

STATE OF MINNESOTA
DISTRICT COURT FOR THE 2nd JUDICIAL DISTRICT
RAMSEY COUNTY

MOTION FOR CLARIFICATION

Plaintiff,
BRIAN S. VAN MEVEREN,
v.

COURT FILE No.: 62-CV-22-418

BECKY COLE,
Defendant.

This motion is to request a clarification from the court for the basis on which Brian VanMeveren's and Laurie Cylkowski's lack of evidence is considered to be irrelevant in determining the outcomes of this lawsuit. In other words, I am seeking an explanation for the justification on which they are allowed to benefit and be rewarded, in spite of their consistent lack of evidence to support their claims throughout the conciliation case, as well as this one. All of the discussion in this motion is already entered into the court records. There is nothing new here. All of this is already included in both lawsuits.

This lawsuit was Brian's response to the conciliation court case. He had every opportunity to provide evidence to show how he appropriately represented me, but all he has done is attack me and create distractions with unsubstantiated claims. Laurie has stated that requiring him to provide evidence makes Brian a victim, even though providing evidence is clearly within the nature of the requirements of his license. They both have attacked me and have spent a great deal of time with distractions, but have not provided to me or the court evidence to support their claims. It's why they moved from "defamation" to "disparagement", as "disparagement" doesn't have the evidence

threshold “defamation” does. But it is evidence of their own making that they don’t have evidence to refute Brian’s conduct. It’s a strategy so that he can avoid accountability.

In the conciliation case, I wanted Brian to show why it was appropriate for him to take a housing case when he has no qualifications in housing law – something his license says matters. In the conciliation case, Brian needed to explain why he felt justified in ignoring evidence that said I didn’t hire him to get me out of my lease, while still demanding to be paid for work I didn’t hire him to do. He has said a lot of things, but has not provided any evidence to support his claims, either.

Yet, he has been able to spend more than two years taking up court resources by filing claims for which he also has provided no evidence to support, and he seems to keep getting rewarded for it. By virtue of his license he knows that attacking me without a justification is retaliation and the harm he and Laurie are intentionally causing is wrong, but neither one wants to be held accountable for it. However, they want to be financially rewarded for consistent manipulation and deception.

It was manipulation and deception that Brian used when he took my case, and if you look through the court records, he doesn’t really deny that he did that. The issue he and Laurie are wanting to solve is that they want the court to find this approach to be acceptable so that they can be financially rewarded for using a strategy that is not rooted in ethics, integrity or their own dignity.

I'm not wrong for wanting Brian to be held accountable, but Laurie's response has been to create distractions that clearly say he's not capable of ethical conduct, and to insist that he is makes him a victim. His license requires ethics. His character should insist on integrity and dignity, but it's their own responses in the court and with their conduct that are saying those things shouldn't matter if there is a paycheck involved.

Brian's Competency

By virtue of his license, in the very least he knows it is unethical to take a case in which he has no skill or competency. Minnesota law says I have a right to be represented by someone who has the necessary competencies in the area of law for which the case is about. While he and Laurie spend a great deal of time attacking me, they don't provide evidence of this competency.

Throughout the conciliation case and this case, he doesn't even mention housing law or even a justification for why he felt housing law wasn't relevant. However, with Laurie's support in a motion on this case Brian states he told me how he represented another person in my complex, and therefore, I knew what he would do with my case. While there is no evidence that supports to the truthfulness of this statement, it's stunning that he would admit to a privilege and ethics violation to justify what he did to me. If you were to look up his case with Richard Boldt, you will find that he did the same thing to Richard as he did me. Richard didn't hire him to get him out of the lease, but Brian ignored that and went that route anyway. As in my case, Brian didn't apply

housing law, either, which would have benefitted Richard a great deal. So, if Brian had told me about what he did to Richard, I would have never hired him in the first place.

Please note that case is public record and can be referenced here because Brian filed the reference to it in his own motion. Also note that it is evidence of a pattern of conduct as the “settlement agreement” Brian got for Richard provides no benefit to him, just as the one he tried to get me to sign with my landlord.

Brian was wrong in what he did, but Laurie insists that he be viewed as a victim so she and he can get paid. There is no evidence to support Brian’s “victimhood” in either of the cases, as it is also wrong for her to state the deception wasn’t intentional without providing support evidence on that, as well. However, what is most stunning is that Brian finds what he did to Richard something he feels good about.

