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**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS & CLARK COUNTY**

<p>DANA ROLAN, on her own behalf and on behalf of the class she represents,</p> <p style="text-align: right;">Plaintiffs,</p> <p>vs.</p> <p>NEW WEST HEALTH SERVICES, DARWIN SELECT INSURANCE COMPANY and ALLIED WORLD ASSURANCE COMPANY and DARWIN NATIONAL ASSURANCE COMPANY,</p> <p style="text-align: right;">Defendants.</p>	<p>Cause No. DDV 2010-91</p> <p>Honorable Christopher D. Abbott</p> <p>PLAINTIFFS' MOTION FOR RULE 11 RELIEF</p>
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As required by M. R. Civ. P 11, the plaintiff Class files this separate motion for Rule 11 for misrepresentations made to the Court in court documents which

have resulted in an unfair and inadequate settlement and have multiplied and delayed the proceedings.

Defendant New West made several misrepresentations to the Court in pleadings about its ability to provide restitution to the class. It represented it lacked the financial ability to do so, when recently discovered evidence indicates that was inaccurate.

The evidence and legal authorities for this motion are separately filed in a brief.

Counsel for defendant New West has been contacted and objects to this motion. Counsel for defendant Allied Word has also been contacted and states: Allied is not a party to the settlement between Rolan and New West, and therefore does not take a position except to state that any fees and costs recovered by Rolan or incurred by New West must be deducted from the policy proceeds interpled with the court.

DATED this 21st day of April, 2023.

THUESON LAW OFFICE



ERIK B. THUESON
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served true and accurate copies of the foregoing document upon counsel of record by the following means:

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DATED this 21st day of April, 2023.


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