

ORIGINAL

FILED

05/20/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: pr 25-0001

FILED

IN THE SUPREME COURT OF THE STATE OF MONTANA

MAY 20 2025

PR 25-0001

Bowen Greenwood
Clerk of Supreme Court
State of Montana

DAN PATRICK McCAUL, an Individual

Cause No.:DV-20-314C

Plaintiffs,

vs.

EVERDAWN CHARLES an individual,
KATHERINE ARGENTO an individual
MITCH HANSON an individual, and
POSITIVE FORCE, INC., a Montana
corporation d/b/a KELLER WILLIAMS
MONTANA REALTY, ABC
CORPORATION 1-5; and DOES 1-5,

Defendants,

**PLAINTIFFS PETITION FOR
REHEARING AND
REDETERMINATION OF JUDGE
AMY EDDY PREVIOUS ORDER(S).**

1. **PUNITIVE DAMAGES**
2. **GENUINE ISSUES OF
MATERIAL FACT(S)**
3. **NEGLIGENCE, AND
NEGLIGENCE PER SE, AND
DUAL AGENCY ERROR(S).**
4. **REQUEST FOR ORAL
ARGUMENT HEARING SO
THAT JUDGE EDDY CAN
FULLY EXPLAIN HER
RULINGS, ACTIONS,
IN ACTIONS AND CONDUCT**
5. **VACATE JUNE 9 TRIAL SO
PLAINTIFF CAN CONDUCT
DISCOVERY**

To The Honorable Cory Swanson, Chief Justice, Montana Supreme Court

Dear Chief Justice Swanson,

Plaintiff's Petition for Rehearing and Redetermination is well-founded, particularly given Judge Eddy's **May 13, 2025, Order** acknowledging **genuine issues of material fact**. Under **Montana Rule 20**, a petition for rehearing is appropriate when:

1. The court **overlooked a material fact** relevant to the decision.
2. The court **failed to address a decisive legal question** presented by counsel (Per Se Litigant-McCaul).
3. The decision **conflicts with a statute or controlling precedent**.

Plaintiff makes a strong case for reconsideration of punitive damages, particularly given Judge Eddy's **contradictory rulings**. Under **Montana Code Annotated § 27-1-221**, punitive damages may be awarded when a defendant is found guilty of **actual fraud or actual malice**.

To reinforce my argument:

Judicial Ruling on Plaintiff's First Amended Complaint: Plaintiff's former attorney, **Michael Rabb**, (*currently under criminal indictment and awaiting trial for operating a Ponzi scheme*) presented the **First Amended Complaint**, which was later ruled **deficient** by **Judge Amy Eddy** for failing to adequately plead **punitive damages**. As a result, the claim for punitive damages was **diminished and ultimately dismissed**.

PLAINTIFF'S MOTION FOR REDETERMINATION AND AWARD OF PUNITIVE DAMAGES

Plaintiff **Dan Patrick McCaul** respectfully moves for **redetermination and reconsideration** of punitive damages in **McCaul v. Charles, Cause No. DV-20-314C**, citing judicial inconsistency and newly acknowledged material factual disputes.

I. Contradiction in Judicial Rulings

Judge Eddy previously **denied Plaintiff's punitive damages claims**, yet in her **May 13, 2025, Order**, she acknowledged that **genuine issues of material fact exist**. This contradiction raises serious concerns about the **premature dismissal** of punitive damages and warrants reconsideration.

II. Legal Basis for Punitive Damages Under Montana Law

Under **Montana Code Annotated § 27-1-221**, punitive damages may be awarded when a defendant is found guilty of:

1. **Actual malice** – Deliberately disregarding facts that create a high probability of injury.
2. **Actual fraud** – Making false representations or concealing material facts to deprive Plaintiff of legal rights.

Plaintiff submits that Defendants engaged in **fraudulent misrepresentation and intentional misconduct**, warranting punitive damages.

III. Request for Judicial Redetermination

Plaintiff respectfully requests that this Court:

1. **Reconsider the denial of punitive damages** in light of newly acknowledged factual disputes.
2. **Allow Plaintiff to amend pleadings** to assert a claim for punitive damages, as permitted under § 27-1-221(5), MCA.
3. **Ensure that punitive damages are properly evaluated** based on clear and convincing evidence.