Throughout this case, Laurie keeps referring to him as a “victim” This seems to be her default response as a distraction when it comes to holding him accountable to the tenets of his license and asking for evidence to support their claims. According to how she has presented him in this court record, she feels I am harming him by asking for evidence to support their claims. That begs the question of why does it make sense to them to not show evidence, if they had it.

Evidence of her attempt to portray him as a “victim” is clear from the most recent hearing. They had the file in front of them from the conciliation case where I asked several times about missing evidence, but she insisted asking those questions was

harmful to him and wanted to collect a monetary reward for both of them for me asking him to provide evidence to support his claims.

Her approach to this actually validates that he took a case for which he had no competencies to handle appropriately. In her zeal to attack me and continue with distractions, she's not providing evidence or any kind of supporting information to demonstrate his competencies to take a housing case. There's no mention of how housing law was applied, there's never been any evidence of advocacy with my landlord, and he has consistently refused to address the evidence that shows I didn't hire him to get me out of my lease, even though he has insisted that is why I hired him.

However, Laurie is insisting that both she and Brian are entitled to financial remuneration because I wanted him to operate within the tenets of his license, and by presenting him as a victim, she is clearly saying I was wrong to expect there to be competency with his conduct, while completely ignoring the fact that if he really didn't have the competencies to represent me appropriately, it was unethical of him to even take the case to begin with.

The "victimhood" stand is of their own making and they have consistently provided no evidence to support any truthfulness to that claim.

Brian Takes No Responsibility For His Own Conduct and Blames Me

Please note that neither Laurie or Brian have denied or refuted any of these things. Their stand has always been that they are entitled to attack me when they have no evidence and I should just accept it, because if I don't put up with it, they will continue to harm me financially. Ethically, what they are doing is wrong, especially when they both

know there is no justification for the continued attacks. They have always been welcome to provide evidence, but they are choosing to attempt to benefit financially from conduct that has no justification for it.

1. In the conciliation case, Brian insisted that I hired him to get me out of the lease, but refuses to address evidence that doesn't support this.
2. In this case, he said I "forced" him to take cash for part of his retainer, but the evidence doesn't support that claim. He also offers no justification or supporting documentation for how he was harmed by this, but when he filed it, he signed a statement telling the court that he was being truthful.
3. In this case, he said he was harmed because I went to the Client Security Board to get my money back. He offered no justification for evidence for how he was harmed by this.
4. Brian, with Laurie's support, said it was my fault he was on probation. It was his own conduct with multiple people that resulted in his probation. They don't mention any of the other people who were part of his most recent probation. Laurie knew this, and still support him in filing this claim without any supporting evidence or documentation.
5. Brian, with Laurie's support, said he was harmed by me because one of the terms of his probation was that he tell potential clients that he was on probation. It was his own conduct that resulted in his probation, Laurie knew this and yet she still supported him in filing this claim without any evidence or

supporting documentation. There's also no evidence that he actually carried out this part of his probation.

6. Brian, with Laurie's support, filed a motion that said he can file false claims in court because OLPR hasn't told him it's wrong to do so. However, by virtue of their licenses and the rules of professional conduct, they both know it is unethical to attack me with claims that have no substance to them or supporting evidence. Regardless of what OLPR did or did not say about it, they still had a choice in in their conduct.
7. In the conciliation case, Brian chose to not show up to the hearing It was his way of avoiding having to answer to why he was insisting that I hired him to get out of the lease when there was no truth to it or evidence to support his claim. In this case, Laurie colluded with Tim Maher to have Tim write statements for Brian to read as part of a settlement arrangement they made without my knowledge or consent. Notice in both instances, Brian goes to great lengths to not take ownership of his conduct, while at the same time wanting to be rewarded for skipping out on it.
8. Laurie and Tim Maher colluded on a settlement arrangement without my knowledge or consent. There is nothing in writing and nothing that says I authorized this arrangement, yet Laurie wants it enforced. Notice the pattern of conduct by Brian in this. In the conciliation case, Brian insisted that I hired him to get me out of the lease, and refused to address anything that didn't support this. In the settlement arrangement, it talks about "mutual" disparagement, but neither Brian or Laurie are addressing the harm they

initiated with me by virtue of the settlement arrangement, and in both instances Brian is demanding to be financially rewarded. By referring to Brian as a “victim”, she is also providing evidence of her own making that she doesn’t believe he is capable of operating within the tenets of conduct required by his license.

