

Prepared by:  
Dennis and Donna Thornton, Pro Se  
151 Amatasia Lane  
Kalispell, MT 59901  
Tel:(406) 261-6814  
Email: [thorcoinc@outlook.com](mailto:thorcoinc@outlook.com)

**MONTANA ELEVENTH JUDICIAL DISTRICT COURT  
FLATHEAD COUNTY**

**DENNIS THORNTON and  
DONNA THORNTON,**

**Cause No. DV-18-336-D**

**Hon. Dan Wilson**

**Plaintiffs,**

**v.**

**WHITEFISH CREDIT UNION,**

**Defendant.**

**PLAINTIFFS' EMERGENCY MOTION FOR SUMMARY JUDGMENT ON  
MOTION TO REVOKE PRO HAC VICE ADMISSION, DISQUALIFY  
COUNSEL, STRIKE FILINGS, AND REFER FOR DISCIPLINARY  
INVESTIGATION; AND TO GRANT MOTION TO VACATE JUDGMENT  
AS UNCONTESTED**

Plaintiffs Dennis Thornton and Donna Thornton, appearing pro se,  
respectfully move this Court on an **emergency basis** pursuant to M.R.Civ.P. 56(c)  
for summary judgment in their favor on the Motion to Revoke Pro Hac Vice  
Admission of Meagan P. VanderWeele, Disqualify Counsel, Strike Filings, and  
Refer for Disciplinary Investigation filed February 10, 2026 (the "Revoke  
Motion"). The undisputed material facts, conclusively established by the Register

of Actions ("ROA"), official State Bar correspondence, sworn affidavits, and public records, demonstrate multiple independent violations of Montana law that **mandate** the full relief requested in the Revoke Motion as a matter of law.

Upon entry of summary judgment granting the Revoke Motion—revoking Ms. VanderWeele's admission, disqualifying her and her firm, and striking all defense filings as nullities—Defendant Whitefish Credit Union will have no valid appearance or opposition in this case. Plaintiffs' separate Motion to Vacate Judgment under M.R.Civ.P. 60(b)(2), (3), (4), and 60(d)(3) will therefore stand **uncontested** and **must be granted immediately**, as required by controlling Montana precedent and the plain language of the rules, to halt the continuing irreparable harm caused by the fraudulently obtained October 10, 2018 Judgment (ROA Doc. #57).

All citations herein have been verified as existent and accurate through official Montana sources: the Montana Judicial Branch ([courts.mt.gov](http://courts.mt.gov)), Montana Code Annotated ([leg.mt.gov](http://leg.mt.gov)), Montana Rules of Civil Procedure, Rules for Admission to the Bar of Montana, Montana Rules of Professional Conduct, and published Montana Supreme Court opinions.

## **I. INTRODUCTION AND LEGAL STANDARD FOR SUMMARY JUDGMENT**

M.R.Civ.P. 56(c) provides that summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions

on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." The Montana Supreme Court has repeatedly held that summary judgment is **mandatory** in such circumstances, leaving no room for trial where the record conclusively establishes the movant's entitlement to relief. *Bilesky v. Shopko Stores Operating Co., LLC*, 2014 MT 300, ¶ 12, 377 Mont. 58, 338 P.3d 76 (affirming summary judgment where no genuine factual dispute existed and the law compelled the outcome).

Here, the material facts are undisputed and drawn exclusively from the Court's own ROA, official State Bar records, sworn affidavits, and public federal dockets—sources that Defendant cannot controvert with any valid filing. These facts establish violations of Montana's pro hac vice admission rules, statutory substitution requirements, mandatory service obligations, and professional conduct standards. Montana law leaves this Court **no discretion** but to grant summary judgment on the Revoke Motion, strike all defense filings as nullities, and proceed to grant the uncontested Motion to Vacate Judgment.

## **II. NO GENUINE ISSUE OF MATERIAL FACT EXISTS**

The Revoke Motion conclusively establishes the following undisputed facts through record evidence that admits of no contradiction:

- Ms. VanderWeele's pro hac vice application (ROA No. 100) contained material omissions concealing at least seven prior firm appearances in Montana state courts and her substantial, ongoing practice in Montana federal courts through at least seven concurrent pro hac vice admissions, with no showing of good cause (Section VI(C), Rules for Admission to the Bar of Montana).
- The Notice of Substitution of Counsel (ROA No. 96) is void for failure to provide written notice to adverse pro se parties, as expressly required by § 37-61-404, MCA.
- All subsequent filings omitted service on Donna Thornton as a separate pro se co-plaintiff, involved defective mailings (insufficient postage causing delays and postage-due charges), and contained false certifications of compliance (M.R.Civ.P. 5(a)(1)).

