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Attorneys for Defendants/Appellees

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

ELLYN NADEAU,

Appellant,

vs.

CARY HORNEMAN and DAVID  
HORNEMAN,

Appellees.

**Cause No.: DA 21-0490**

**NOTICE OF CROSS-APPEAL**

NOTICE is given that appellees Cary and David Horneman (“Hornemans”), who are defendants/counter-claimants/third-party plaintiffs in that cause of action filed in the Twenty-Second Judicial District Court, Big Horn County, as Cause No. DV 2018-46, hereby cross-appeal to the Supreme Court of the State of Montana from the final judgment the district court entered on September 16, 2021, notice of entry of which was served under Mont. R. Civ. P. 77(d) on September 21, 2021,

and all prior and subsequent orders entered by the district court.

THE CROSS-APPELLANTS FURTHER CERTIFY:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7.

2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).

3. That no notice is required by M. R. App. P. 27 to be given, as Appellees do not challenge the constitutionality of any act of the Montana Legislature in this matter.

4. Appellant Ellyn Nadeau has certified that all available transcripts have been ordered. Should the Hornemans determine that any additional transcripts are necessary for adjudication of their cross-appeal, they shall so notify the district court pursuant to Mont. R. App. P. 8(3)(b).

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

Respectfully submitted, this 19th day of October, 2021.

CROWLEY FLECK PLLP

By: /s/ Justin Harkins  
Reneé L. Coppock  
John W. (Justin) Harkins IV  
P. O. Box 2529  
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Attorneys for Appellees Cary and  
David Horneman

## **CERTIFICATE OF SERVICE**

Under penalty of perjury, I hereby certify that on the 19th day of October, 2021, I served a true and exact copy of the foregoing document by the means designated below, upon the following:

[X] U.S. Mail

John G. Crist  
Eric Edward Nord  
CRIST KROGH ALKE & NORD PLLC  
2708 1<sup>st</sup> Avenue North, Suite 300  
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Karen Yarlott Molina (Clerk of District Court)  
P.O. Box 908  
121 West 3rd Street  
Hardin, MT 59034

/s/ Justin Harkins\_\_\_\_\_

## **CERTIFICATE OF SERVICE**

I, John William Harkins, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Cross Appeal to the following on 10-19-2021:

John Gregory Crist (Attorney)  
2708 1st Avenue North  
Suite 300  
Billings MT 59101  
Representing: Ellyn Nadeau  
Service Method: eService

Renee Lynne Coppock (Attorney)  
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Representing: Cary Horneman, David Horneman  
Service Method: E-mail Delivery

Electronically Signed By: John William Harkins  
Dated: 10-19-2021