9. Laurie admits to not asking Tim for evidence that he had my authorization and consent to enter into the settlement arrangement, yet even when none exists, she and Brian still want to hold to the arrangement as though my authorization and consent was in place. It’s another place where they want to benefit from having no evidence.
10. There’s no evidence to show what was said in chambers by either Laurie or Tim was the same as the information I had about the case and the hearing.
11. The transcript of the June 12, 2023 doesn’t support many of the things Laurie is claiming were supposed to be part of the settlement arrangement she made with Tim Maher. There is also nothing in writing that would confirm this missing information, yet Laurie and Brian both want to benefit financially from this arrangement as though the missing information is irrelevant. However, by virtue of their license, that while they both know that this manipulation and deception approach is wrong and unethical, they both still insist on wanting to benefit from it.
12. There is no evidence to support that Laurie made any effort to have a settlement arrangement that wasn’t rooted in manipulation and deception. Providing this evidence could possibly support an avenue to Brian’s

victimhood stance, but she has steadfastly refused to even consider this strategy.

13. I didn't know about the "disparagement" part of the arrangement until the word was used in court, therefore, I could not have authorized, consented or agreed to allowing this to happen. Laurie has provided no evidence that Tim had the discussion with me about including that or what it would mean, and I can't provide anything about it because it wasn't something Tim even mentioned to me.

a. However, this is something she and Tim colluded on and arranged between themselves before the hearing on June 12, 2023, so while she worked this out with Tim, she has provided no evidence about the nature of their conversation about it, and she has provided no evidence to show he discussed it with me and I agreed to it. If it is necessary for her case to justify her attempts to turn Brian into a victim, then she is intentionally withholding evidence. It's not enough for her to describe their conversations. There needs to be actual evidence that it happened and there needs to be actual evidence that I knew and consented to allowing Brian to claim being a victim and allow him to read statements Tim wrote for him as a reward for giving Brian a way out of having to take responsibility for his conduct.

The Crux of the Situation

1. Both Brian and Laurie have gone to great lengths to create distractions to cover up the lack of evidence to support their claims and they want to be financially rewarded for using a strategy that is rooted in manipulation and deception. They have provided no evidence to justify why this strategy is necessary and appropriate. Their license requires ethics and integrity, but it is difficult to determine where this shows up in the court proceedings when there are so many claims by them that aren't supported with evidence.
2. Brian has had more than enough time to show he was qualified to take a housing case, and neither he or Laurie have been willing or able to provide that information. Minnesota law says I have a right to an attorney who has competencies in the area of law in which I am seeking representation. By making him out to be a victim, Laurie is providing evidence of her own making that he took a case for which Brian wasn't qualified to take, but she doesn't want him to be held accountable for it. She also wants him to be rewarded for taking a case that his license tells him he shouldn't have taken in the first place.
3. Brian has had four years to provide evidence that I hired him to get me out of the lease, and he hasn't done it.
4. Brian and Laurie blame me for Brian's probation, while at the same time leaving out any mention of the other people he harmed. This is evidence of his own making to somehow justify the vindictive nature of this lawsuit. This also goes to Laurie's inappropriate approach to making Brian a victim, but what it does is

show her belief that Brian is not capable of being responsible for his own choices, which is something that the framework of his license requires.