Accordingly, the critical issues of material fact in this case are as follows:

- **Document Authenticity:** Plaintiffs and others are left unable to determine which documents are genuine and which are known to be falsified, forged, or fraudulently manufactured.
- **Authenticity of Representation Statements and Under-Oath Deposition Testimony:** Plaintiffs and other involved parties are currently unable to determine the authenticity of statements and under-oath deposition testimonies made by Defendant Charles and Argento. While some statements may be genuine, others are suspected to be false or perjured, requiring further scrutiny to establish their credibility and legal validity.
- **Perjured Testimony and False Statements in an Official Investigation:** Plaintiffs and other parties have identified multiple instances of false statements and perjured under-oath testimonies provided to the Gallatin County Sheriff's Department during an official investigation. While some instances of perjury are evident, others will require plaintiffs to challenge the credibility of specific testimonies, particularly where they obstruct justice.
- **Earnest Money Evidence:** The June 27, 2019 text messages between Defendant Charles and his employee, Defendant Argento, clearly demonstrate that the Keller Williams Earnest Money Receipt Form dated July 8, 2019, is fraudulent. This conclusion is

supported by the accompanying emails from June 27, which prove that Defendant Argento had already taken possession of my \$2,500 earnest money check on June 24.

- **MAR Dual Agent Form:** The evidence also shows that the October 2019 MAR Dual Agent Relationship Consent Disclosure Form is fraudulent. When I sought to lease a condo unit in July and August of 2019, the MAR representative confirmed that no such document existed at that time; indeed, this form did not emerge and **did not exist until April 2020—11 months after** the lease/rental transaction with Keller Williams had already failed.
 - **Authenticity of the October 2017, March of 2018, October of 2019 Forged Buy/Sell Contract and “Dual Agency” Relationships/Consents Disclosures and Related Testimonies:** Plaintiffs and other involved parties are currently unable to verify the authenticity of statements and under-oath deposition testimonies made by Defendant Charles and Argento. While some statements may be genuine, others are suspected to be and are known-to-be false or perjured, necessitating further scrutiny to establish their credibility and legal validity.

Additionally, the known-to-be forged blank, unsigned Buy/Sell contract from October 2017, March 2018, October 2019 raises concerns regarding fraudulent misrepresentation and potential legal violations

Both **Charles and Argento** testified before the **Gallatin Association of Realtors (GAR) Ethics Committee** and the **Gallatin County Sheriff's Department (GCSD)** Investigating Officer, Detective Nicholas Redburn that *(they) did not practice dual agency*, and that they were not my real estate agent(s). Their statements were significant in determining liability and ethical violations.

- **Agency Relationship:** there was evidence—such as contracts, communications, or actions—that indicated they were acting as **undisclosed-unlawful dual agents**, their testimony might be **misleading or false**.

- On one hand, the agents in the blank-unsigned buy/sell contracts, represent they are **not dual**, and had testified to the GAR/GCSD Detective they **do not practice-dual agency**
- On the second hand, the known-to-be-fraudulent March 2018 and October 2019 “Dual Agency” Relationship/Consents Disclosure represent that (they) do practice dual-agency.
- **Defendant Misconduct:** Furthermore, genuine issues of material fact extend to the conduct of all Defendants, including Defense Counsel P. Brad Condra and Rachel Parkin. Their actions (and inactions) include, but are not limited to:
 - Destroying evidence;
 - Altering, tampering with, fabricating, forging, and falsely manufacturing documents;
 - Engaging in collusion, conspiracy, and conspiracies to conspire;
 - Perjury, witness tampering, witness coercion, fraud, actual fraud, actual malice, and additional misconduct.

Allegations of Document Tampering and Fraudulent Manufacturing: During questioning by the investigating detective, Attorney P. Brad Condra was asked to explain the **duplicate Bates stamping errors**, which contained **completely different documents** than those originally assigned to the same Bates stamp numbers. Additionally, Condra was asked to clarify the now-confirmed **Montana Association of Realtors (MAR) October 2019 Dual Agency Disclosure**.

