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IN THE SUPREME COURT OF THE STATE OF MONTANA
OP 22-0023

CHARLES DANIEL SMITH, Plaintiff-Appellant, v. CHARTER COMMUNICATIONS, INC., Defendant-Appellee.	MONTANA TRIAL LAWYERS ASSOCIATION’S MOTION FOR LEAVE TO APPEAR AS <i>AMICUS CURIAE</i>
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The Montana Trial Lawyers’ Association (“MTLA”) respectfully requests the Court to grant it leave to submit an *amicus curiae* brief in this matter. In support of its motion, MTLA states as follows:

1. MTLA’s Interest.

MTLA is a member organization of approximately 500 Montana attorneys who represent litigants to secure a just result for the injured, the accused, and those whose rights are jeopardized. Its members represent claimants injured in

negligence actions, premises liability claims, governmental liability claims, products liability actions, insurance matters and employment issues including wrongful discharge suits. MTLA periodically appears in the Montana Supreme Court as *amicus* in cases involving these issues.

MTLA is interested in this matter because the resolution of the certified question will affect the interests and claims of Montanans who have been wrongfully terminated from their employment.

2. Issues Upon Which MTLA Wishes to Submit an *Amicus* Brief.

MTLA seeks to submit an *amicus* brief regarding the applicability of the 1999 amendments to the “Termination Letter Rule.” This rule excludes collateral reasons for discharge not cited in an unsolicited termination letter.

3. An *Amicus* Brief is Desirable.

This case raises important issues regarding admissible evidence in wrongful discharge claims. The decision will have broad implications and could upset what many members and district courts have considered settled law.

4. Identity of the Party Whose Position MTLA Supports.

MTLA supports the position of Plaintiff-Appellant.

5. The Parties' Position Regarding MTLA's Participation as *Amicus*.

The parties have been contacted regarding MTLA's participation as *amicus*. There is no objection to MTLA's participation from the Plaintiff-Appellant. The Defendant-Appellee has not responded.

6. The Date MTLA's *Amicus* Brief Can Be Filed.

Amicus counsel is prepared to file the brief by the date set by this Court for the Plaintiff-Appellant to file his opening brief.

WHEREFORE, based on the foregoing, MTLA respectfully requests leave from the Court to participate in this matter as *amicus curiae*. A proposed order to allow MTLA's participation is submitted herewith.

RESPECTFULLY SUBMITTED this 24th day of March 2022.

MONTANA TRIAL LAWYERS ASSOCIATION

By: /s/ Justin P. Stalpes
BECK AMSDEN & STALPES, PLLC

Attorneys for Amicus MTLA

CERTIFICATE OF SERVICE

I, Justin P. Stalpes, hereby certify that I have served true and accurate copies of the foregoing Motion - Amicus to the following on 03-24-2022:

Eric E. Holm (Attorney)
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Service Method: Conventional

Electronically signed by Natalie Phillips on behalf of Justin P. Stalpes
Dated: 03-24-2022