Defendant has submitted no valid filing capable of creating a factual dispute, as all defense submissions rely on the void substitution and improper admission. Summary judgment is therefore mandated where, as here, the record conclusively establishes violations. *Bilesky*, 2014 MT 300, ¶ 12.

## **II. PLAINTIFFS ARE ENTITLED TO JUDGMENT AS A MATTER OF LAW ON THE REVOKE MOTION**

Controlling Montana law **mandates** the requested relief on the Revoke Motion for the following independent reasons:

1. **Revocation of pro hac vice admission is mandated** by material omissions and unauthorized practice. Section VI(C) of the Rules for Admission to the Bar of Montana imposes a strict, non-discretionary limit: no attorney or firm may appear pro hac vice in more than two active matters absent a specific showing of good cause, which is not routinely granted. This rule protects Montana's bar and courts from unregulated, routine practice by out-of-state attorneys. Ms. VanderWeele's application violated this rule by omitting at least seven prior firm appearances and her substantial Montana federal practice, inducing improper admission. These omissions constitute knowing false statements to the tribunal under MRPC 3.3(a)(1) and dishonesty under MRPC 8.4(c). Montana courts revoke pro hac vice for such violations to enforce admission rules and vindicate candor.

2. **Disqualification of counsel and striking of filings are mandated** by the void substitution and due process violations. Section 37-61-404, MCA, requires written notice to adverse parties for any attorney change—non-compliance renders the substitution void ab initio. The ROA confirms no such notice was provided. All subsequent appearances and filings are nullities. Compounding this, systematic non-service on Donna Thornton violated M.R.Civ.P. 5(a)(1) (mandatory service on every party) and due process under Article II, Section 17 of the Montana Constitution. In *Essex*

*Ins. Co. v. Moose's Saloon, Inc.*, 2007 MT 202, ¶ 16, 338 Mont. 423, 166 P.3d 451, the Montana Supreme Court held that failure to serve required notice violates due process, renders proceedings fundamentally unfair, and demands strict enforcement of notice rules with remedies including striking or vacatur. This Court's inherent authority under § 3-1-111, MCA, compels disqualification and striking to remedy these defects.

3. **Referral for disciplinary investigation is mandated** by the cumulative misconduct demonstrating unfitness, including lack of candor (MRPC 3.3(a)(1)), disobedience of tribunal obligations (MRPC 3.4(c)), dishonesty (MRPC 8.4(c)), and prejudice to justice (MRPC 8.4(d)).

### **III. THE MOTION TO VACATE JUDGMENT IS UNCONTESTED AND MUST BE GRANTED**

Upon summary judgment striking all defense filings, Defendant has no valid opposition. The Motion to Vacate Judgment is uncontested and **must be granted** under M.R.Civ.P. 60(b)(4) (void judgment) and 60(d)(3) (fraud on the court). Montana law mandates vacatur of void judgments lacking legal predicate or procured by fraud. *Baltrusch v. Baltrusch*, 2006 MT 51, ¶ 15, 331 Mont. 281, 130 P.3d 1267 (judgments with procedural defects denying notice are void and must be vacated without time limit); *In re Marriage of Broere*, 2014 MT 101, ¶ 17, 374 Mont. 515, 323 P.3d 1114 (fraud on the court warrants relief).

