

**IN THE SUPREME COURT OF THE STATE OF MONTANA**  
**Supreme Court Cause No. DA 25-0838**

*Pro Se Litigant*

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**FILED**

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Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

*Attorney for Plaintiff Dan McCaul*

**IN THE MONTANA SECOND JUDICIAL DISTRICT COURT OF THE STATE OF**  
**MONTANA, SILVER BOW COUNTY**

DAN PATRICK MCCAUL,

*Plaintiffs,*

v.

WELLS FARGO BANK, N. A. and WELLS  
FARGO & COMPANY; JOY OTT;  
MICHAEL CONLON; JENICA HELD; and  
RHONDA M. CEBULSKI; and  
JOHN DOES 1-25,

*Defendants.*

) No. DV-23-280

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**NOTICE OF APPEAL**

**NOTICE** is given that Dan Patrick McCaul, the Appellant above-named and who is the Plaintiff in that cause of action filed in the Second Judicial District Court, in

and for the County of Silver Bow, as Cause No. DV-23-280, hereby appeals to the Supreme Court of the State of Montana from the Ruling entered therein on November 26, 2025.

### **Notice of Appeal**

Appellant/Plaintiff **Dan Patrick McCaul** hereby provides notice of his intent to appeal the District Court's dismissal of his civil litigation claims against the Wells Fargo Defendants.

This appeal is based upon **plain errors** contained in the District Court's November 26, 2025 Order which has wrongfully dismissed Appellant/Plaintiff McCaul's civil claims, and misstates the timeline of the history between the parties and improperly applies the statute of limitations.

### **Reasons for Appeal**

#### **Count 1 – Breach of Contract**

- The District Court erred and had failed to recognize that nowhere in the illegal or lawful checking/savings account opening or signature cards—whether forged or legitimately signed—do the contracts inform or disclose to Appellant/Victim Dan McCaul that Wells Fargo or its employees would engage in dishonesty, commit crimes, or perpetrate criminal acts.

On **page 2 of the Court Order**, the ruling is **in part correct and in part in plain error**.

His Honor, or someone who prepared the Order, erred when they wrongfully misinterpreted that Appellant/Plaintiff **McCaul is not the real party in interest and cannot prosecute claims on behalf of his business**.

While it is true that claims belonging solely to a business entity must be prosecuted by that entity, the Court failed to account for the **causation and effects—the causal link—between the illegal business checking/savings and debit/credit card openings perpetrated by Defendant Jenica Held and those illegal Consumer checking/savings accounts and illegal debit/credit cards** opened under:

- **Dan McCaul**
- **Cheri McCaul (ex-spouse)**
- **Connor Lee McCaul (deceased son)**

As a **Pro Se litigant**, and with **full authority via divorce decree**, Plaintiff McCaul can prosecute the claims:

- For himself;
- For his now ex-spouse, Cheri McCaul; and

- On behalf of and for his deceased son, Connor Lee McCaul.

These claims are properly characterized as **Consumer Violations**, not merely business claims, and therefore fall within Plaintiff's standing and authority to prosecute.

Stated differently, **Chief Justice Swanson, Appellant/Victim McCaul can and will bring new and separate causes of Consumer Actions** on behalf of and for:

- **Cheri L. McCaul** (ex-spouse, with authority granted via divorce decree),  
and
- **Connor L. McCaul** (deceased son, with authority to prosecute claims arising from consumer violations tied to his identity thefts and illegal accounts).

These causes of action are distinct from any business claims and are properly characterized as **consumer violations**, directly arising from the illegal account openings and misuse perpetrated by Defendant Jenica Held.

- The **business claims** that are known to be fraudulent, and therefore fall outside Plaintiff's standing and authority to prosecute, are precisely what the **former County Attorney, Kelli Fivey, failed to prosecute**

- **These same claims are what the present County Attorney, Matt Enrooth, should be—and should have already—prosecuted, given that Wells Fargo Bank has already deemed the illegal business checking/savings and debit/credit card account openings by Defendant Jenica Held to be illegal and criminal.**

According to Wells Fargo Bank's **Fraud and Identity Theft Division Supervisors Humberto, Flavio, and Lead Supervisor Paige**, the following crimes were confirmed during their investigation of Defendant **Jenica Held**:

