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Attorneys for Plaintiffs

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

ARIANE WITTMAN and JEREMY
TAYLEN,

Appellants,

-vs-

CITY OF BILLINGS,

Appellee.

NOTICE OF APPEAL

NOTICE is given that ARIANE WITTMAN and JEREMY TAYLEN, the Appellants above-named and who are the plaintiffs in that cause of action filed in the Thirteenth Judicial District, in and for the County of Yellowstone, as Cause

No. DV 19-1124, hereby appeal to the Supreme Court of the State of Montana from the Memorandum and Order in Re: The Plaintiffs' Motions for Partial Summary Judgment entered in such action on the 29th day of September 2020. The Plaintiffs filed a Rule 60(b), M.R.Civ.P. motion on October 14, 2020. The District Court denied that motion in an Order dated November 23, 2020, which Order became final by the filing of a Notice of Entry of Judgment on December 16, 2020.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7. The money judgment being sought is not less than \$5,000.

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.

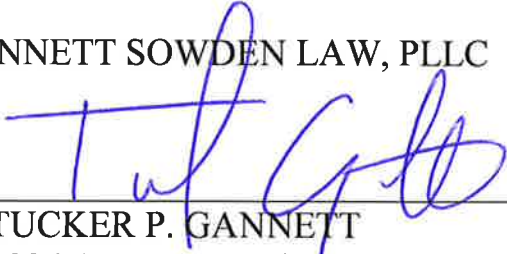
4. That all available transcripts of the proceedings in this cause have not been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellants have complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

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

DATED this 22nd day of December, 2020.

GANNETT SOWDEN LAW, PLLC

By


TUCKER P. GANNETT

3936 Avenue B, Suite A

Billings, MT 59102

Attorneys for 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:

DATED this 22nd day of December, 2020.

Terry Halpin, Clerk
Yellowstone County District Court
P.O. Box 35030
Billings, MT 59107

Gerry P. Fagan/Afton Ball
Moulton Bellingham P.C.
P.O. Box 2559
Billings, MT 59103-2559



TUCKER P. GANNETT

CERTIFICATE OF SERVICE

I, Tucker Patrick Gannett, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 12-22-2020:

Afton Eva Ball (Attorney)
Moulton Bellingham PC
P O Box 2559
27 North 27th Street, Suite 1900
Billings MT 59103
Representing: City of Billings
Service Method: eService

Gerry P. Fagan (Attorney)
27 North 27th Street, Suite 1900
P O Box 2559
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Service Method: eService

Amanda Beckers Sowden (Attorney)
3936 Avenue B, Suite A
Billings MT 59102
Representing: Ariane Wittman, Jeremy Taylen
Service Method: E-mail Delivery

Electronically Signed By: Tucker Patrick Gannett
Dated: 12-22-2020