

BRIAN M. LEB SOCK (MONTANA BAR NO. 13196)

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POST & LEB SOCK, PLLC

201 W. MAIN ST., SUITE 101

MISSOULA, MT 59802

(406) 926-3418

Attorney for Respondent/Appellant

IN THE SUPREME COURT OF THE STATE OF MONTANA

Appeal No. DA-23-0160

ERIKA DAWN PETERSEN-WEILACHER,

Petitioner/Appellee,

-v-

SCOTT MATTHEW WEILACHER,

Respondent/Appellant.

**MOTION TO ADMIT COUNSEL R.
SHANE JOHNSON *PRO HAC VICE***

Respondent/Appellant Scott Matthew Weilacher moves the Court to permit the appearance *pro hac vice* of counsel R. Shane Johnson. Mr. Johnson has submitted his application to appear *pro hac vice* to the State Bar of Montana, and that application has since been forwarded to the Supreme Court. See Pro Hac Vice Application, Certificate of Good Standing, and Letter from Montana Character and Fitness attached hereto as **Exhibit 1**. Mr. Johnson has complied with all requirements to be admitted as *pro hac vice* counsel for Respondent/Appellant Scott Weilacher, and Mr. Weilacher requests that the Supreme Court approve the application, admit Mr. Johnson *pro hac vice*, and permit his appearance as counsel in this matter and the matter being appealed from, *Erika Dawn Petersen-Weilacher v. Scott Matthew Weilacher*, 11th District Court, Flathead County, Cause No. DR-15-2023-33.

DATED this 24th day of April, 2023.

/s/ Brian M. Lebsock [electronic signature]

Brian M. Lebsock

Attorney for Respondent/Appellant Scott Weilacher

CERTIFICATE of SERVICE

This is to certify that on the 24th day of April, 2023 a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

Erika Dawn Petersen (aka "Weilacher")
(LKA) 553 Trumbull Canyon Rd.
Columbia Falls, MT 59912

- ☐ Hand Delivery
- ☒ U.S. Mail
- ☐ Overnight Mail
- ☐ Facsimile
- ☐ e-File

/s/ J. Reed

Exhibit 1

<i>Atty Status</i>	<i>Jurisdiction(s)</i>
_____	_____
<i>Discipline</i>	_____
<i>Appearance: Applicant</i> _____ <i>Firm</i> _____	
<i>MT Attorney</i> <i>SBM</i> _____ <i>ODC</i> _____	

(Boxes for State Bar use only.)

<i>Application Number</i>	
<i>Date Received</i>	<i>Staff Initials</i>
<i>Fee Paid</i>	<i>Check No.</i>
<i>Date Sent to Court or Agency</i>	

STATE BAR OF MONTANA
P.O. Box 577, Helena, MT 59624
Street Address: 33 S. Last Chance Gulch, Suite 1B, Helena, MT 59601
Telephone: (406) 442-7660
Fax: (406) 442-7763

PRO HAC VICE APPLICATION

The original application must be submitted to the State Bar of Montana with a fee of **\$515.00** for each *pro hac vice* appearance requested **and** a certificate of good standing from each state the attorney is a member of.

1.

Russell Shane Johnson	801-656-8061	shane@utahdefense.com
Applicant's Name	Phone	E-Mail
2.

R. Shane Johnson, PLLC (DBA Utah Defense)
Firm Name (List all firm(s) with which you are associated.)
3.

24 D Street	Salt Lake City	Utah	84103
Office Address	City	State	Zip
4.

24 D Street	Salt Lake City	Utah	84103
Residence Address	City	State	Zip
5. List the name, address, and telephone number of the active member of the State Bar of Montana who is the attorney of record in the case for which this application is being made.

Brian Lebsock	(406) 926-3416
Attorney & Firm Name	Daytime Phone Number
201 West Main Street	Missoula
Address	City
	State
	Zip
6. List all state and federal courts in which you have been admitted to practice and the dates of admission **and provide certification of good standing for each State only. Do not** include *pro hac vice* admissions.

A. State Courts: Utah Supreme Court (certificate of good standing attached)

B. Federal Courts: United States District Court for the Central District of Utah

7. Are you currently suspended, disbarred, or otherwise not licensed to practice in any of the above courts? If so, attach copies of all relevant court documents or disciplinary documents. ☐ Yes ☒ No
8. Are you subject to pending disciplinary proceedings in any jurisdiction? ☐ Yes ☒ No
If so, attach a description of the nature and status of each pending disciplinary proceeding.
9. Do you maintain a residence in Montana? ☐ Yes ☒ No
10. Are you regularly employed in Montana? ☐ Yes ☒ No
11. Are you regularly engaged in the practice of law or in substantial business or professional activities in Montana? ☐ Yes ☒ No
12. Do you have an application for admission to the State Bar of Montana pending? ☐ Yes ☒ No
13. List the title of each state court and cause in Montana in which you **OR YOUR FIRM** have filed an application to appear as counsel pro hac vice, the date of each application, and whether it was granted or denied. (Do not list Federal court pro hac vice appearances.)

