

ORIGINAL

FILED

11/14/2018

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 18-0648

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

FILED

NOV 14 2018

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

GREG STEED and CHERALYN)
STEED, husband and wife, and)
WILLIAM SANGUINE and PHYLLIS)
SANGUINE, husband and wife,)

Plaintiffs/Appellants,)

vs.)

TONY BERGET, RON DOWNY, and)
MIKE COLE, in their capacity as the)
LINCOLN COUNTY BOARD OF)
COUNTY COMMISSIONERS, and)
LINCOLN COUNTY, PLAT 1706)
EASEMENT HOLDERS and)
RICHARD CARTER, President,)

Defendants/Appellees.)

DA 18-0648

NOTICE OF APPEAL

NOTICE is given that GREG STEED and CHERALYN STEED,
husband and wife, the Appellants above-named and who are the plaintiffs in that
cause of action filed in the Nineteenth Judicial District, in and for the County of
Lincoln, as Cause No. DV-14-60, hereby appeal to the Supreme Court of the

State of Montana from the final judgment or order entered in such action on the 30th day of July, 2018, and including, but not limited to, the following orders:

1. Order Regarding Applicable Regulations Upon Remand (August 17, 2016);
2. Order Setting Briefing Schedule (October 3, 2017);
3. Order Denying Plaintiffs' Motion for Reconsideration or Relief (November 28, 2017);
4. Order Denying Plaintiffs' Motion for Leave to File Overlength Brief (December 5, 2017);
5. Findings of Fact, Conclusions of Law and Order on Petition for Judicial Review (July 16, 2018); and
6. Order on Motion to Tax Costs (August 15, 2018).

THE APPELLANTS FURTHER CERTIFY:

1. That this appeal is not subject to the mediation process required by M. R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the

Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause have not been ordered from the court reporter contemporaneously with the filing of this notice of appeal. Appellants have complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal. Appellants have determined that no transcripts of proceedings are necessary to the issues on the appeal.

5. That included herewith is the filing fee prescribed by statute.

Dated this 13th day of November, 2018.

CAPP, JENKS & SIMPSON, P.C.

A handwritten signature in black ink, appearing to read "J. Fred Simpson", is written over a horizontal line.

J. Fred Simpson, Esq.

Attorneys for Plaintiffs/Appellants

CERTIFICATE OF SERVICE

I 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 true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

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Hon. John W. Larson
c/o Brenda Johnson
District Judge, Dept. 3
Missoula County Courthouse
200 West Broadway
Missoula, MT 59803

Dated this 13th day of November, 2018.

CAPP, JENKS & SIMPSON, P.C.


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