5. Neither Brian or Laurie deny he has had inappropriate conduct with regards to handling my case, they just don't want Brian to be held accountable for it and they don't want me telling anyone about it. They also want the right to harm me for telling others about his conduct, but they have provided no evidence or justification for why this strategy is necessary or appropriate.
6. Laurie is not defending Brian, she is creating distractions so they don't have to call what they are doing wrong and so they can benefit financially from their conduct. A defense would include statements and evidence to support it about the law he applied when he was supposed to be representing me. Neither one has provided that. A defense would include evidence of the correspondence he had with my landlord to show he made an attempt to advocate for me. Laurie says by asking for that information, it makes Brian a victim and they both should be compensated for expecting him to function in a manner consistent with the requirements of his license.
7. Tim Maher wasn't truthful with court when he said he had my consent and authorization to enter into the settlement arrangement. Laurie knows this, but wants to benefit from it anyway.
8. Tim Maher tried to bully me into accepting the settlement arrangement that included him writing statements for Brian to read so he could be rewarded. Laurie helped to facilitate this manipulation and deception. There is no evidence to support a justification for why Tim had to write the statements or why Laurie felt

that manipulation and deception was the only option available to accomplish a settlement arrangement. Notice they never mention or provide evidence to show they tried a strategy that involved integrity and ethics. Providing this evidence would have given them a basis and justification for seeking financial compensation, but without this evidence, it only serves to support that the choices they made were their own.

9. Throughout both court cases, there are multiple instances where Brian and Laurie have not provided evidence to support their claims.
10. Throughout both court cases, there are multiple instances where Brian and Laurie have not been truthful with me, with the court and with OLPR. They don't deny it, but rather use a strategy of attacking whenever there is accountability for their conduct involved. They wouldn't need to spend so much time attacking if they actually had substantial evidence, so it is evidence of their own making that they didn't have a justification for their conduct.
11. Laurie failed Brian by not asking Tim for evidence that he had my authorization and consent to enter into the settlement arrangement, yet she wants me to pay her anyway.
12. Laurie failed Brian for not wanting the settlement arrangement to be in writing. This would have given them a basis for their attacks on me that I wasn't complying with the arrangement I didn't agree to. Because of her choice, the nature and all of the terms she wants to enforce can't be substantiated as they are also not included in the transcript of the court June 12, 2023 court hearing. Yet, she is refusing to change the terms and insisting on being compensated for

her time. The framework of her license says it is unethical to continue down this path, both in terms of her representation of Brian, but it also provides evidence of her own making that this lawsuit and how it has played out is nothing more than a vindictive vendetta against me for believing Brian is capable of something other than manipulative and deceptive conduct.

13. The court has already established that Brian had a fiduciary duty to me when he took my case and that he failed in this duty. Neither Laurie or Brian has provided any evidence or supporting documentation to prove he met this obligation, but they both insist that they should be rewarded for this. They are more than welcome to show evidence if it exists, but attacking me for wanting evidence is evidence of their own making that it doesn't exist. By virtue of their license, they know that attacking me to create a distraction so Brian can avoid being held accountable is an unethical strategy.

14. The law says "When the plaintiff in a lawsuit asks the court for money damages, the court generally must apply the Statute of Frauds and require a written contract." The court has established that the contract Brian had me sign for his representation contained vague terms and conditions and didn't accurately or completely identify the nature of our relationship. Neither Brian or Laurie have provided evidence that this wasn't intentional as a strategy for purposely taking my money for a case he had already determined the outcome before he even heard what I wanted.

15. The law says "With an oral contract, the parties have to rely on their memories. Likewise, the attorneys and judge must rely on the parties' testimony and

“reconstruct” the oral agreement.” This would require evidence to support the nature of the arrangement, as well, and neither Laurie or Brian have provided it. This would also require the court to take into consideration the multiple times both Laurie and Brian have said things they knew weren’t truthful when they said them. This includes, but is not limited to when they said it was my fault Brian was on probation, when I forced him to take cash for his retainer or his claim that I hired him to get me out of the lease. There is also no evidence that Tim was truthful with the court when he said he had my authorization and consent to enter into this arrangement. The transcript of the June 12, 2023 hearing doesn’t contain the complete details of what Laurie wants enforced, and it doesn’t show that either of them asked for everything Laurie wanted be a part of the court record, either. Therefore, the “evidence” isn’t there to support Laurie’s claim they are entitled to be rewarded for their conduct.

16. By not asking for a complete record of the settlement arrangement to be a part of the court record, Laurie failed in her duty to Brian and Tim failed in his duty to me, but Laurie wants her and Brian to be rewarded for it and Tim wants to blackmail me into going along with it. The evidence to support the appropriateness of this unethical strategy is missing in this. Evidence to support the justification for making this strategy an acceptable approach is also missing.

