

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Cause No. 22-0257

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CHARLES SPRAGUE, by and through Paulette Sprague, and PAULETTE  
SPRAGUE,

Plaintiffs, Counterclaim Defendants, and Appellees,

v.

TIM BEARD,

Defendant, Counterclaim Plaintiff, and Appellant.

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**UNOPPOSED MOTION OF MARK LANCASTER TO WITHDRAW AS  
COUNSEL OF RECORD FOR APPELLANT TIM BEARD**

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On Appeal from the Montana First Judicial District  
Court, Lewis and Clark County,  
The Honorable Michael McMahon Presiding

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APPEARANCES:

Mark Lancaster  
Element Law Group, PLLC  
PO Box 1144  
Helena, MT 59624-1144  
Phone: (406) 513-1075  
mark@elementlawgroup.com

COUNSEL FOR DEFENDANT,  
COUNTERCLAIM PLAINTIFF,  
AND APPELLANT

David B. Gallik  
Gallik Law Office, PLLC  
1124 Billings Ave  
Helena, MT 59601  
Phone: (406) 443-0009  
dave@galliklaw.com

COUNSEL FOR DEFENDANT,  
COUNTERCLAIM DEFENDANT and  
APPELLEE

COMES NOW, attorney Mark Lancaster (“Lancaster”), counsel of record for Appellant Tim Beard (“Beard”) and presents this motion seeking an order allowing his withdrawal as counsel. Counsel for Appellee Paulette Sprague has been contacted and does not object to this motion.

Pursuant to Mont. R. App. P. 16(1), the grounds for this motion are that Lancaster is terminating his association with his law firm, and leaving the private practice of law, on April 28, 2023. As such, he will no longer be in private practice at the time when any other work for Beard, particularly the possible filing of a reply brief in support of Beard’s appeal, will be ripe. The order or relief Lancaster seeks is an order recognizing his withdrawal, including pursuant to the procedures of Mont. Code Ann. § 37-61-403(2). That statute allows withdrawal of counsel, on motion, after notice to a client.

Pursuant to Mont. R. App. P 16(3), the issue presented is that Lancaster will no longer be associated with his law firm, or practicing law in private practice, when the next action by Beard (the filing of any appellant’s reply brief) is allowed. Lancaster has provided written notice to Beard that the engagement agreement under which Lancaster has served as Beard’s counsel will terminate on April 28, 2023, and that the only remaining action for Lancaster to take in this matter is protective steps regarding Beard’s position, such as obtaining more time related to deadlines. Lancaster has also taken, and will continue to take, steps to help Beard

identify any possible successor counsel. As noted above, the relief sought is an order recognizing Lancaster's withdrawal as counsel of record for Beard.

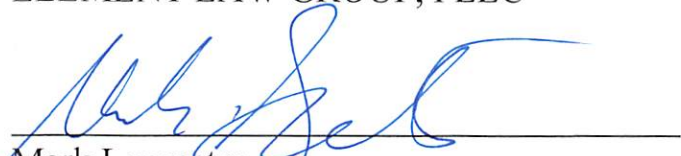
For the convenience and information of the parties, the Court, and the Clerk of Court, Tim Beard's last known name and contact information are as follows:

Tim Beard  
4440 Browns Gulch Road  
Helena, MT 59602  
Telephone: 406-439-6373

Again pursuant to Mont. R. App. P. 16(1), a proposed order is being lodged with the Court at the time of the filing of this motion.

Dated this 11<sup>th</sup> day of April, 2023.

ELEMENT LAW GROUP, PLLC

  
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Mark Lancaster  
*Attorney for Tim Beard*

## CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion is in a proportionally spaced typeface of 14 points and does not exceed 1,250 words, as set forth in Mont. R. App. P. 16(3).

Dated this 11<sup>th</sup> day of April, 2023.

  
\_\_\_\_\_  
Mark Lancaster

## CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing MOTION OF MARK LANCASTER TO WITHDRAW AS COUNSEL OF RECORD FOR APPELLANT TIM BEARD with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing upon the Clerk of the District Court and each attorney of record as follows:

### BY ELECTRONIC SERVICE

David B. Gallik  
Gallik Law Office, PLLC  
1124 Billings Ave  
Helena, MT 59601

Dated this 11<sup>th</sup> day of April, 2023.

  
\_\_\_\_\_  
Mark Lancaster

## **CERTIFICATE OF SERVICE**

I, Mark Lancaster, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 04-11-2023:

David B. Gallik (Attorney)  
1124 Billings Avenue  
Helena MT 59601  
Representing: Charles Sprague, Paulette Sprague  
Service Method: eService

Electronically Signed By: Mark Lancaster  
Dated: 04-11-2023