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Attorneys for Appellant

IN THE SUPREME COURT OF THE STATE OF MONTANA

WILLIAM H. PEARSON AND TERRIE J. PEARSON,

Plaintiffs/Appellants,
vs.

GREENFIELDS IRRIGATION DISTRICT,
BOARD OF COMMISSIONERS OF
GREENFIELDS IRRIGATION DISTRICT,
SECRETARY OF GREENFIELDS
IRRIGATION DISTRICT,

Defendants/Appellees.

DA 18-0632

**APPELLANTS' RESPONSE TO APPELLEES' OBJECTION TO
NOTICE OF APPEAL AND MOTION FOR ORDER REQUIRING
MEDIATION AND PAYMENT OF COSTS**

COMES NOW, William H. Pearson and Terrie J. Pearson, Appellants,
by and through their counsel of record and respond to *Appellants' Response*

To Appellees' Objection To Notice Of Appeal And Motion For Order Requiring Mediation And Payment Of Costs as follows:

Defendant/Appellees' request to require mediation in this matter pursuant to Mont. R. App. Pro. R. 7(2)(c) is not correct and misapprehend the nature of the case. In the prayer of Plaintiffs/Appellants' Complaint, which is attached to the objection, the first three requests are for non-monetary damages. While it is true that damages may have been awarded, and the second count would have provided for monetary damages, the gravamen of the case concerned the acreage to be irrigated, in other words the declaratory judgment claim. Further, no damages were ordered in this case.

Nonetheless, Plaintiffs/Appellants are not opposed to participating in mediation, but do not feel that this matter qualifies for mandatory participation under Rule 7(2)(c). However, to the extent the Defendants/Appellees or the Court desires mediation in this case under Rule 7(2)(d), Plaintiff/Appellants will participate in good faith.

DATED this 7th day of December, 2018.

CHURCH, HARRIS, JOHNSON & WILLIAMS, P.C.

By:  _____
ROBERTA A. BERKHOF
Attorneys for the Plaintiffs/Appellants

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing *APPELLANTS' RESPONSE TO APPELLEES' OBJECTION TO NOTICE OF APPEAL AND MOTION FOR ORDER REQUIRING MEDIATION AND PAYMENT OF COSTS* with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing *APPELLANTS' RESPONSE TO APPELLEES' OBJECTION TO NOTICE OF APPEAL AND MOTION FOR ORDER REQUIRING MEDIATION AND PAYMENT OF COSTS* upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above referenced District Court action, as follows:

DATED this 7th day of December, 2018.

Jon Metropoulos METROPOULOS LAW FIRM, PLLC 1 South Montana Ave. – Suite L-3 Helena, MT 59601	Joe Seifert Keller Law Firm 50 South Last Chance Gulch Helena, MT 59624
Lisa Sinton Teton County Clerk of Court 1 Main Avenue South P. O. Box 487 Choteau, MT 59422-0487	Court Reporter: Kelsey McAlpine Ninth Judicial District 512 E. Main Street Cut Bank, MT 59427



CHURCH, HARRIS, JOHNSON & WILLIAMS, P.C.

CERTIFICATE OF SERVICE

I, Roberta A. Berkhof, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 12-07-2018:

Charles J. Seifert (Attorney)

P.O. Box 598

Helena MT 59624

Representing: Board of Commissioners of Greenfields Irrigation D, Greenfields Irrigation District,
Secretary of Greenfields Irrigation District

Service Method: eService

Jon Metropoulos (Attorney)

Metropoulos Law Firm, PLLC

1 S. Montana Ave, Suite L-3

Helena MT 59601

Representing: Board of Commissioners of Greenfields Irrigation D, Greenfields Irrigation District,
Secretary of Greenfields Irrigation District

Service Method: Conventional

Lisa J. Sinton (Clerk of District Court)

P.O. Box 487

Choteau MT 59422

Service Method: eService

E-mail Address: LSinton@mt.gov

Kelsey McAlpine (Court Reporter)

512 East Main Street

Cut Bank MT 59427

Service Method: eService

E-mail Address: Kelsey.McAlpine@mt.gov

Electronically signed by Betty DeMers on behalf of Roberta A. Berkhof
Dated: 12-07-2018