List the current title, court, and cause number for which you are applying.

- | Title, Court, Cause # | County | Date | Granted: (Yes, No) |
|--|--------|------|--------------------|
| A. Previous Cases: <u>None</u> | | | |
| | | | |
| | | | |
| | | | |
| B. CURRENT Case: (please include County) <u>Erika Dawn Petersen ("Weilacher") v. Scott Matthew Weilacher, 11th Judicial District, Flathead County, Cause No. DR-15-2023-33 on appeal to the Montana Supreme Court, Cause No. DA-23-0160.</u> | | | |

14. I agree to comply with the applicable statutes, laws, and procedural rules of the State of Montana. I further agree to be bound by the Montana Rules of Professional Conduct (except as to Rules 6.1-6.4) and will submit to the jurisdiction of the Montana courts, the Montana disciplinary process, and the State Bar of Montana with respect to acts and omissions occurring during admission under this application.
15. I understand that a lawyer not admitted to practice in Montana is subject to the disciplinary authority of Montana for conduct that constitutes a violation of the Montana Rules of Professional Conduct and that: a) involves the practice of law in Montana by that lawyer; or b) involves that lawyer holding himself or herself out as practicing law in Montana; or c) involves the practice of law in Montana by another lawyer over whom this lawyer has the obligation of supervision or control.
16. I state that payment has been made to the State Bar of Montana in accordance with the requirements of Section IV of the Rules for Admission and in accordance with the requirements of Rule 6 of the Rules for Lawyer Disciplinary Enforcement.
17. I understand I have an on-going obligation to advise the State Bar of Montana and court/administrative agency if my standing or status changes in any of the jurisdictions in which I am admitted during the term of my pro hac vice admission.

18. I agree to provide the State Bar of Montana with the court or administrative agency's order to grant or deny this application. (All applications will be counted as an appearance unless the State Bar of Montana is advised the application was denied by the Court.)
19. I agree to notify the State Bar of Montana of any appeals if the case is referred to a higher court. (If the above action proceeds to a court of higher jurisdiction, I understand the appealed case will not be counted as an additional appearance.)
20. I agree to provide current certificates of good standing from the jurisdiction(s) in which I am admitted.
21. I understand that the \$515.00 assessment is an annual assessment and agree to promptly pay the assessment as long as this proceeding is pending before a Montana administrative agency or any Montana court (except federal court).

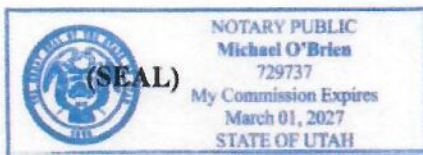
State of Utah

County of Salt Lake

The above statements are true based upon applicant's knowledge and belief. Further, I agree to submit to the pro hac vice rules, the Montana Rules of Professional Conduct, and the Montana Rules for Lawyer Disciplinary Enforcement.

[Signature] 3/20/23
Signature of Applicant Date

Subscribed and sworn to (or affirmed) before me this 20 day of March, 2023.



Notary Signature: [Signature]
Printed Name of Notary: Michael O'Brien
Notary Public for the State of: Utah
Residing in: 455 E South Temple, SLG UT
My commission expires: 3/1/27

ATTACH: Certificate(s) of Good Standing
\$515.00 Pro Hac Vice Fee

Rules and information about pro hac vice are available on the State Bar's website at www.montanabar.org. Please direct questions to Sean O'Connor: soconnor@montanabar.org or (406) 447-2204.



Terms and Conditions (Remitter and Payee):

- * Please keep this copy for your record of the transaction
- * The laws of a specific state will consider these funds to be "abandoned" if the Cashier's Check is not cashed by a certain time
 - Please cash/deposit this Cashier's Check as soon as possible to prevent this from occurring
 - In most cases, the funds will be considered "abandoned" before the "Void After" Date
- * Placing a Stop Payment on a Cashier's Check
 - Stop Payment can only be placed if the Cashier's Check is lost, stolen, or destroyed
 - We may not re-issue or refund the funds after the stop payment has been placed until 90 days after the original check was issued
- * Please visit a Chase branch to report a lost, stolen, or destroyed Cashier's Check or for any other information about this item

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CASHIER'S CHECK**

Customer Copy

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03/17/2023

Void after 7 years

Remitter: R SHANE JOHNSON PLLC

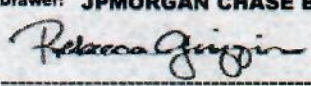
\$** 515.00 **

Pay To The Order Of: STATE BAR OF MONTANA

Memo: _____

Note: For information only. Comment has no effect on bank's payment.

