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Attorneys for Appellant

**IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 22-0299**

JAIMI L. ESPY,

Plaintiff and Appellant,

vs.

BRIAN A. LAGRECA, MD,

Defendant and Appellee.

**NOTICE OF CHALLENGE TO
THE CONSTITUTIONALITY OF
AN ACT OF THE MONTANA
LEGISLATURE**

Notice is given to the Supreme Court and to the Montana Attorney General that, in this action, the undersigned challenges the constitutionality of an act of the Montana legislature, namely: The cap on noneconomic damages contained in MCA § 25-9-411 (both effective and contingency versions) violates the Montana Constitution. Neither the state nor any agency or any officer or employee thereof is a party to this action in the officer's or employee's official capacity.

This notice is given within 11 days of the filing of the notice of appeal, as required
by M.R.App.P. 27.

DATED this 3rd day of June, 2022.

HEENAN & COOK, PLLC
RAGAIN & CLARK, PC

/s/ Joseph P. Cook
Joseph P. Cook
Attorneys for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing upon the Attorney General for the State of Montana, 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 action as follows:

Attorney General Austin Knudsen
Department of Justice
PO Box 201401
Helena, MT 59620-1401
contactdoj@mt.gov

Mark S. Williams, Esq.
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235 E. Pine
P.O. Box 9440
Missoula, MT 59807-9440
mark@wmslaw.com

Dated this 3rd day of June, 2022.

/s/ Joseph P. Cook
Joseph P. Cook
HEENAN & COOK, PLLC
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Billings, MT 59102

Attorneys for Appellant

CERTIFICATE OF SERVICE

I, Joseph Patrick Cook, hereby certify that I have served true and accurate copies of the foregoing Notice - Constitutional Question to the following on 06-03-2022:

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Electronically Signed By: Joseph Patrick Cook
Dated: 06-03-2022