In response, Condra testified that the **altering, tampering, and fraudulent manufacturing of forged real estate documents and business forms** was allegedly the result of actions taken by both **Defense Counselors P. Brad Condra and Rachel Parkin**. Condra further claimed that he, Attorney Parkin, and the Milodragovich Law Office possessed a **Bates stamping program** capable of **magically altering, tampering with, and manufacturing false and fraudulent real estate documents and bogus business records**. These statements raise serious concerns regarding **fraudulent misrepresentation, document forgery, and potential violations of Montana law**.

The magic of this program, Your Honor, is that the Defense Counselors Bates Stamping Program can tamper with the creation, alteration, and submission of the documents to the court.

The **Gallatin County Sheriff's Department's Confidential DOJ Audio Recording Interviews and Findings of Facts Report** revealed previously undisclosed testimony from **Defendant Realtors and Defense Counselor P. Brad Condra**, this could significantly impact the legal proceedings. The fact that this information remained unknown for **three years** raises concerns regarding **concealment, potential perjury, and procedural fairness**.

- **Ethical and Legal Implications:** their statements were knowingly false, it could raise concerns about **misrepresentation, fraud, or even perjury**, depending on the nature of the hearing.
- **Impact on my Case:** If their testimony influenced the committee's decision, and has continued to influence the Gallatin County Sheriff's Department decision also. Which is why the plaintiffs have **challenged such and had demanded their false statements be corrected** in a legal setting.

The following took place:

- Charles testified to the GAR's ethics committee that (she) was *not my agent,
- Argento testified to the GAR's committee that (she) was also *not my agent,
- The first and only time that the Plaintiffs had been or ever was informed that the reason for the failed (Lease/Rental) had failed, was because there were never any signed or agreed upon contracts.

The **false testimony** provided during the **GAR Ethics Committee hearing** influenced both the committee's decision and the **Gallatin County Sheriff's Department's** actions; it could have significant legal implications.

- **Impact on Law Enforcement Decisions:** If the sheriff's department relied on this testimony in making determinations, it might be possible to challenge their conclusions

based on **misrepresentation or fraud**.

- **Legal Recourse:** The plaintiffs have formally demanded corrections, they may need to present **evidence contradicting the false statements** and demonstrate how these inaccuracies affected their legal standing.
- **Proving False Allegations in Court:** The Courts require a structured approach to disproving allegations, often relying on inconsistencies in statements and motives behind the false testimony.
- **Legal Remedies for False Accusations:** These false statements have caused reputational or financial harm, legal actions such as defamation (libel or slander), malicious prosecution, or intentional infliction of emotional distress.
- **Fighting False Allegations in Court:** The Defense strategies include challenging the credibility of the accuser, cross-examining witnesses, presenting expert testimony, and filing pretrial motions to suppress unreliable evidence that has already occurred against and towards Plaintiffs McCaul in this case.

Case Precedents: In **Briggs v. Gallatin County Sheriff's Office (2020)**, the court addressed legal claims against the sheriff's office, highlighting how procedural errors and misrepresentations can impact legal outcomes.

Statement Regarding Document Restoration and Contract Authenticity

During her November 8, 2019 interview with the Detective, the defendant's attorney, P. Brad Condra, testified to the Investigating Officer that all previously destroyed documents had been restored. However, the plaintiff asserts that this claim is both impossible and implausible, as the defendants have never produced the signed **Lease/Rental Option to Purchase contract** that was executed by the contracting parties.

Instead, blank, unsigned Buy/Sell contracts were fraudulently manufactured—either by Defendant Argento or another party—to support the defendants' false narrative that no Buy/Sell contracts had ever been agreed to or signed. Given Attorney Condra's testimony on November 8, 2019, before the Gallatin County Sheriff's Department, the plaintiff demands to know: **Where is the signed June 7, 2019 Lease/Rental Option to Purchase contract that was allegedly**

restored?

Justification for Punitive Damages

Given the Defendants' calculated misconduct and fraudulent actions, punitive damages are not only warranted but necessary. Such damages serve two critical purposes:

- **Punishment:** Holding Defendants accountable for their willful misrepresentations, destruction of evidence, and obstruction of justice.
- **Deterrence:** Preventing future defendants from employing similar deceptive tactics, delay strategies, and unlawful defenses to escape liability.

