

FILED

APR 30 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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6 (Attorneys for Appellants)

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10 IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. _____

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13 ELEANOR MONROE Individually
and as the Personal Representative of
14 the Estate of HUGH MONROE,

15 Appellants,

16 vs.

17 COGSWELL AGENCY and
SAFECO INSURANCE COMPANY
18 of ILLINOIS,

19 Appellees.

NOTICE OF APPEAL

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21 Notice is hereby given that Eleanor Monroe, individually and as the Personal
22 Representative of the Estate of Hugh Monroe, the Appellants above-named and who
23 are the Plaintiffs, in that cause of action filed in the Eighth Judicial District, in and
24 for the County of Cascade, as Cause No. CDV-04-385, hereby appeal to the Supreme
25 Court of the State of Montana from Orders granting Safeco Insurance Company of
26 Illinois (Safeco) summary judgments on August 12, 2005 and April 8, 2008 with a
27 judgment entered for Safeco on April 21, 2009; and Order granting summary
28 judgment to Cogswell Agency on February 27, 2009 and a judgment entered April 1,

1 2009; and Notices of Entry of Judgment dated April 27, 2009.

2 **THE APPELLANT FURTHER CERTIFIES:**

3 1. That this appeal is subject to the mediation process required by
4 M.R.App.P. 7. If subject to mediation, the money judgment being sought is greater
5 than \$5,000.00.

6 2. That this appeal is not an appeal from an order certified as final under
7 M.R.Civ.P. 54(b). If this is such an appeal, a true copy of the District Court's
8 certification order is attached hereto as Exhibit "A".

9 3. That the notice required by M.R.App.P. 27 has been or will be given,
10 within 11 days of the date hereof, to the Supreme Court and the Montana Attorney
11 General with respect to a challenge to the constitutionality of any act of the Montana
12 Legislature.

13 4. That all available transcripts of the proceedings in this cause have been
14 ordered from the court reporter contemporaneously with the filing of this notice of
15 appeal. If all available transcripts have not been ordered, that Appellant has complied
16 with the provisions of M.R.App.P. 8(3) contemporaneously with the filing of this
17 notice of appeal.

18 5. That included herewith is the filing fee prescribed by statute, or the
19 affidavit to proceed without payment of the required filing fee prescribed in the
20 Appendix of Forms as Form 3.

21 DATED this 28th day of April, 2009.

22 MARRA, SEXE, EVENSON & BELL, P.C.
23 2 Railroad Square, Suite C
24 P.O. Box 1525
25 Great Falls, MT 59403-1525

26 By Thomas A. Marra
27 Thomas A. Marra
28 Attorneys for Appellants

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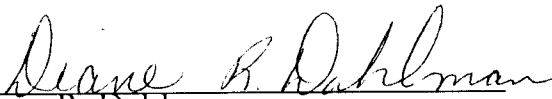
CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have 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 copy of the foregoing NOTICE OF APPEAL upon the Clerk of District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Clerk of the Eighth Judicial District Court
Ruth Reeves
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Diane R. Dahlman