

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 21-0349

SESSEL SAGORIN, as successor to
interest to YELLOWSTONE LODGING, LLC,

Plaintiff and Appellant,

v.

SUNRISE HEATING AND COOLING, LLC,
EXCELLENCE HEATING & COOLING, LLC,
BRIAN MEDRAIN, ZACK NELSON, DAIKIN
NORTH AMERICA, LLC, DAIKIN APPLIED
AMERICAS, INC., THERMAL SUPPLY, INC.,
LATERAL ELECTRICAL SERVICES, INC,
AMERICAN EXPRESS COMPANY, LESLIE
JONGBERG III, d/b/a MONTANA MOBILE
MOUNTAIN COOLING SERVICES, DOUG'S
CONSTR. AND REPAIR, INC., CHRIS BAKER,
JAMIE WRIGHT, TRAVIS JORDAN, SCOTT
PHELAN, ESQUIRE INTERMOUNTAIN LAW,
LLC, and DODD LAW FIRM, P.C.,

Defendants and Appellees.

FILED**SEP 28 2021**

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

This Court reviews briefs to ensure compliance with the Montana Rules of Appellate Procedure. After reviewing the Appellant's opening brief filed on September 27, 2021, this Court has determined that the brief substantially complies with the Rules except that it does not contain the Appellant's original signature or the District Court order from which the appeal was taken. Rule 13(2) requires a signed original brief to be filed with the Clerk of the Supreme Court. Rule 12(1)(i) requires an appendix that includes the relevant judgment, orders, findings of fact, conclusions of law, jury instructions, rulings, or decisions from which the appeal is taken.

Because the brief otherwise complies with the requirements of the appellate rules, the Court will accept the Appellant's brief for filing, provided the Appellant submits: (1) the District Court's June 30, 2021 order on the Defendants' Motion to Dismiss; and (2) a

new signature page with Appellant's original signature, a certificate of compliance with Appellant's original signature, and a certificate of service with Appellant's original signature.

Therefore,

IT IS ORDERED that the Appellant shall file with the Clerk of Court within ten (10) days of this Order the District Court's June 30, 2021 order granting the Defendants' motion to dismiss;

IT IS FURTHER ORDERED that the Appellant shall file with the Clerk of Court within ten (10) days of this Order a signature page, a certificate of compliance, and a certificate of service for the Appellant's Opening Brief, each containing Appellant's original signature, and shall serve on the Appellees a true copy of each signed page;

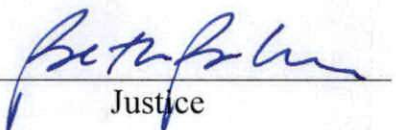
IT IS FURTHER ORDERED that no changes, additions, or deletions other than those specified in this Order may be made to the brief as originally filed; and

IT IS FURTHER ORDERED that the Clerk of this Court shall file Appellant's Opening Brief upon receipt of the documents required by this Order. The times for any subsequent briefing contained in M. R. App. P. 13 shall run from the date of that filing.

The Clerk is directed to mail a true copy of this Order to Appellant and to all counsel or parties upon whom the brief was served.

DATED this 28 day of September, 2021.

For the Court,

By 
Justice