1. **16 to 30 Counts of Actual Fraud**
2. **16 to 30 Counts of Actual Malice**
3. **16 to 30 Counts of Actual Identity Theft**
4. **16 to 30 Counts of Misuse of Dan Patrick McCaul's Identity** (business accounts)
5. **16 to 30 Counts of Misuse of Cheri Lee McCaul's Identity** (business accounts)
6. **4 to 6 Counts of Actual Identity Theft** involving Dan Patrick McCaul's and Cheri Lee McCaul's identities (consumer accounts)
7. **1 to 2 Counts of Actual Identity Theft** involving Dan Patrick McCaul's and Connor Lee McCaul's identities (consumer accounts)

8. **30 to 80 Counts of Theft, Theft by Deception, and Theft by Embezzlement**, all perpetrated by Defendant Jenica Held and:
9. **80 to 123 Counts of Forgeries** of Plaintiff Dan McCaul, Cheri McCaul and Connor McCaul signatures spanning years.

In total, **371 known Counts of crimes and criminal acts** have been **verified and quantified** by Wells Fargo Bank's own **Fraud and Identity Theft Division Experts**. These counts encompass both **personal (consumer accounts)** and **business accounts** crimes and criminal acts, all of which have been confirmed to have been perpetrated by Defendant **Jenica Held**.

Further, the Court—or someone who prepared the Order—**wrongfully dismissed** Appellant/Victim McCaul's claims, thereby **violating my constitutional rights to due process** to prosecute **civil consumer claims**, by **misinterpreting or miscategorizing the "history between the parties timeline."**

This misinterpretation improperly deprived Plaintiff of his right to:

- Present and prosecute valid **consumer claims**;
- Have those claims adjudicated on their merits **rather than dismissed on procedural mischaracterization**;

- Preserve the record of misconduct and financial harm sustained over the relevant timeline.

These **multiple errors and factual misrepresentations** are the reason why Appellant/Victim McCaul is copying the **MMIA and Montana Tort Defense insurance and investigative authorities** in this communication: to ensure proper investigation of Plaintiff McCaul and three (3) **Butte, Montana Whistleblowers**.

These whistleblowers previously brought these matters to the attention of:

- **BSB County Attorney Sam Cox**
- **Eileen Joyce**
- **Butte Silver Bow Sheriff's Department**

The record must reflect that these reports were made in good faith, and that the dismissal of Plaintiff's claims ignored both the whistleblower timeline and the prosecutorial failures that followed.

These *protected whistleblower report disclosures* were made as early as **2017**, again in **2018**, through **2019**, and continuing into **2020**.

County Attorney **Matt Enrooth** has **personal and direct knowledge** of these matters, because it was **Kelli Fivey** who referred the **\$27,000 unexplainable disappearance** and additional unaddressed monies belonging to Plaintiff McCaul

to Matt Enrooth while he was working in the **Anaconda County Attorney's Office**.

To this day, Plaintiff McCaul has **never received any report** from Kelli Fivey regarding Matt Enrooth or the Anaconda County Attorney's Office joint investigation into these missing funds.

Meanwhile, Defendant **Rhonda Cebulski** had been:

- Fired from **Wells Fargo Bank**
- Fired from **U.S. Bancorp**
- Employed at **Summit Valley Title Company**, which was owned and operated by Deputy County Attorney **Molly Mafei**

This sequence of events underscores the entrenched "**Good Old Boy County Club Network**" that has shielded misconduct and obstructed accountability for decades.

- This error made it appear that Appellant McCaul had no legal standing to pursue and prosecute the known-to-be 4-to-8 illegal Consumer account violation, separate from the frauds, forgeries and identity theft(s), but,

**Count 2 – Whistleblower Retaliation / False Claims Act**

- The District Court erred and had failed to recognize that since **January 8, 2023**, Appellant/Victim/Plaintiff McCaul has awaited action by the Butte–Silver Bow County Attorney’s Office to file a Whistleblower Retaliation and False Claims Act complaint.
- Wells Fargo’s own **Fraud/Identity Theft Department** confirmed misconduct by **Jenica Held** in **2022 and 2024**, establishing that the acts were not speculative but documented by the Defendant’s own compliance supervisors.
- The District Court erred by failing to recognize the prosecutorial duty to act upon confirmed fraud and identity theft.

### **Count 3 – Abuse, Blackmail, Extortion, and Harassment**

The Court correctly noted that these are **not civil causes of action under Montana law**. However, the ruling failed to account for the **criminal nature** of each of these acts, which require **prosecutorial prosecution**.

