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**Attorneys for Defendant and Appellant Andrew B. Gromiller**

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

Supreme Court Cause No. \_\_\_\_\_

ESTATE OF JAMES W. GROMILLER

Acting through Executrix Nancy Newhams,

Plaintiff/Appellee,

vs.

ANDREW B. GROMILLER,

Defendant/Appellant.

**NOTICE OF APPEAL**

NOTICE is given that Andrew B. Gromiller, the Appellant above-named who is the Defendant in that cause of action filed in the Montana Fifth Judicial District Court, in and for the County of Madison, Cause No. DV-29-2019-51, hereby appeals to the Supreme Court of the state of Montana from the final Judgment entered in

such action on the 24th day of September, 2021, and all prior orders leading to such final Judgment, including the Order on Motions for Summary Judgment entered on the 9<sup>th</sup> day of November, 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 no notice is required by M. R. App. P. 27 to be given, as Appellee does not challenge the constitutionality of any act of the Montana Legislature in this matter.
4. That there are no transcripts of proceedings necessary for the record on appeal and no transcripts have been ordered from the court reporter with the filing of this Notice of Appeal.
5. That upon filing of this Notice of Appeal, the filing fee prescribed by statute has been paid electronically.

DATED this 5th day of November, 2021.

GOETZ, BALDWIN & GEDDES, P.C.



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Trent M. Gardner

Henry J.K. Tesar

Attorneys for Defendant / Appellant

## 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, by the means designated below, this 5<sup>th</sup> day of November, 2021:

<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Via fax <input checked="" type="checkbox"/> E-mail: amcnulty@lawmt.com	Amy C. McNulty Tarlow Stonecipher Weamer & Kelly, PLLC 1705 W. College Street Bozeman, MT 59715
<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Via fax <input checked="" type="checkbox"/> E-mail: kmiller@mt.gov	Karen J. Miller Madison County Clerk of District Court P.O. Box 185 Virginia City, MT 59755



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Trent M. Gardner  
Henry J.K. Tesar

## **CERTIFICATE OF SERVICE**

I, Trent Morris Gardner, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 11-05-2021:

Amy Claire McNulty (Attorney)  
1705 West College Street  
Bozeman MT 59715  
Representing: Nancy Newhams  
Service Method: eService

Henry J.K. Tesar  
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Karen J. Miller (Clerk of District Court)  
PO Box 185  
Virginia City MT 59755  
Service Method: eService  
E-mail Address: KMiller@mt.gov

Electronically signed by Kaila Pelzer on behalf of Trent Morris Gardner  
Dated: 11-05-2021