at the meeting;
4. Lindsey voluntarily disclosed the existence of the recording to Plaintiffs’ counsel and provided an affidavit about what happened during the May 11, 2016 meeting from her memory of events;
5. No one contests the relevancy of what was recorded or what is contained in Lindsey’s Affidavit; and

6. The Recording has been authenticated.

After Lindsey and each of the Defendants were deposed, Defendants moved *in limine* on June 18, 2021 to prevent Plaintiffs from using at trial the Recording, the transcript of the Recording, and anything derivative of the Recording, as well as the Lindsey Affidavit. Exhibit D [App.\_166]. Their Motion largely relied on the California law that makes the Recording unlawful and inadmissible in California. *Id.* The Motion does not contest the relevancy of the Recording or the Lindsey Affidavit. *Id.* Plaintiffs opposed the motion. Exhibit B [App.\_009].

On July 21, 2021, the district court agreed with Defendants and, in a far-reaching Order, excluded the Recording and all evidence derived from that Recording. Exhibit A [App.\_001] at p. 7 [App.\_008]. The district court held the California criminal statute should apply and prevent Plaintiffs from using that relevant evidence in this Montana civil proceeding. *Id.* at pp. 6-7 [App.\_007-008].

### **SUPERVISORY CONTROL STANDARD**

Rule 14(3) M.R.App.P. governs writs of supervisory control. Though an extraordinary remedy, supervisory control

is sometimes justified when urgency or emergency factors exist making the normal appeal process inadequate, when the case involves purely legal questions, and when one or more of the following circumstances exist:

- (a) The other court is proceeding under a mistake of law and is causing a gross injustice;
- (b) Constitutional issues of state-wide importance are involved; ...

*Id.*

This Court has granted such a writ when the district court is proceeding under a manifest mistake of law on evidentiary issues for which ordinary appeal is inadequate and which will surely result in gross injustice if not immediately corrected. *See Stokes v. Mont. Thirteenth Judicial Dist. Ct.*, 2011 MT 182, ¶¶ 6-8, 361 Mont. 279, 259 P.3d 754 (district court erroneously ruled plaintiff would have to drop claim if wanted to introduce certain evidence); *Truman v. Mont. Eleventh Judicial Dist. Ct.*, 2003 MT 91, ¶ 15, 315 Mont. 165, 68 P.3d 654 (district court erroneously ruled on admissibility of evidence); *Preston v. Montana Eighteenth Judicial District*, 282 Mont 200, 936 P. 2d 814 (1997) (district court erroneously limited plaintiff's ability to gather evidence in discovery). Supervisory control is appropriate "in order to prevent a litigant from being placed at a significant disadvantage and to prevent unwarranted expenses and delays in the ultimate resolution of the litigation." *Preston*, 282 Mont. at 206, 936 P.2d at 818, *citing Plumb v. Fourth Jud. Dist. Court*, 279 Mont. 363, 927 P.2d 1011, 1016 (1996).

For the reasons set forth herein, this Court should grant exercise supervisory control and reverse the district court's Order.

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## ARGUMENT

### A. THE DISTRICT COURT IS PROCEEDING UNDER MISTAKES OF LAW RESULTING IN A GROSS INJUSTICE.

Neither the district court nor the Defendants contest the relevancy of the Recording, Lindsey's Affidavit or anything derivative of the Recording. *See* Exhibit A [App. \_001] and Exhibit D [App. \_\_166]. The relevancy of the information on the Recording is conceded and therefore not discussed in greater detail herein.

In Montana, “[a]ll relevant evidence is admissible, except as otherwise provided by constitution, statute, these rules, or other rules applicable in the courts of this state.” Rule 402 M.R.Evid. (emphasis added). Neither the district court nor Defendants cited any Montana constitutional provision nor any other Montana statute or rule that makes the evidence inadmissible. It is admissible.

No one disputes that a surreptitious recording in California or Montana can be unlawful as described in the respective states' criminal statutes. *See* California Penal Code, § 632 (“Eavesdropping on confidential communication”); and MCA § 45-8-213(1)(c) (“Privacy in Communication”). In California, assuming a recording is of a “confidential communication” as defined by § 632(c) -- which this conversation was not given Lindsey's presence -- the criminal statute precludes the use of that



evidence in “any judicial, administrative, legislative or other proceeding.” *Id.*, § 632(d).<sup>3</sup>

Montana’s criminal statute (MCA § 45-8-213) makes certain surreptitious recordings unlawful, but does not contain a similar statutory exclusion. To the contrary, the Court has consistently held that no such exclusionary rule applies.