#### **Specific Acts**

- **Sexual Abuse** – perpetrated by Defendant **Rhonda Cebulski**
- **Sexual Blackmail** – perpetrated by Defendant **Rhonda Cebulski**
- **Sexual Extortion** – perpetrated by Defendant **Rhonda Cebulski**

- **Sexual Harassment** – perpetrated by Defendants **Rhonda Cebulski and Jenica Held**

### **Judicial and Prosecutorial Context**

Despite the admission by the Court and Respected Judge **Robert Whelan**, who knew, did know, and acknowledged that some violations are **civil in nature**, His Honor also acknowledged that he, together with County Attorney **Matt Enrooth**, knows and does know that **most of the claims sustained by Appellant/Victim, Plaintiff McCaul are in fact criminal.**

This acknowledgment is critical because it establishes that:

- The Court itself recognized the **criminal dimension** of the misconduct.
- The County Attorney possesses **direct knowledge** of the criminal nature of the acts.
- The record reflects that the majority of Plaintiff's claims cannot be dismissed as civil disputes, but instead require **criminal prosecution.**

The Court, Judge Whelan and County Attorney Matt Enrooth also knew, did know and should have known that the previous administration—specifically former County Attorney **Kelli Fivey**, who was Defendant Rhonda Cebulski's *personal and consulting divorce attorney*—told Appellant/Plaintiff **Dan McCaul**, the incoming

County Attorney, and potentially the **MMIA** and **Montana Tort Defense**, that all of Plaintiff McCaul's claims—including:

- Whistleblower and Whistleblower Retaliation
- Sexual Abuse
- Sexual Blackmail
- Sexual Extortion
- Money Theft and Embezzlement
- Identity Theft and Misuse

...were merely **civil violations** and **not criminal at all..???????**

### **Errors in the Court's Ruling**

The District Court's dismissal order contains **plain errors**:

1. **Misstatement of Timeline** – His Honor stated that Plaintiff's general references to additional statutes and common law claims are time-barred because the allegations stem from conduct beginning as early as 2010.
  - This is incorrect.
  - The **illegal 16 account openings** were not discovered until **2022**.
  - The **add-on products** were concealed and not revealed until **2024–2025**, affecting Plaintiff and more than 90% of Americans.

2. **Concealment and Delayed Discovery** – Concealment delayed discovery, meaning the statute of limitations cannot apply retroactively to bar these claims.
3. **Continuing Criminal Conduct** – The fraudulent concealment did not end with Ms. Held’s departure, nor with Mrs. Cebulski’s departure. These additional crimes, spanning after **2015**, could only have been perpetrated by other persons in positions of authority, including **Branch Manager Stephany Kukay-Ball**.

### **Relief Requested**

Appellant/Plaintiff respectfully requests that:

1. The appellate court **recognizes and corrects the plain errors** in the District Court’s ruling.
2. Correct the Record to reflect that Appellant/Victim McCaul’s claims are **not time-barred**, as discovery occurred only in 2022 (illegal business and consumer account openings) and 2024–2025 (add-on products).
3. The County Attorney Matt Enrooth proceed immediately with **prosecution against all parties responsible**, including **Jenica Held, Rhonda Cebulski, and** for fraud, concealment, identity theft, and related criminal acts.

4. This Notice and Statement of Reasons be placed on the **official record** to preserve the evidence of concealment, continuing fraud, and Wells Fargo's own admissions.

**THE APPELLANT FURTHER CERTIFIES:**

1. That this appeal is subject to the mediation process required by M.R. App. P.7 that Appellant/Plaintiffs McCaul was denied.
2. That included herewith is the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

**Respectfully submitted,**



**Dan Patrick McCaul**  
**Appellant/Plaintiff, Pro Se**

**Victim**

DATED this 28th day of November 2025.

### **CERTIFICATE OF COMPLIANCE**

Pursuant to M.R. App. P. 16(3), I certify that the foregoing is typed in 14-point Times New Roman Font, a proportionally spaced typeface, and contains 1,763 words, as calculated by Google Docs.

### **CERTIFICATE OF SERVICE**

This is to certify that on this 28th day of November 2025, I filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court: and that I have served a true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-references District Court action upon the parties whose names and addresses by the following means: as follows:

Email and  US Mail Services and both:

Beth Parks, the Clerk of Second District Court- and

Katrina Heinrich, the Pro Se Liaison for the Second District Court

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**Courtesy Copy:**

**[X] Email only:**

Judge Robert Whelan

Chief Judge Cory Swanson

Clerk of Supreme Court- Bowen Greenwood

BSB County Attorney- Matt Enrooth

State Risk Management & Tort Defense

Montana Municipal Interlocal Authority-"(MMIA)"