Refined Petition for Rehearing and Redetermination

Chief Justice Swanson,

Plaintiff **Dan Patrick McCaul** respectfully moves for **rehearing and redetermination** regarding the recusal of **Judge Amy Eddy** in **McCaul v. Charles, Cause No. DV-20-314C**.

I. Basis for Rehearing Under Montana Rule 20

Plaintiff submits that rehearing is warranted because:

Plaintiff **Dan Patrick McCaul** respectfully submits this motion to address **Judge Amy Eddy's reliance on subjective testimony** in **McCaul v. Charles, Cause No. DV-20-314C**, which directly contradicts objective physical evidence.

Judicial Reliance on Subjective Testimony Contrary to Evidence

Plaintiff has repeatedly sought clarification from **Judge Amy Eddy and Ms. Linda Reid** regarding **who conducted judicial research** leading to determinations that conflict with **physical evidence**. Despite Plaintiff presenting clear, objective proof, Judge Eddy continues to accept the **subjective testimony of Defendants and Defense Counselor P. Brad Condra**, despite its **contradictions and apparent falsehoods**.

II. Failure to Require Verification of Testimony

Plaintiff submits that Judge Eddy's acceptance of unverified testimony—without requiring **Defendants or their Counselors to substantiate claims**—undermines the integrity of the proceedings. Notably:

- **Testimony regarding Authentisign software functionality** remains unverified.
- Defense Counselor **P. Brad Condra's statements contradict available digital records**, yet were relied upon in judicial determinations.
- Judge Eddy's **failure to reconcile discrepancies** in evidence **suggests bias** in favor of Defendants.

III. Procedural Implications & Request for Judicial Review

Plaintiff respectfully requests that this Court:

1. **Review Judge Eddy's reliance on subjective testimony** despite contradictory evidence.
2. **Require Defendants and Defense Counselors to substantiate claims** regarding contested facts.
3. **Reconsider judicial rulings impacted by unverified testimony**, ensuring factual accuracy.
4. **Grant Plaintiff's renewed motion for judicial recusal** based on demonstrated bias.
5. **Judge Eddy's May 13, 2025, Order acknowledges genuine issues of material fact**, contradicting her prior ruling **denying Plaintiff's punitive damages claims**.
6. The Court **overlooked the procedural impact** of Judge Eddy's prior orders, which **prevented Plaintiff from filing timely motions under Montana Code Annotated § 3-1-805**.
7. The Court's decision **conflicts with established Montana law**, which mandates judicial disqualification when impartiality is reasonably questioned.

IV. Request for Judicial Redetermination

Given these circumstances, Plaintiff respectfully requests that this Court:

1. **Grant rehearing** to reconsider the denial of Plaintiff's motion for recusal.
2. **Redetermine the necessity of judicial disqualification**, given Judge Eddy's procedural inconsistencies.
3. **Appoint a new district judge** to preside over this matter to ensure fairness and due process.

Plaintiff submits that the interests of justice require **judicial accountability** and reconsideration of prior rulings to uphold procedural fairness.

On **May 13**, Plaintiff received the Order from this Honorable Court, wherein the Plaintiff's request for recusal of Judge Eddy was **denied**. Judge Eddy assumed jurisdiction of the Eighteenth Judicial District Court, Gallatin County, following the recusal of Judge John C. Brown after four years of failing to rule on any motions submitted by either the Plaintiff or Plaintiff's counsel, **Alex Roots and James Kommers**.

Plaintiff submits that **the interests of justice require Judge Eddy's recusal**, for the following reasons:

Montana Code Annotated § 3-1-805, which governs judicial disqualification for cause:

Plaintiff's Motion for Recusal

Plaintiff respectfully moves and demands for the recusal of the Honorable Judge Amy Eddy from presiding over **McCaul v. Charles, Cause No. DV-20-314C**, on the following grounds:

- 1. Continuity of Procedural Obstruction**

Judge Eddy has effectively continued the procedural limitations imposed by Judge John C. Brown, who presided over this matter for four years without ruling on a single motion submitted by Plaintiff or Plaintiff's counsel.

- 2. Denial of Plaintiff's Right to File Motions**

Judge Eddy previously issued an order preventing Plaintiff from filing **any** motions before her until **May 1, 2025**. This restriction has severely prejudiced Plaintiff's ability to comply with **Montana Code Annotated § 3-1-805**, which mandates a **30-day prior notice** requirement for judicial disqualification motions.