Drawer: **JPMORGAN CHASE BANK, N.A.**
NON NEGOTIABLE

HOLD DOCUMENT AT ANGLE TO VIEW ARTIFICIAL WATERMARK ON BACK		CASHIER'S CHECK		HOLD DOCUMENT AT ANGLE TO VIEW ARTIFICIAL WATERMARK ON BACK	
CHASE		Date 03/17/2023		1059217113 91-2 1221	
Remitter: R SHANE JOHNSON PLLC		Void after 7 years			
Pay To The Order Of: STATE BAR OF MONTANA					
Pay: FIVE HUNDRED FIFTEEN DOLLARS AND 00 CENTS				\$** 515.00 **	
Do not write outside this box		Drawer: JPMORGAN CHASE BANK, N.A.			
Memo: _____					
Note: For information only. Comment has no effect on bank's payment.		Rebecca Griffin, Chief Administrative Officer JPMorgan Chase Bank, N.A. Phoenix, AZ			

1059217113 122100024 758661417

CERTIFICATE OF GOOD STANDING

This document expires 60 days from the date of issuance

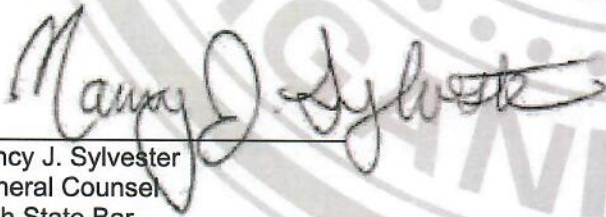
Issued on 3/8/2023

To Whom it May Concern:

Re: CERTIFICATE OF GOOD STANDING for R. Shane Johnson

This is to certify that R. Shane Johnson, Utah State Bar No. 14217 was admitted to practice law in Utah on 10/16/2012.

R. Shane Johnson is currently an ACTIVE member of the Utah State Bar in good standing. "Good standing" is defined as a lawyer who is current in the payment of all Bar licensing fees, has met mandatory continuing legal education requirements, if applicable, and is not disbarred, presently on probation, suspended, or has not resigned with discipline pending, from the practice of law in this state.



Nancy J. Sylvester
General Counsel
Utah State Bar

No.2023 -1009048

verify by email at cogsrequest@utahbar.org



COMMISSION ON CHARACTER AND FITNESS OF THE SUPREME COURT OF THE STATE OF MONTANA

33 S. Last Chance Gulch, Suite 1B • P.O. BOX 577 • HELENA, MONTANA 59624
(406) 442-7660 Fax (406) 442-7763 Web Site: www.montanabar.org

April 19, 2023

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P.O. Box 1131
Helena, MT 59601

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seanconnor@montanabar.org

Russell Shane Johnson
R. Shane Johnson, PLLC (DBA Utah Defense)
24 D. Street
Salt Lake City, UT 84103

Mr. Johnson:

This letter is to confirm receipt of your application to appear *pro hac vice* in an action or proceeding in the State of Montana. Except upon a showing of good cause, no attorney or firm may appear *pro hac vice* in more than two actions in any state court or administrative agency in Montana. **This is the 1st appearance for you and the 1st appearance for your firm.**

A copy of your application has been forwarded to the court or agency indicated on your application. This letter is not an approval of your appearance, since the court or agency is the entity who will determine whether to grant or refuse your application. In most courts, an attorney seeking to appear *pro hac vice* will need to file a motion and proposed order accompanied by this confirmation letter from the State Bar of Montana. You may contact the clerk's office if you need further information on your application status or have specific filing questions. Upon receipt, please provide a copy of the court's order to the State Bar of Montana.

An attorney appearing *pro hac vice* is subject to the jurisdiction of the Montana courts with respect to Montana laws governing the conduct of attorneys to the same extent as an attorney admitted to practice in the courts of this state. These rules can be found on our website at <http://www.montanabar.org>.

Please feel free to contact me if you have any questions at (406)447-2204.

Sincerely,

Sean O'Connor
Bar Admissions Assistant

cc: Brian Lebsock