[T]he exclusionary rule does not apply to private searches. The purpose of the exclusionary rule is to ‘deter illegal police conduct and to preserve judicial integrity.’ When private individuals act, they are likely unaware of the exclusionary rule and its application. Accordingly, the exclusionary rule does not serve to deter private individuals from engaging in searches that would be illegal if conducted by police. [T]he exclusionary rule ‘does not apply to evidence resulting from the conduct of private individuals, even if felonious, unless that conduct involves state action.

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<sup>3</sup> Lindsey was never charged or prosecuted in California, but if she had been a California court may not have found the recording to be unlawful. California’s statute requires a “*person*” to “intentionally and without the consent of all parties to a confidential communication” to “record the confidential communication.” § 632(a). The term “*person*” excludes from its reach “an *individual known by all parties* to a confidential communication to be overhearing or recording the communication.” § 632(b) (emphasis added). “Confidential communication,” in turn, “means any communication carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties thereto, **but excludes** a communication made in a public gathering . . . or in any other circumstances in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.” § 632(c) (emphasis added).

The “parties” to the “private family conversation” [App.\_0601-061] at issue were Defendants and Janet. Lindsey was not family member that had any financial interest in Janet’s Will or the ownership or operation of the Plaintiff companies – the subjects of the communications between Defendants and Janet. *See, Exhibit B* [App. 009] *Plaintiffs’ Opposition to Motion in Limine*, Ex. 3 [App.\_060- \_061]; Ex. 4 [App.\_062] at pp. 116-117 [App.\_073- \_074]. Defendants and Janet knew Lindsey was in the room and overhearing their conversation. *Id.*; § 632b. Yet Defendants took no steps to keep their communications with Janet confidential (i.e. confined to only them) a fact recognized by Sheryl when she testified “Lindsey should not have been in the room” [App.\_061] and told Lindsey to “not tell [her] parents” what she had just observed. Ex. 3 [App.\_059- \_061] In short, the Recording does not constitute a confidential communication. § 632.

*Malkuch*, 2007 MT 60, ¶¶ 12-13, quoting *State v. Long*, 216 Mont. 65, 700 P.2d 153 (1985); see also *State v. Christensen*, 244 Mont. 312, 319, 797 P.2d 893, 897(1990) (“Even though the exclusionary rule could be applied to evidence resulting from illegal private conduct, the courts have uniformly refused to do so because it would serve no purpose.”).

The evidence Defendants want excluded resulted from the actions of young woman, 22 years old, sitting in a room where she overheard and recorded a disturbing conversation between Defendants and Janet. While Lindsey’s recording may have been improper, perhaps illegal, the district court was required to look to the laws “applicable in the courts of [Montana],” not California. M. R. Evid. 402. Under Montana law, the exclusionary rule does not apply to Lindsey’s recording.

None of the Plaintiffs had anything whatsoever to do with recording the conversation on May 11, 2016 in California. However, they were provided critical relevant, authenticated evidence to support their claims and defenses and to impeach Defendants in the form of the Recording, its transcript and Lindsey’s Affidavit. There is no basis under Montana law or policy grounds for preventing an innocent party (Plaintiffs) from using such relevant evidence in a Montana civil proceeding. For example, if a third party surreptitiously recorded a father in a divorce proceeding saying he was going to manufacture a drug claim against the mother to help in a

custody dispute, there is no legitimate evidentiary or policy reason to prevent the mother from using that recording at trial to defend herself.

Because the district court is operating under a mistake of law and thereby placing Plaintiffs at a significant disadvantage, the Order creates a gross injustice that can only be remedied by supervisory control. To use the ordinary method of appeal following a trial without the Recording or the Lindsey Affidavit would create unwarranted expenses and delays in the ultimate resolution of the family dispute because excluding those pieces of relevant evidence will fundamentally change the trial of this case. A successful appeal reversing the admissibility of this evidence would require the case to be re-tried.

**B. PLAINTIFFS ARE NOT SUBJECT TO CALIFORNIA LAW AND CALIFORNIA LAW DOES NOT APPLY IN THIS PROCEEDING.**

The district court incorrectly applied a California criminal statute to Montana Plaintiffs who never went to California and never directed that anything be done in California. The Plaintiffs brought their case against the Defendants in a Montana district court. Applying the law of a foreign jurisdiction to prevent them from introducing relevant evidence violates traditional due process notions of fair play and substantial justice. Such concepts form the very foundation of when a party can be subject to the laws of a particular jurisdiction. *See Bunch v. Lancair Int'l, Inc.*, 2009 MT 29, ¶ 19, 349 Mont. 144, 202 P.3d 784 and *International Shoe Co. v.*

*Washington*, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945) (must at least have minimum contacts with forum to be subject to its jurisdiction).

