

02/11/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 22-0078

1 JAMI REBSOM
Jami Rebsom Law Firm PLLC
2 P.O. Box 670
3 Livingston, MT 59047
Telephone: 406-222-5963
4 ATTORNEY FOR RESPONDENT/APPELLANT

5 IN THE SUPREME COURT, STATE OF MONTANA

6
7 IN RE THE MARRIAGE OF:)
KELDAH ELIZABETH HEDSTROM,) DA-22-0078
8 Petitioner/Appellee,)
9 vs.)
10 CODY CLAY PETERS,) NOTICE OF APPEAL
11 Defendant/Appellant.)

12
13 PLEASE TAKE NOTICE, that the Respondent/Appellant, Cody Clay Peters, by and
14 through his attorney of record, Jami Rebsom, and hereby appeal the Sixth Judicial District Court's
15 Decision and Orders holding Mr. Peters in Contempt and awarding attorney fees, dated November
16 23, 2021, and January 26, 2022.

17 This appeal is not subject to the mediation process required by M.R. App. P. Rule 7.
18 This appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b). The transcripts
19 in this case have been ordered.
20

21 Dated this 10th day of February, 2022.

22 /s/Jami Rebsom
23 Jami Rebsom
24 Attorney for Respondent/Appellant
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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, 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

I hereby certify that I served a full, true and accurate copy of the foregoing document on the 11th day of February 2022, to the following named person:

Austin Knudsen
dojsupremecourtefilings@mt.gov
Office of the Attorney General
215 North Sanders Street
Helena, Montana 59601

Park County Clerk of District Court
Through efile system

Courtney Lawellen
cityattorney@livingstonmontana.org
Livingston City Court Attorney
414 East Callender
Livingston, MT 59047


Jessica Joubert

HON. BRENDA R. GILBERT
District Court Judge
Sixth Judicial District
414 East Callender Street
Livingston, Montana 59047
406-222-4130

MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

IN RE THE MARRIAGE OF:)	Cause No. DR 19-100
)	
)	FINDINGS OF FACT, CONCLUSIONS
KELDAH ELIZABETH HEDSTROM,)	OF LAW AND ORDER REGARDING
)	ATTORNEY'S FEES AND COSTS
Petitioner,)	
)	
and)	
)	
CODY CLAY PETERS,)	
)	
Respondent.)	

The Court issued an Order Finding Respondent in Contempt and Awarding Attorney Fees in this matter on November 19, 2021, giving counsel for the Petitioner until November 29, 2021 to file an Affidavit of Attorney Fees. Petitioner's counsel filed an Affidavit for Attorney Fees on November 22, 2021. The Respondent then had until December 6, 2021, to file an objection. The Respondent filed an objection. The Court held a reasonableness hearing on January 25, 2021. The Petitioner appeared by Zoom and her counsel, Rebecca Swandal, appeared personally. The Respondent appeared by Zoom and his counsel, Jami Rebsom appeared personally. Petitioner's counsel testified and Petitioner called attorney Kevin Brown as an expert witness regarding the reasonableness issue. Counsel presented oral argument and the Court entered its decision on the record, which is now reduced to writing herein.

The Court finds and concludes that the attorneys' fees and costs claimed by the Petitioner are reasonable and should be awarded by the Court. Though the Respondent filed an objection to the fees and costs claimed by the Petitioner, the Respondent did not therein object to the reasonableness of the fees claimed, but rather objected to the contempt order itself and to fees being awarded at all. The Court nonetheless set the matter for a reasonableness hearing because

1 the Respondent had filed his Objection. At the hearing, the Respondent presented no testimony
2 or evidence that would lead the Court to conclude that the fees and costs claimed by the
3 Petitioner are not reasonable. The testimony of Kevin Brown was to the effect that the fees and
4 costs claimed by Petitioner are reasonable, that Petitioner's counsel's hourly rate is at the low
5 end of the range charged by counsel in this area, and that the time spent was reasonable for the
6 services provided and appeared to omit charges for reviewing Respondent's Response and
conducting research.

7 The testimony of Mr. Brown is unrefuted. The attorneys' fees and costs claimed by the
8 Petitioner are reasonable and an Order should be entered for the sum claimed.

9 ACCORDINGLY, GOOD CAUSE EXISTS FOR ENTRY OF THE ORDER THAT
10 FOLLOWS:

11 **ORDER**

12 **I.**

13 Respondent is Ordered to pay the Petitioner's attorney's fees and costs in the sum of
14 \$1,530.00. Respondent may make monthly payments on this obligation, however the sum ordered
shall be paid in full within six months from the date of the Order.

15 **ELECTRONICALLY SIGNED AND DATED BELOW.**

16 cc: Rebecca Swandal
17 Jami Rebsom
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CERTIFICATE OF SERVICE

I, Jami L. Rebsom, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 02-11-2022:

Rebecca Robyn Swandal (Attorney)
305 East Lewis Street
Livingston MT 59047
Representing: Keldah Elizabeth Hedstrom
Service Method: eService

Electronically Signed By: Jami L. Rebsom
Dated: 02-11-2022