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*Attorney for Plaintiff*

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Cause No. 22-0701

HUBERT TWO LEGGINS	)	
	)	District Court No. DV-2020-44
Plaintiff/Appellant	)	
vs.	)	<b>NOTICE</b>
	)	
MARK GATRELL	)	
	)	
Defendant/Appellee.	)	
	)	

Appellant Hubert Two Leggins has appealed a judgment that awarded him \$3,702.00 in compensatory, punitive, and costs after a twelve person jury decided that Appellee Mark Gatrell assaulted and battered him. Gatrell Notice, Ex. 1. Appellee Gatrell, who has an insurance policy covering the costs of this litigation, has asked the Court to appoint a mediator *pro bono* pursuant to Rule 7(4)(f) because “the money judgment in this case does not exceed \$5,000[.]” Notice at 2.

While Plaintiff also seeks to save financial resources, it is unclear whether the Court should appoint a mediator *pro bono* under Montana Rule of Appellate Procedure 7(4)(f), which states:

The parties shall share the mediator's fee and incidental expenses equally. However, in money judgment cases where there is \$5,000 or less at issue and the judgment is for \$5,000 or less, any mediator appointed by the clerk of the supreme court under section (4)(d) shall serve pro bono, and the mediator's incidental expenses shall be shared equally by the parties.

Gatrell's notice did not address the language of the rule that requires \$5,000 or less to be "at issue" before a mediator is appointed pro bono. Appellant Two Leggins sought an award of millions of dollars and will seek a new trial on appeal, in part because the district court violated § 27-1-221(7)(c), MCA. In other words, much more than \$5,000 is at issue and it is unclear whether a mediator should be appointed to serve pro bono.

Respectfully submitted this 21<sup>st</sup> day of December, 2022.

/s/ John Meyer  
JOHN MEYER

*Attorney for Appellant Two Leggins*

## **CERTIFICATE OF SERVICE**

I, John Phillip Meyer, hereby certify that I have served true and accurate copies of the foregoing Mediation - Selection of Mediator to the following on 12-21-2022:

Thomas C. Bancroft (Attorney)  
2619 St. Johns Ave., Suite E  
Billings MT 59102  
Representing: Mark Gatrell  
Service Method: eService

Randall George Nelson (Attorney)  
2619 St. Johns Ave., Suite E  
Billings MT 59102  
Representing: Mark Gatrell  
Service Method: eService

Martha Sheehy (Attorney)  
P.O. Box 584  
Billings MT 59103  
Representing: Mark Gatrell  
Service Method: eService

Electronically Signed By: John Phillip Meyer  
Dated: 12-21-2022