Other courts that have looked at applying another state's laws on surreptitious recordings have determined they have no extraterritorial effect. *See MacNeill En'g Co. Inc. v. Trisport Ltd.*, 59 F. Supp 2d. 199, 202 (D. Mass 1999) (statute on secret recordings have no extraterritorial effect); *Warrington v. Warrington*, 2021 WL 1264425 at 3 and 5, 2021 U.S. Dist. LEXIS 66531 (D. N. H. April 6, 2021) ("general rule" that "restrictions in one state's consent surveillance statute will not be given extraterritorial effect").

The district court erroneously applied law from a foreign jurisdiction to prevent Plaintiffs from introducing relevant evidence in a Montana proceeding.

**C. THE RECORDING HAS MANY EVIDENTIARY PURPOSES. THE ORDER EXCLUDING EVIDENCE *IN LIMINE* IS MANIFESTLY OVERBROAD.**

This Court has yet to resolve the question of when, if ever, a party may use a recording obtained in violation of MCA § 45-8-213(1)(c) ("Privacy in Communication"). The Court declined to reach the issue when presented in *McCormick v. Brevig*, 2004 MT 179, 322 Mont. 112, 96 P. 3d 697, because the recording there was not authenticated. *Id.* ¶ 73. The Recording here has been authenticated.

Plaintiffs respectfully submit that such recordings should be permitted in civil actions where the party seeking admission did not participate in creating the improper recording. Such a ruling is consistent with this Court's holdings that the exclusionary rule does not apply in civil cases. *Malkuch*, 2007 MT 60, ¶¶ 12-13; *Christensen*, 244 Mont. at 319, 797 P.2d at 897.

The Recording and Lindsey Affidavit have been properly authenticated through the discovery process and Defendants' admissions. *See* Rule 901 M.R.Evid. The excluded evidence can be used to impeach Defendants and challenge their credibility. Rule 607 M.R.Evid. and Rule 613(b) M.R.Evid. It can also be used to help refresh any witness's recollection. Rule 612 M.R.Evid. None of these avenues of use should be precluded. Evidence admissible for any reason should not be excluded *in limine*. *BNSF Ry. Co. v. Quad City Testing Lab'y, Inc.*, 2010 WL 4337827, at \*1, 2010 U.S. Dist. LEXIS 113888 (D. Mont. Oct. 26, 2010) ("To exclude evidence on a motion in limine the evidence must be inadmissible on all potential grounds".)

### **CONCLUSION**

The district court is operating under a mistake of law, resulting in a gross injustice. Plaintiffs request the Court grant this writ of supervisory control and reverse the district court's decision in the Order.

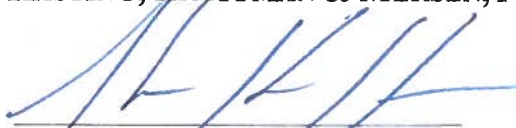
RESPECTFULLY SUBMITTED this 9th day of August, 2021.

**GALLIK, BREMER & MOLLOY, P.C.**



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## **CERTIFICATE OF COMPLIANCE**

Pursuant to the Montana Rules of Appellate Procedure, I hereby certify that this Brief is printed with proportionately-spaced Times New Roman typeface of 14 points; is double spaced except for lengthy quotations or footnotes, and does not exceed 4,000 words [3799], including footnotes, but excluding the Tables of Contents, the Table of Authorities, Certificate of Service and Certificate of Compliance, as calculated by Microsoft Word software.

Dated this 9th day of August, 2021.

GALLIK, BREMER & MOLLOY, P.C.



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By: Brian K. Gallik

## CERTIFICATE OF SERVICE

I certify that I served the foregoing Petition and the following Appendix with Exhibits upon the following by emailing an electronic copy (to be followed by first class mail) to:

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By: Corrie Larson



## **CERTIFICATE OF SERVICE**

I, Brian K. Gallik, hereby certify that I have served true and accurate copies of the foregoing Petition - Writ to the following on 08-09-2021:

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Service Method: eService

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Representing: Tom Simkins, Ronda Simkins, Brodey Simkins, Kortni Huebner, Bill Simkins, Rosalie Simkins, Jeffrey Simkins, Richard Simkins

Service Method: eService

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Representing: Self-Represented

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Electronically signed by Corrie Larson on behalf of Brian K. Gallik  
Dated: 08-09-2021