17. Laurie wants the court file to be sealed, but has provided no evidence for a justification for that. In sealing it, the court is rewarding him for manipulation, deception, unethical conduct, not being truthful with the court, me, or OLPR. There is no evidence of any conduct that supports rewarding him. He has shown

no remorse or given any indication that the harmful conduct will cease. In fact, they got the settlement arrangement through manipulation, deception and without taking responsibility for his own conduct.

18. The court established that there was enough grounds for there to be a trial on June 12, 2023 where Brian was to answer to charges of fraud. Laurie has not provided any evidence to refute that claim. Please note that her strategy has been to create distractions by using attacks, manipulation and deception so that Brian wouldn't be held accountable for his conduct. She has always been more than welcome to provide evidence to refute that claim, but since none exists, she chose a strategy that included manipulation and deception so that she and Brian could be financially rewarded for not having evidence to refute a claim of fraud.
19. I wouldn't have hired Brian had he been truthful with me from the start. After I did hire him, he had a duty of loyalty as well as an ethical obligation to be truthful with me, but has steadfastly provided no evidence to support this conduct. He attacks me, ignores me and doesn't advocate for me with my landlord, but does insist that he "represented" me by getting a "settlement agreement" with my landlord that doesn't reflect what I hired him for and doesn't even benefit me. If I want this to be called for what it is – wrong – Laurie and Brian both want to be paid for it, according to her version of the settlement arrangement she made with Tim because asking him to provide evidence somehow makes him a victim.

In Summary

The legal action could have been solved four years ago, had Brian made a choice to be truthful and ethical in his conduct. Instead, as my evidence as well as the evidence he and Laurie provide show, it didn't happen that way.

Instead of responding in a truthful, ethical manner as his license says is required in this relationship, he chose a strategy of attacking me for wanting him to be held accountable for purposely not being truthful with me. The lengths he and Laurie have gone to in order to not be held accountable or responsible for his conduct are impressive.

However, they have been using manipulation and deception to distract from the original manipulation and insist that none of it be called wrong or they will continue to attempt to financially harm me.

Evidence of Brian not willing or able to own his own conduct also shows up in the fact that in the settlement arrangement Laurie colluded with Tim to write the statements Brian was to read – statements he didn't mean, but intended to use so he could be rewarded with getting the court record sealed. Sealing the court records is another reward that allows him to pretend the harm he has done is acceptable.

It's essentially a form of blackmail. Brian didn't do the right thing in the first place. Laurie has provided no evidence to prove that he did, but if I don't agree they will find more schemes to financially harm me.

What Brian has done is wrong. The framework of his license supports that what he has done is wrong. What Laurie has done is wrong. The framework of her license supports that facilitating attacking me for no justification and not supported with evidence is wrong. Yet they both want to be rewarded for it. None of their attacks and distractions will change that, nor will their continued attacks make it the right thing for them to do.

Laurie's portrayal of Brian as a victim is wrong in that it simply is not true that he is not capable of taking responsibility for his own conduct. Her belief that he should not be held accountable for his conduct is wrong, as well. His license requires accountability and if what she is saying is true, then his license needs to go away because ethics and integrity are supposed to matter within the framework of the license.

The court already established that there were grounds to have a trial that included fraud. Laurie has not provided evidence to support that had no merit.

There are other ways and have been multiple opportunities for them to settle this in a more appropriate, ethical manner, but they have been unwilling to address without manipulation and deception.

If you were to take away all of the places for which they have attacked me without justification or evidence, what you are left with is Brian insisting he has a right to harm me, but not wanting to be held accountable for his conduct, and Laurie insisting he doesn't need evidence, but shouldn't be held to standards of conduct his license

requires because he's not capable of being anything other than a victim, even if the victimhood is of his own making.

Yet the amount of time and money they have spent and have caused me to spend, as well as the court resources just because Brian is not willing or able to be accountable for his conduct. It is reasonable to request they provide evidence to support their claims before rewarding them by sealing the records.

I recognize that this filing will likely inspire another round of attacks by Laurie and Brian, but attacks are also evidence of their own making that they don't have evidence to support their claim of Brian's victimhood. They are also welcome to provide evidence and a justification that supports good, sound reasoning for why Brian took my case in the first place. One more thing that would be very helpful is for both of them to declare why they feel not being truthful with me, the court and OLPR is an acceptable strategy that should be rewarded, and provide evidence for why the ethical conduct that is within the framework of their licenses can be justifiably set aside to create a distraction when evidence doesn't exist.