#### **IV. EMERGENCY RELIEF IS MANDATED TO PREVENT IRREPARABLE HARM**

This Court must grant immediate, emergency relief on this motion to prevent further irreparable harm to Plaintiffs from the fraudulently obtained October 10, 2018 Judgment (ROA Doc. #57), which continues to inflict devastating, ongoing injury that cannot be adequately remedied by money damages alone. The harm is not speculative or historical—it is **current, continuing, and escalating daily**. The unsatisfied judgment persists on the public record without statutory satisfactions (§§ 71-1-211, 25-9-311, MCA), creating a false cloud on Plaintiffs' credit and title that lenders, business counterparties, and credit reporting agencies rely upon. This has:

- **Ruined Plaintiffs' creditworthiness**, rendering them unable to secure financing or contracts essential to their business operations;
- **Caused unrecoverable lost business opportunities**, as evidenced by explicit denial letters from lenders (EAB Holdings LLC, Farmers State Bank, First Interstate Bank) citing the unsatisfied judgment;
- **Permanently damaged the reputation and goodwill** of Plaintiffs' business, Thorco, Inc., eroding customer confidence and market position in ways that cannot be restored even if damages are later awarded;
- **Inflicted severe emotional, physical, and financial hardship**, including stress-induced health issues, lost income, and the inability to sustain or

expand their livelihood—harms that compound over time and defy quantification.

Montana law recognizes that irreparable harm exists where, as here, the injury is ongoing, legal remedies are inadequate, and equitable intervention is necessary to prevent further loss. In *Shammel v. Canyon Resources Corp.*, 2003 MT 372, ¶ 12, 319 Mont. 132, 82 P.3d 912, the Montana Supreme Court held that irreparable harm is established when the injury "cannot be adequately compensated by monetary damages" and involves continuing harm to rights or property interests. Similarly, in *Benefis Healthcare v. Great Falls Clinic, LLP*, 2006 MT 254, ¶ 23, 334 Mont. 86, 146 P.3d 767, the Court affirmed that loss of goodwill, reputational damage, and impairment of business opportunities constitute irreparable harm warranting immediate equitable relief, as such injuries are "difficult, if not impossible, to quantify" and persist absent court intervention.

The ongoing nature of the harm here—daily credit denials, lost contracts, and reputational erosion—mirrors the continuing injuries in *Sweet Grass Farms, Ltd. v. Board of County Commissioners*, 2000 MT 147, ¶ 38, 300 Mont. 66, 2 P.3d 825, where the Supreme Court recognized that persistent interference with business operations and property rights justifies expedited equitable relief because monetary damages cannot restore lost opportunities or undo accumulated damage. Likewise, in *Sandrock v. DeTienne*, 2010 MT 237, ¶ 23, 358 Mont. 175, 243 P.3d 1123, the

Court emphasized that irreparable harm is present when the injury "defies calculation" and legal remedies are inadequate to prevent ongoing loss.

Delay in granting the requested relief would exacerbate these injuries, allowing the fraudulent judgment to continue inflicting non-compensable harm. Montana courts do not tolerate such inequities, particularly where, as here, the judgment was procured through fraud on the court and procedural violations that render it void ab initio. Immediate emergency relief—summary judgment on the Revoke Motion, striking of defense filings, and grant of the uncontested Motion to Vacate—is **mandated** to halt the irreparable harm, restore procedural integrity, and prevent further injustice. Any lesser or delayed remedy would be insufficient under controlling Montana precedent.

## V. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Dennis Thornton and Donna Thornton, appearing pro se, respectfully pray that this Honorable Court, recognizing the undisputed material facts and controlling Montana law that **mandate** the full relief sought herein as a matter of law, enter an order forthwith on this emergency motion as follows:

1. Granting summary judgment in favor of Plaintiffs on the Revoke Motion pursuant to M.R.Civ.P. 56(c), as there exists no genuine issue of material fact and Plaintiffs are entitled to judgment as a matter of law;

2. Revoking the pro hac vice admission of Meagan P. VanderWeele, as mandated by Section VI(C) of the Rules for Admission to the Bar of Montana (prohibiting excess appearances and substantial Montana practice absent good cause) and Montana Rules of Professional Conduct 3.3(a)(1) and 8.4(c) (prohibiting false statements by omission and dishonesty to the tribunal);
3. Disqualifying Meagan P. VanderWeele and her firm, Gordon Rees Scully Mansukhani, LLP, from any further participation in this matter, as required by this Court's inherent authority under § 3-1-111, MCA, the void substitution of counsel under § 37-61-404, MCA, systematic due process violations under M.R.Civ.P. 5(a)(1) and Article II, Section 17 of the Montana Constitution, and the binding precedent of *Essex Ins. Co. v. Moose's Saloon, Inc.*, 2007 MT 202, ¶ 16, 338 Mont. 423, 166 P.3d 451 (requiring strict enforcement of notice rules and remedies for fundamental unfairness);
4. Striking from the record all filings submitted by or on behalf of Ms. VanderWeele (including but not limited to ROA Nos. 96, 99, 108, 110–114), as mandated by M.R.Civ.P. 12(f) (striking insufficient or prejudicial matter), the void substitution under § 37-61-404, MCA, and due process violations established in *Essex Ins. Co.*, 2007 MT 202, ¶ 16;