- 3. Violation of Plaintiff's Right to Due Process**

The procedural constraints imposed by Judge Eddy have placed Plaintiff in an untenable position, effectively **denying access to timely judicial relief** and obstructing Plaintiff's ability to seek recusal in accordance with Montana law.

- 4. Violation of Plaintiff's Constitutional Right to be Heard**

The procedural constraints imposed by Judge Eddy have placed Plaintiff in an untenable position, effectively **denying access to timely judicial relief** and obstructing Plaintiff's ability to seek recusal in accordance with Montana law.

PLAINTIFF'S MOTION FOR RECONSIDERATION DUE TO VIOLATION OF CONSTITUTIONAL RIGHT TO BE HEARD

Plaintiff **Dan Patrick McCaul** respectfully submits this motion for **reconsideration and judicial redetermination** in **McCaul v. Charles, Cause No. DV-20-314C**, based on **violations of Plaintiff's constitutional right to be heard**.

I. Denial of Procedural Access and Judicial Relief

Judge Amy Eddy imposed procedural restrictions that **prevented Plaintiff from filing motions for recusal and other critical requests**, thereby obstructing Plaintiff's ability to seek relief in accordance with **Montana Code Annotated § 3-1-805**. These restrictions:

- **Denied Plaintiff the ability to file timely motions.**
- **Prevented Plaintiff from accessing judicial remedies** necessary for due process.
- **Placed Plaintiff in an untenable legal position**, undermining fundamental fairness.

II. Constitutional Violation – Right to Be Heard

Under the **Fourteenth Amendment** and Montana's constitutional principles, litigants are **entitled to be heard** in judicial proceedings. Judge Eddy's prior rulings:

1. **Effectively denied Plaintiff's right to present arguments** before the court.
2. **Created procedural obstacles** that barred Plaintiff from seeking recusal in compliance with state law.
3. **Failed to uphold judicial neutrality**, reinforcing the need for judicial reassignment.

III. Request for Immediate Judicial Review and Relief

Plaintiff respectfully requests that this Court:

1. **Recognize the violation of Plaintiff's constitutional right to be heard.**
2. **Reconsider prior rulings and procedural restrictions that obstructed Plaintiff's access to relief.**
3. **Grant Plaintiff's motion for judicial disqualification** due to demonstrated procedural bias.
4. **Appoint a new district judge** to ensure impartiality and fairness in the proceedings.

On **May 13, 2025**, Plaintiff received an Order from this Honorable Court **denying** the request for recusal of Judge Eddy. However, Plaintiff submits that the circumstances surrounding this denial require reconsideration.

1. Procedural Barriers Preventing Timely Motion Filing

Plaintiff was previously restricted by **Judge Amy Eddy's order**, which prevented Plaintiff from filing **any motions** in the District Court until **May 1, 2025**. As a result, Plaintiff was **legally and procedurally barred** from submitting a formal motion for recusal **30 days in advance**, as required under **§ 3-1-805, MCA**.

2. Inability to Comply with Montana's Recusal Statute

Because Plaintiff was **only allowed to file motions beginning May 1, 2025**, it was **impossible** for Plaintiff to satisfy **the statutory 30-day notice requirement** for judicial disqualification. This restriction effectively denied Plaintiff the ability to seek recusal in accordance with Montana law until now.

3. Suspicious Timing of Judicial Orders

Plaintiff contends that **Judge Eddy's prior ruling** directly resulted in a **procedural disadvantage**, preventing Plaintiff from filing motions in the timeframe necessary to ensure judicial fairness. This restriction has raised serious concerns regarding impartiality and fairness, warranting reconsideration of recusal.

4. Motion to Vacate Jury Trial Date

In light of these circumstances, Plaintiff filed a motion on **May 12, 2025**, seeking Judge Eddy's recusal and requesting that the scheduled **June 9, 2025 jury trial** be vacated. Given the procedural barriers imposed by Judge Eddy's prior order, Plaintiff respectfully requests that this Court **reconsider its denial** and grant this motion.

Plaintiff submits that the interests of justice require the removal of Judge Eddy from this case to ensure that Plaintiff's rights under Montana law are upheld.