None of what they have done changes the facts surrounding where all of this started – Brian took a case for which he wasn't qualified to take, lied to me and attacked me for wanting that to be wrong. Laurie isn't being truthful in making him out to be a victim and she is wrong for wanting him to be rewarded for his conduct. Laurie is also wrong in her approach that I deserve to be harmed because Brian isn't capable of meeting the tenets

of his license and to require him to do that is detrimental to him. That actually makes a case of her own making for why his license should be removed, as him not being able to discern between right and wrong is not a justification for why I should just accept the inappropriateness of his conduct and allow him to be rewarded for it.

With Laurie's help, Brian has held fast to his choice to embrace manipulation and deception, rather than integrity, ethics and dignity that his license requires. Please remember that I am not the one who has said he is not capable of those values, but rather it's been Laurie saying that and each time she has presented Brian as a victim, she has been attesting to that.

Arguments and Authorities

Minnesota Rules for Professional Conduct

https://www.revisor.mn.gov/court_rules/pr/subtype/cond/id/1.1/

Rule 1.1 COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

Rule 3.3 CANDOR TOWARD THE TRIBUNAL

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal, or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

Rule 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client a lawyer shall not knowingly make a false statement of fact or law.

Rule 8.4 MISCONDUCT

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

336.3-307 NOTICE OF BREACH OF FIDUCIARY DUTY

Fiduciary duties arise by operation of law (i.e., when a statute says a particular relationship is a fiduciary one) or where one person (i.e., the agent) agrees to act for and on behalf of another (i.e., the principal) in a particular matter giving rise to a relationship of trust and confidence. The fiduciary duty is breached where the agent's personal interests and fiduciary duty conflict, where the fiduciary's duty conflicts with another fiduciary duty, or where the fiduciary profits from his position without the principal's express knowledge and consent.

An agent is subject to a duty to use reasonable efforts to give his principal information that is relevant to affairs entrusted to him and which, because the agent has notice, the principal would desire to have. Essentially, it is the agent's duty to prove that full disclosure was made to the principal.

Furthermore, a duty of loyalty exists which requires an agent to set aside his personal or conflicting interests and act solely in the best interest of the principal. Section 13 of the Restatement of Agency defines fiduciary as "a person who has a duty, created by his undertaking, to act primarily for the benefit of another in matters connected with his undertaking." This fiduciary duty has been more specifically examined and has been explained to mean that an agent:

In his dealings with the principal, he has the duty of full disclosure; in acting for the principal he must not prefer his own [or other's] interests, he cannot compete with the principal nor, without disclosure of his interest, sell his own property to the principal. In carrying out the directions of the principal, he has the duty of normal care.

MINNESOTA STATUTE OF FRAUDS

When the plaintiff in a lawsuit asks the court for money damages, the court generally must apply the Statute of Frauds and require a written contract. See, e.g., *Becker v. Fst Am. State Bank of Redwood Falls*, 420 N.W.2d 239, 241 (Minn. Ct. App. 1988)

The important terms (“material terms” such as price) must be agreed upon and there must be an exchange of “consideration” (money or promises).

With an oral contract, the parties have to rely on their memories. Likewise, the attorneys and judge must rely on the parties' testimony and “reconstruct” the oral agreement.

Conclusion and Prayer

For the foregoing reasons, I pray that the court provide a clarification and justification for why Laurie Cylkowski's and Brian VanMeveren's lack of evidence is considered to be irrelevant, allowing them to be financially rewarded for claims they can't otherwise support. Please also include an explanation for why their manipulation and deception warrants the court case sealed as another reward for unethical conduct.

