

IN THE SUPREME COURT OF THE  
STATE OF MONTANA

Case No. DA \_\_\_\_\_

MEDPOINT MT, INC.,  
a Montana Corporation,

Plaintiff/Appellant,

vs.

JEREMY MYERS,

Defendants/Appellee.

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*NOTICE OF APPEAL*

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On Appeal from the Montana Eleventh Judicial District Court  
Flathead County, Cause No. DV18-826A  
Before Hon. Amy Eddy

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Quentin M. Rhoades  
Nicole Siefert  
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ERICKSON PLLC  
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Missoula, Montana 59802  
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*For Appellant*

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Sean S. Frampton  
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sean@framptonpurdy.com  
doug@framptonpurdy.com  
*For Appellee Jeremy Myers*

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NOTICE IS GIVEN that MEDPOINT MT, INC., a Montana  
Corporation, Plaintiff in Cause Number DV18-826A in the Eleventh

Judicial District of Flathead County, hereby appeals to the Supreme Court of the State of Montana from the following Orders:

Judgment dated February 19, 2021; and any final and appealable judgments that may enter related thereto, and all proceeding that led up to the foregoing.

**THE APPELLANT FURTHER CERTIFIES:**

1. This Appeal is subject to the mediation process required by Mont. R. App. P. 7(2)(c);

2. This appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b);

3. A copy of the Notice of Appeal has been contemporaneously filed in the office of the Clerk of the District Court;

4. A copy of this Notice of Appeal will be served by mailing to the Clerk of District Court and to counsel for the Appellees, or to any Appellee appearing *Pro Se*, and to any Third-Party Defendant;

5. 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; and

6. The required filing fee for this Notice of Appeal has been paid through the Montana Courts Electronic Filing system.

DATED this 5th day of May 2021.

Respectfully Submitted,  
**RHOADES SIEFERT & ERICKSON PLLC**

By: /s/ *Quentin M. Rhoades*  
Quentin M. Rhoades  
*Attorneys for Plaintiff/Appellant*

## CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of May 2021, 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, 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:

Flathead Clerk of District Court  
Eleventh Judicial District Court  
920 S Main St #300  
Kalispell, MT 59901

Sean S. Frampton  
Doug Scotti  
Frampton Purdy Law Firm  
530 W. 19th St., Suite 301  
Whitefish, MT 59937  
*Attorneys for Appellee*

/s/ Quentin M. Rhoades  
Quentin M. Rhoades

Amy Eddy, District Court Judge  
Department No. 1  
Flathead County Justice Center  
920 South Main Street, Suite 310  
Kalispell, MT 59901  
(406) 758-5906

**MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY**

MEDPOINT MT, INC., a Montana  
Corporation

Plaintiff,

-vs-

JEREMY MYERS, an individual, DJO  
GLOBAL, INC., a Delaware Corporation,

Defendants.

Cause No. DV-18-826A

Judge Amy Eddy

**JUDGMENT**

The above-entitled matter was tried before a twelve-person jury January 11-15, 2021.  
The jury reached a verdict in favor of Defendant Jeremy Myers and against Plaintiff in the  
amount of \$213,000.00.

By Order dated February 17, 2021, this Court awarded Defendant Myers his costs in  
the amount of \$3,711.19.

Based on the verdict and rulings identified above, the Court enters the following  
Judgment:

IT IS FURTHER ORDERED that Judgment shall be entered in favor of Defendant  
Jeremy Myers and against Plaintiff for \$216,711.19, together with interest at the legal rate

1  
2 per year from the date of the verdict until paid, as statutorily designated by § 25-9-205,  
3 MCA.

4 DATED and signed below.  
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## **CERTIFICATE OF SERVICE**

I, Quentin M. Rhoades, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 05-05-2021:

Douglas Scotti (Attorney)  
530 West 19th Street #301  
Whitefish MT 59937  
Representing: Jeremy Myers  
Service Method: eService

Sean S. Frampton (Attorney)  
530 West 19th Street #301  
Whitefish MT 59937  
Representing: Jeremy Myers  
Service Method: eService

Nicole Lynn Siefert (Attorney)  
430 Ryman Street  
Missoula MT 59802  
Representing: Medpoint MT, Inc.  
Service Method: eService

Electronically signed by Lauren Towsley on behalf of Quentin M. Rhoades  
Dated: 05-05-2021