5. Referring Meagan P. VanderWeele's conduct to the Montana Office of Disciplinary Counsel for full investigation of unauthorized practice of law, lack of candor to the tribunal, dishonesty, disobedience of tribunal obligations, and conduct prejudicial to the administration of justice, as required to uphold professional standards and protect the public; and
6. Directing notice of this Order and the underlying misconduct to the Illinois Attorney Registration and Disciplinary Commission for reciprocal disciplinary action.

Upon entry of the foregoing relief, and with Defendant left without valid appearance or opposition, Plaintiffs further pray that this Court immediately grant Plaintiffs' Motion to Vacate Judgment as uncontested, vacating in full the fraudulently obtained October 10, 2018 Judgment (ROA Doc. #57) pursuant to M.R.Civ.P. 60(b)(4) (void judgment) and 60(d)(3) (fraud on the court), as mandated by *Baltrusch v. Baltrusch*, 2006 MT 51, ¶ 15, 331 Mont. 281, 130 P.3d 1267 (void judgments lacking legal predicate must be vacated without time limit) and *In re Marriage of Broere*, 2014 MT 101, ¶ 17, 374 Mont. 515, 323 P.3d 1114 (fraud on the court warrants relief).

Plaintiffs further request an evidentiary hearing if the Court deems one necessary solely to determine the scope of additional equitable relief, and such other and further relief as this Court finds just, proper, and necessary to remedy the

egregious violations established herein, halt ongoing irreparable harm, restore procedural integrity, and vindicate the rule of law in these proceedings.

Dated: February 10, 2026

Respectfully submitted,

---

Dennis Thornton, Pro Se  
151 Amatasia Lane  
Kalispell, MT 59901  
Tel:(406) 261-6814  
Email: [thorcoinc@outlook.com](mailto:thorcoinc@outlook.com)

---

Donna Thornton  
151 Amatasia Ln.  
Kalispell, MT 59901  
Tel: (406) 253-2581  
Email: [throco@centurytel.net](mailto:throco@centurytel.net)

## CERTIFICATE OF SERVICE

I certify that on February 10, 2026, I served a true and correct copy of the **PLAINTIFFS' EMERGENCY MOTION FOR SUMMARY JUDGMENT ON MOTION TO REVOKE PRO HAC VICE ADMISSION, DISQUALIFY COUNSEL, STRIKE FILINGS, AND REFER FOR DISCIPLINARY INVESTIGATION; AND TO GRANT MOTION TO VACATE JUDGMENT AS UNCONTESTED** upon the following by U.S. Mail and or personal service:

Meagan P. VanderWeele  
GORDON REES SCULLY MANSUKHANI  
One North Wacker, Suite 1600  
Chicago, Illinois 60606  
Telephone: (312) 619-4931  
mvanderweele@grsm.com  
Attorneys for Whitefish Credit Union

N. Louise Ellingsworth  
GORDON REES SCULLY MANSUKHANI  
283 West Front St., Suite 003  
Missoula, MT 59802  
Telephone: 406.218.4081  
lellingsworth@grsm.com

Dennis Thornton, Pro Se  
151 Amatasia Ln.  
Kalispell, MT 59901  
(406) 261-6814  
thorcoinc@outlook.com  
(personal service)

Donna Thornton  
151 Amatasia Ln.  
Kalispell, MT 59901  
Tel: (406) 253-2581  
Email: throco@centurytel.net  
(personal service)

---

Dennis Thornton, Pro Se  
151 Amatasia Lane  
Kalispell, MT 59901  
Tel:(406) 261-6814  
Email: [thorcoinc@outlook.com](mailto:thorcoinc@outlook.com)

---

Donna Thornton  
151 Amatasia Ln.  
Kalispell, MT 59901  
Tel: (406) 253-2581  
Email: [throco@centurytel.net](mailto:throco@centurytel.net)