Plaintiff **Dan Patrick McCaul** respectfully renews his request for the recusal of **Judge Amy Eddy** and urges this Court to appoint a **new district judge** to preside over **McCaul v. Charles, Cause No. DV-20-314C**.

Judge Eddy's **actions, inactions, and procedural rulings** have demonstrably prejudiced Plaintiff and have obstructed Plaintiff's ability to pursue relief in accordance with Montana law. Specifically:

1. Pattern of Judicial Bias and Procedural Manipulation

Judge Eddy's rulings, including the lightning-fast **May 13, 2025, Order**, reflect a pattern of **prejudicial decision-making** that has placed Plaintiff in an impossible legal bind. Plaintiff respectfully submits that when judicial errors and procedural obstructions persist in a manner that **denies fairness and impartiality**, these actions cannot be viewed as **mere oversight**—they must be addressed as **intentional judicial misconduct**.

2. Request for Immediate Judicial Reassignment

To preserve the integrity of the judicial process and uphold Plaintiff's fundamental rights, Plaintiff **formally requests the appointment of a new district judge** to preside over this matter. Plaintiff has attached the **May 13, 2025, Order** as evidence of Judge Eddy's improper rulings and procedural obstructions.

Plaintiff respectfully requests that this Court act in the interests of justice and fairness by removing **Judge Amy Eddy** from this case and appointing a **new district judge** to hear the matter.

Plaintiff's Legal Strategy Against a Rule 50(a) Motion

I. Standard for Rule 50(a) Motion (Montana Rule of Civil Procedure)

Defendants may argue that **no reasonable jury** could rule in favor of Plaintiff, seeking dismissal before the case is submitted to the jury. To counter this, Plaintiff must:

- Show that **genuine issues of material fact** remain. (*Judge Eddy through her recent May 13, Order has since confirmed they do*)
- Demonstrate that **sufficient evidence exists** to justify jury deliberation.
- Reinforce that the Court/Judge Eddy after having assumed jurisdiction and having already issued premature rulings since assuming this case, **FINALLY** on May 13, 2025 has since found **material factual disputes**, denying Defendants' **summary judgment motion**.

II. Key Arguments to Oppose Defendants' Rule 50(a) Motion

1. Plaintiffs Established Dual Agency Violations as Negligence Per Se

- Montana law recognizes **negligence per se** when a party violates a statute intended to protect individuals from harm.
- **Montana real estate law** governing dual agency and fiduciary duties and how that Defendants failed to disclose or properly manage agency relationships, violating their **statutory duties**.
- **Montana Consumer Protection Act** shows that Defendants used intentionally willful, wanton and intentional acts of deception and deceit to dupe the Plaintiffs and deceive the Gallatin County Sheriffs Departments Investigating Detective Redburn

2. Evidence of Dual Agency Misconduct

- The factual inconsistencies between Defendants' testimony and **contractual documents** appears to have never been seen by Judge Amy Eddy, **or in the alternative were intentionally ignored**.
- The known-to-be misrepresentations made by Defendants that **misled** Plaintiff during the transaction.
- Plaintiffs have shown Defendants **prioritize conflicting interests**, breaching their fiduciary duties. (*Again, either Judge Eddy did not see the evidence documents, or she intentionally ignored them*)

3. Reinforce That a Jury Must Weigh Factual Disputes

- Montana courts have repeatedly held that **issues involving intent, deception, and fiduciary breaches are fact-driven** and should go before the jury.
- Cite case law where **similar violations** were determined by a jury rather than dismissed pre-trial.
- Emphasize Plaintiff's **right to have a jury evaluate credibility** in light of factual disputes.

4. Address Defendants' Likely Arguments for Dismissal

- If Defendants argue that Plaintiff lacks direct evidence of harm, counter with legal precedent showing that **dual agency breaches inherently result in harm** due to conflict of interest.
- If Defendants claim the misconduct was unintentional, argue that **intent is not necessary for negligence per se** and that Montana law holds agents strictly accountable under statutory duties.

I. Judicial Inconsistency Regarding Genuine Issues of Material Fact

Judge Eddy **prematurely denied Plaintiff's punitive damages claims**, yet has now admitted that **genuine issues of material fact exist**. This contradiction raises serious concerns about the **accuracy and fairness** of prior rulings. If material factual disputes exist, then the premature denial of punitive damages was **procedurally improper** and warrants reconsideration.

