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*Attorneys for Petitioners/Appellants*

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

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

HILLCREST NATURAL AREA  
FOUNDATION, INC., JOEL E. GUTHALS,  
ANN M. GUTHALS, MARC VISCHER,  
ELLEN KNIGHT, ROSS WAPLES, and  
VIRGINIA WAPLES,

Petitioners/Appellants,

v.

MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY and CITY  
OF BILLINGS,

Respondent and Respondent-Intervenor  
/Appellees.

**NOTICE OF APPEAL**

NOTICE is given that Hillcrest Natural Area Foundation, Inc., Joel E. Guthals, Ann M. Guthals, Marc Vischer, Ellen Knight, Ross Waples, and Virginia Waples, the Appellants above-named and who are the Petitioners in that cause of action filed in the Montana Thirteenth Judicial District Court, in and for the County of Yellowstone, Cause No. DV 19-0192, hereby appeal to the Supreme Court of the State of Montana from the final judgment entered in such action on the 24th day of January, 2022, and all prior orders leading to such final judgment, including the Order on Cross Motions for Summary Judgment issued on the 7th day of January 2022.

**THE APPELLANTS FURTHER CERTIFY:**

1. That this appeal is not subject to the mediation process required by M. R. App. P. 7. No money judgment is sought.
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 for purposes of this appeal. Appellants challenged the constitutionality of § 75-1-201(6)(c)–(d), MCA, below, but it has since been held unconstitutional by *Park County Environmental Council v. Montana Department of Environmental Quality*, 2020


MT 303, 402 Mont. 168, 477 P.3d 288.

4. 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.

5. That upon filing of this Notice of Appeal, the filing fee prescribed by statute has been paid electronically.

DATED this 22nd day of March, 2022.

**GOETZ, GEDDES & GARDNER, P.C.**

By:   
\_\_\_\_\_  
Trent M. Gardner  
Kyle W. Nelson  
Braden S. Murphy  
*Attorneys for Petitioners/Appellants*

## 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, as follows:

<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: <a href="mailto:nicholas.whitaker@mt.gov">nicholas.whitaker@mt.gov</a>	Nicholas A. Whitaker C. Edward Hayes Special Assistant Attorneys General Department of Environmental Quality Legal Unit, Metcalf Building P.O. Box 200901 Helena, MT 59620
<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: <a href="mailto:wwmercerc@hollandhart.com">wwmercerc@hollandhart.com</a> <a href="mailto:bcmclafferty@hollandhart.com">bcmclafferty@hollandhart.com</a>	William W. Mercer Brianna C. McClafferty Holland & Hart LLP 401 North 31st Street, Ste. 1500 P.O. Box 639 Billings, MT 59103-0639
<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: <a href="mailto:thalpin@co.yellowstone.mt.gov">thalpin@co.yellowstone.mt.gov</a>	Terry Halpin Clerk of District Court 217 North 27th Street, Rms 702-704 P.O. Box 35030 Billings, MT 59107
<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: <a href="mailto:geoffrey.curtiss@mt.gov">geoffrey.curtiss@mt.gov</a>	Geoffrey Curtiss Court Reporter P.O. Box 606 Billings, MT 59103

Dated this 22nd day of March, 2022.



\_\_\_\_\_  
Kyle W. Nelson

## CERTIFICATE OF SERVICE

I, Kyle Nelson, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 03-22-2022:

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Electronically signed by Myriam Quinto on behalf of Kyle Nelson  
Dated: 03-22-2022