

ORIGINAL

FILED

11/05/2019

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 18-0607

IN RE THE ESTATE OF EDWARD M. BOLAND,

Deceased,

PAUL BOLAND and MARY GETTEL, as heirs
of the Estate of Dixie L. Boland,

Petitioners and Appellants,

v.

CHRIS BOLAND, BARRY BOLAND, ED BOLAND
CONSTRUCTION, INC., and NORTH PARK
INVESTMENTS, LLC,

Respondents and Appellees.

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Clerk of Supreme Court
State of Montana

ORDER

Appellants, Paul Boland and Mary Gettel, by and through their counsel, Thomas Towe, have filed a Petition for En Banc Rehearing. Appellees have filed a response.

Pursuant to Section IV, Paragraph 2, of the Montana Supreme Court Internal Operating Rules, "Any petition for rehearing shall be considered by those justices hearing the case in the first instance." This case was decided by a five-justice panel. Thus, the decision for or against rehearing shall be made by the same five-justice panel which rendered the decision. There is no provision in this Court's internal operating rules allowing for an en banc rehearing petition to be filed.

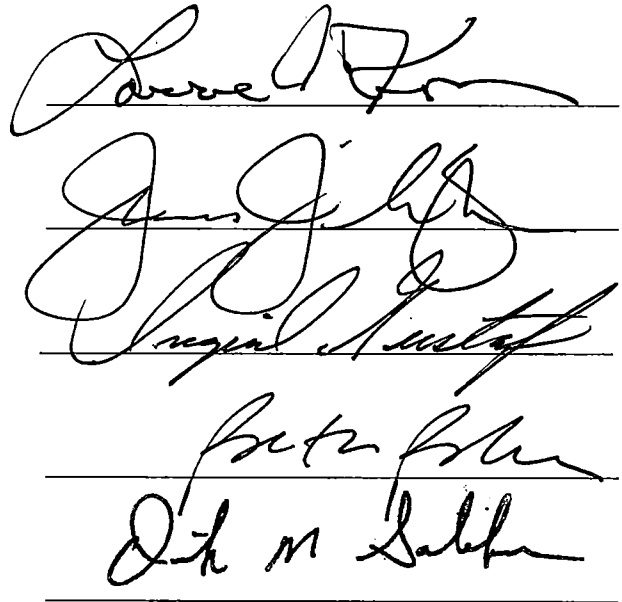
This Court rendered its Opinion in the above entitled action on October 3, 2019. The Appellants have also filed a petition for rehearing. This Court will consider a petition for rehearing presented only upon the following grounds: that the Court overlooked some fact material to the decision; that the Court overlooked some question presented by counsel that would have proven decisive to the case; or that the Court's decision conflicts with a statute or controlling decision not addressed by the Court. M. R. App. P. 20(1)(a).

Upon review of the Appellants' Petition, this Court determines that none of the conditions listed in M. R. App. 20(1)(a) have been met.

IT IS ORDERED that the Appellants' petition for rehearing is DENIED.

IT IS FURTHER ORDERED that the Clerk of this Court give notice of this Order to all counsel of record and to the Honorable Gregory G. Pinski, Presiding Judge.

DATED this 5th day of ~~October~~^{November}, 2019.

The block contains five handwritten signatures, each written on a horizontal line. From top to bottom, the signatures are: 1. A cursive signature that appears to be "David J. ...". 2. A cursive signature that appears to be "James J. ...". 3. A cursive signature that appears to be "Craig A. ...". 4. A cursive signature that appears to be "Peter ...". 5. A cursive signature that appears to be "D. M. ...".

Justices