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*Attorney for John Doe*

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

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JON KRAKAUER,	)	
	)	DA 18-0374
	)	
Petitioner, and Appellee	)	
	)	
vs	)	<b>INTERVENOR’S NOTICE OF</b>
	)	<b>APPEAL</b>
	)	
STATE OF MONTANA, by and through its	)	
COMMISSIONER OF HIGHER	)	
EDUCATION, Clayton Christian,	)	
	)	
Respondent and Appellant	)	
	)	
vs.	)	
	)	
JOHN DOE	)	
	)	
Intervenor, and Appellant	)	

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NOTICE is given that Intervenor, John Doe, the Appellant in the above-named action and the Intervenor in that cause of action filed in the First Judicial District, in and for the County of Lewis and Clark, as Cause No. ADV-2014-117, hereby appeals to the Supreme Court of the State for Montana from the initial Final Judgment signed on March 16, 2018, and amended by the Order on Motion for Attorney Fees and Costs dated May 15, 2018 that reset the appeal deadline until July 14, 2018. A Notice of Entry of Judgment was served on June 20, 2018.

Appellant understands and challenges the Final Judgment that consists of both the March 16 and May 15, 2018 orders, the October 19, 2017 order, and all previous orders and rulings excepted or objected to which led up to and resulted in the final judgment. Appellant also appeals the following orders and lack of rulings on the following issues:

1. The Court's October 23, 2017 Order on Intervenor's Motion to Compel and Disgorge;
2. The Court's failure to rule on the following motions Intervenor filed and which were fully briefed or no brief in opposition filed:
  - a) Intervenor's Motion to Dismiss Petition: Unclean Hands;
  - b) Intervenor's Motion to Dismiss: Futility; and
  - c) Intervenor's Motion to File Under Seal.

**THE APPELLANT FURTHER CERTIFIES:**

1. That this appeal is not subject to the mediation process required by Mont. R. App. P. 7.
2. That this appeal is not an appeal certified as final under M.R. Civ. P.54(b)
3. That the notice required by Mont. R. App. P. 27 is not applicable because the State is a party in this proceeding.
4. That all available transcripts of the proceedings in this case were prepared by the court reporter prior to filing this notice of appeal.

Respectfully submitted this 10<sup>th</sup> day of July, 2018

BY /S/David R. Paoli  
David R. Paoli  
Attorney for Intervenor & Appellant

**CERTIFICATE OF SERVICE**

I certify that I have filed a true and correct copy of the foregoing Notice of Appeal with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript was ordered, and each party not represented by the following means:

Peter Michael Meloy	<input checked="" type="checkbox"/>	U.S. Mail
Meloy Law Firm	<input type="checkbox"/>	Express Mail
P.O. Box 1241	<input type="checkbox"/>	Hand-Delivery
Helena, MT 59624	<input type="checkbox"/>	Fax
	<input type="checkbox"/>	Federal Express
	<input type="checkbox"/>	E-Mail

Vivian V. Hammill	<input checked="" type="checkbox"/>	U.S. Mail
Jessica M. Brubaker	<input type="checkbox"/>	Express Mail
Office of the Commissioner of Higher Education	<input type="checkbox"/>	Hand-Delivery
2500 Broadway	<input type="checkbox"/>	Fax
Helena, MT 59601	<input type="checkbox"/>	Federal Express
	<input type="checkbox"/>	E-Mail

Angie Sparks	<input checked="" type="checkbox"/>	U.S. Mail
Clerk of the First Judicial District	<input type="checkbox"/>	Express Mail
228 Broadway	<input type="checkbox"/>	Hand Delivery
Helena, MT 59601	<input type="checkbox"/>	Fax
	<input type="checkbox"/>	Federal Express

Vicki L. Pratt	<input checked="" type="checkbox"/>	U.S. Mail
District Court	<input type="checkbox"/>	Express Mail
228 Broadway	<input type="checkbox"/>	Hand Delivery
Helena, MT 59601	<input type="checkbox"/>	Fax
	<input type="checkbox"/>	Federal Express

Dated this 10<sup>th</sup> day of July, 2018

/s/David R. Paoli  
By Paoli Law Firm, P.C.

## CERTIFICATE OF SERVICE

I, David Robert Paoli, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 07-10-2018:

Timothy Charles Fox (Prosecutor)  
Montana Attorney General  
215 North Sanders  
PO Box 201401  
Helena MT 59620  
Representing: State of Montana  
Service Method: eService

Peter M. Meloy (Attorney)  
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Representing: Jon Krakauer  
Service Method: eService

Vivian V Hammill (Attorney)  
560 North Park Ave., 4th Floor  
Helena MT 59601  
Representing: Higher Education, Office of the Commissioner of  
Service Method: Conventional

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Service Method: Conventional

Electronically Signed By: David Robert Paoli  
Dated: 07-10-2018