

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

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DAGMARA MACH, on behalf of
herself and all others similarly situated,

Plaintiff/Appellee,

v.

NOTICE OF APPEAL

MONTANA HEALTH
COOPERATIVE d/b/a MONTANA
HEALTH CO-OP, and JOHN DOES 1-5,

Defendant/Appellant.

NOTICE is given that Montana Health Cooperative, the Appellant above-named and who is the Defendant in that cause of action filed in the First Judicial District Court, in and for the County of Lewis and Clark, as Cause No. ADV 2015-369, hereby appeal to the Supreme Court of the State of Montana from the Order

on Motion for Class Certification entered on December 19, 2019, attached hereto as Exhibit A, together with all previous orders and rulings which led up to and resulted in the Order. *See* Mont. R. App. P. 4(4)(a); *see also* Mont. R. Civ. P. 23(f).

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by Montana Rule of Appellate Procedure 7.
2. That this appeal is not an appeal from an order certified as final under Montana Rule of Civil Procedure 54(b). Rather, this appeal is being made pursuant to Montana Rule of Civil Procedure 23(f) which provides for an appeal from an order granting class certification under Rule 23 before final judgment. *See* Mont. R. App. P. 6(3)(d).
3. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal.
4. In conjunction with the filing of this Notice of Appeal, the undersigned has paid the filing fee prescribed by statute.

DATED this 23rd day of January, 2020.

/s/ Randall J. Colbert
Attorneys for Defendant/Appellant
Montana Health Cooperative

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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Clerk of Court (Lewis & Clark County)
First Judicial District Court
P.O. Box 158
Helena, MT 9624-0158

DATED this 23rd day of January, 2020.

/s/ Randall J. Colbert
Attorneys for Defendant/Appellant
Montana Health Cooperative

CERTIFICATE OF SERVICE

I, Randall J. Colbert, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 01-23-2020:

Justin K. Cole (Attorney)
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Electronically signed by Pam Cooper on behalf of Randall J. Colbert
Dated: 01-23-2020