

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Cause No. DA-25-0273

Clifford B. Irwin  
Irwin Law Office, P.C.  
P.O. Box 9437  
736 South 3<sup>rd</sup> St. West  
Missoula, MT 59807  
clifford.irwin@gmail.com  
Telephone: (406) 541-8533  
Attorney for Appellant Daniel Whitby

DANIEL THOMAS WHITBY, Appellant,  v.  REINA IRENE CAZABAL-BOE, Appellee.	<b>RESPONSE TO MOTION TO STRIKE</b>
--	---

Appellant Daniel Whitby, by and through counsel of record Clifford B. Irwin of Irwin Law Office, P.C., hereby responds to and opposes Appellee Reina Cazabal-Boe's ("Reina") *Motion to Strike*, filed on July 28, 2025.

Counsel for Appellant does not have any record of Counsel for Appellee reaching out on July 18, 2025, to determine Appellant's position on this motion.

Appellee does not cite any authority to support her motion.

Appellee confuses confidential material with privileged material.

Parties to an adoption proceeding are not prohibited from sharing information about the adoption with others. It is the general public that is restricted from inquiring about the contents of the adoption proceeding on their own without the consent of one of the parties. Thus, Daniel is free to share the contents of the adoption proceeding with his lawyer, his family, his friends, and the Montana Supreme Court.

Furthermore, the fact that an adoption is in progress as a direct result of the order from the district court that is at issue on this appeal is relevant and necessary for the Montana Supreme Court to understand the severe gravity Daniel's position. If he loses this appeal, he may have his parental rights terminated in the adoption proceeding, which would inevitably lead to another appeal on more or less the same issue: the District Court's wrongful denial of any substantive parenting time and denial of any hearing for the opportunity to have substantive parenting time.

Appellee fails to identify any prejudice that would befall her client or the minor child.

Appellee's *Motion to Strike* should be denied. A proposed order is submitted herewith.

DATED this 8<sup>th</sup> day of August, 2025.

IRWIN LAW OFFICE, P.C.

/s/ Clifford B. Irwin

Clifford B. Irwin

## **CERTIFICATE OF SERVICE**

I, Clifford B. Irwin, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 08-08-2025:

Brianne E. Radovich (Attorney)  
926 Main Street, Suite 9  
Billings MT 59105  
Representing: Reina Irene Cazabal-Boe  
Service Method: eService

Electronically Signed By: Clifford B. Irwin  
Dated: 08-08-2025