II. Misrepresentation of the Authentisign Software Issue

Judge Eddy previously ruled that the **Authentisign software dispute** had been **exhaustively discussed**, which is demonstrably **false**. Plaintiff submits that:

- Judge Eddy **admitted to being in error** regarding this issue.
- The **Defendants and Defense Counselors**, who claim expertise in using the platform, were **never required to demonstrate or prove** the accuracy of their claims.
- **Defense Counselor P. Brad Condra's testimony** during the **April 18 motion for partial summary judgment** remains **unverified**, yet was relied upon in judicial decision-making.

III. Request for Judicial Review and Reconsideration

Plaintiff respectfully requests that this Court:

1. **Reevaluate Judge Eddy's prior rulings** in light of her own admission of error.

2. **Require Defendants and Defense Counselors to substantiate their claims** regarding the Authentisign software.
3. **Consider the appointment of a new district judge** to ensure impartiality and procedural fairness.

Plaintiff submits that the interests of justice require **judicial accountability** and a fair review of these procedural inconsistencies.

Plaintiff **Dan Patrick McCaul** respectfully moves for the **disqualification of Judge Amy Eddy**, citing judicial inconsistency and procedural unfairness in **McCaul v. Charles, Cause No. DV-20-314C**.

I. Acknowledgment of Genuine Issues of Material Fact

Judge Eddy has **admitted** that there are **genuine issues of material fact** in this case, yet she continues to **deny Plaintiff's fact-finding motions**, obstructing the ability to gather and present critical evidence. This contradiction raises serious concerns about judicial impartiality.

II. Procedural Bias and Denial of Due Process

Despite recognizing legitimate factual disputes, Judge Eddy **refuses to hear or grant fact-finding motions** necessary for Plaintiff's case. Such actions **deny Plaintiff the opportunity** to present relevant evidence and violate Plaintiff's right to a fair trial.

III. Motion for Judicial Disqualification Must Be Enforced

Given the procedural inconsistencies, Plaintiff submits that **the motion to disqualify Judge Eddy is NOT VOID and must be GRANTED** to ensure fairness and justice. Judicial bias, whether intentional or inadvertent, must not dictate the outcome of these proceedings.

IV. Formal Request for a New Presiding Judge

To uphold the principles of judicial fairness, Plaintiff **formally requests** that this Court:

1. **Order the disqualification of Judge Amy Eddy** from this matter.
2. **Appoint a new district judge** to preside over this case to ensure due process.
3. **GRANT Plaintiffs Petition for Rehearing and Redetermination** for the following:
 - 1) **Punitive Damages Awards** in favor of Plaintiff Dan Patrick McCaul
 - 2) **Genuine Issues of Material Fact(s)** be reviewed because of Judge Amy Eddy's or (someone else) continuous errors.
 - 3) **Dual Agency error(s)**, on Negligence and Negligence *Per Se*.

- 4) Request for Oral Argument Hearing on all arguments, so that Judge Amy Eddy can fully explain her suspicious and unusual rulings, her actions, inactions and conduct.
- 5) VACATE the 5-day June 9, 2025, Trial, so that Plaintiff McCaul can once and for all conduct investigation, discovery, deposition that have been and were wrongfully denied by Judge Amy Eddy

Plaintiff submits that justice demands an **impartial adjudicator**, and failure to address these concerns would undermine public confidence in the fairness of Montana's judicial system.

DATED this **17th** day of May 2025.

Respectfully submitted,

By: 

Dan Patrick McCaul

Pro Se Attorney for Plaintiff

CERTIFIED MAILING TO SUPREME COURT
THE HONORABLE CHIEF JUSTICE, CORY SWANSON
7021-0950-0002-0084-9339

CERTIFICATE OF SERVICE

This is to certify that the foregoing document was served this **17th** day of May 2025,
upon the parties whose names and addresses by the following means.

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7021-0950-0002-0084-9339

Courtesy Copy:

The Honorable Judge Amy Eddy
The Honorable Chief Justice of the Montana Supreme Court

Attachment- Plaintiffs May 14, 2025, Request for Rehearing