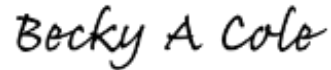
VERIFICATION

I sign the above motion under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this _7th_ day of January, 2024.
Sincerely,



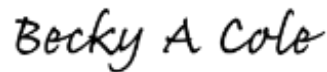
BECKY COLE
Mailing address: 19120 Freeport Street NW, #793
Elk River, MN 55330
outreachne@outlook.com



CERTIFICATE OF SERVICE

A copy of the above has been served on the below by U.S. Mail on this 7th day of January, 2024 on the below:

LAURIE CYLKOWSKI, ESQ.
CYLKOWSKI LAW OFFICE, P.A.
4590 SCOTT TRAIL, SUITE 210
EAGAN, MINNESOTA 55122
laurie@cylkowskilaw.com
Ph: 651-882-7808
Fax: 651-882-7806



Attorney for Plaintiff

From: Becky Cole <outreachne@outlook.com>
Sent: Monday, January 8, 2024 1:28 AM
To: olprcomplaintdocs@courts.state.mn.us
Cc: Becky Cole
Subject: Brian VanMeveren and Laurie Cylkowski
Attachments: 62-CV-22-418-Motion for Evidence.pdf

OLPR,

Please add the attached file to my complaints against Brian VanMeveren and Laurie Cylkowski.

For Brian:

We have already established that four years ago, he took my case and insisted I hired him to get me out of my lease. It wasn't true and there has been NOTHING from him or anything else to support that claim, but he still refused to move off of it and has spent the last two years attacking me out of his own belief that he shouldn't be held accountable for his conduct. He has steadfastly held that he doesn't feel lying to me is wrong.

Since that time, he has lied to me, lied to the court, and lied to you with multiple wild accusations and unsubstantiated claims in an attempt to retaliate for wanting him to be held accountable. I believe he is capable of better, but he and Laurie keep insisting that he is harmed by that belief and feel they deserve to be financially compensated for expecting him to function as a grown up. I wish to high heaven there was more behind it to justify their attacks on me, but there isn't.

Please note that he actually filed a motion that included how he finds it to be acceptable to file false claims in court because OLPR hasn't told him it's wrong to do so.

At what point do you stop making excuses for him and call what he has been doing wrong? You made excuses for him the first time he was on probation and he told you who he was by looking at naked pictures on his cell phone during a hearing with a minor.

Then you put him on probation again for what he did to me and other people, and he's still doing this shit while he's on probation.

He's not a victim. He and Laurie have both said they want the right to harm me and be rewarded financially if I tell anyone about it, and the only reason they keep attacking me is because I want him to be held accountable and he is doing whatever he can to not take ownership of his conduct. He doesn't deny what he did. He just doesn't want anyone to call it wrong.

How long does he get to do this? I get it that it is easy to dump on me, but what he is doing is wrong. At what point does integrity in your system matter? How many people does he get to harm before it's wrong enough? Please remember in his zeal to attack me and be rewarded for it, there are multiple instances where he hasn't been truthful with the court, either. It's not a defense, because this is shit he has initiated. The court records are full of instances where when he doesn't get his way, he comes up with more shit to try before you decide it's wrong or wrong enough to put a stop to it?

For Laurie:

Most of the shit in the last year and a half at least has been done with her blessing and the latest attempt at screwing with me was orchestrated by her – the settlement arrangement. Please note that I have offered multiple times to discuss an agreement that doesn't need to be so deeply rooted in manipulation and deception and she has refused to even consider it.

See the attached document for how much and how often they have used the court as their own personal playground to cause harm to me, and the lengths she is helping Brian go to so that he doesn't have to own his own behavior is breathtaking, but it's also wrong.

In four years he's had every opportunity to show evidence that he didn't purposely lie to me when he took my money, and he hasn't done that. Look how hard he has held onto the belief that he didn't do anything wrong, too.

Please stop rewarding him and remember that each time you make excuses for him to give him another chance, it's others you are enabling him to harm me and encouraging him to not respect the integrity of the court. He's had plenty of chances to do the right thing and look what he has done.

Laurie's belief that I deserve to be treated like crap and Brian is entitled to be rewarded if I don't let him treat me like crap is wrong.

What they are doing to me isn't a mistake or a fluke. Brian has been attacking me for the last four years – even when he was supposed to be representing me, and Laurie has been helping him for at least the last year and a half. They both acknowledge that their conduct is intentional, but neither one wants to call it wrong, even though there is no justification or even a reason that makes sense for it.

Becky A Cole
Mailing Address: 19120 Freeport St NW, #793
Elk River, MN 55330
612-567-3631