

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court No.

MICHAEL L. GOGUEN,
Plaintiff / Appellant,

v.

NYP HOLDINGS, INC. ISABEL VINCENT, and
DOES 1 through 100,
Defendants / Appellees.

On Appeal from the Montana Eleventh Judicial District Court
DV-15-2021-0001382-DQ
Hon. Amy Eddy, Presiding

NOTICE OF CROSS-APPEAL

APPEARANCES:

Reid J. Perkins
WORDEN THANE P.C.
321 W. Broadway St., Ste. 300
Missoula, MT 59802
(406) 721-3400
rperkins@wordenthane.com

Diane M. Doolittle (*pro hac vice*)
QUINN EMANUEL URQUHART & SULLIVAN, LLP
555 Twin Dolphin Dr. 5th Floor
Redwood Shores, CA 94065
(650) 801-5000
dianedoolittle@quinnemanuel.com

Bruce E. Van Dalsem (*pro hac vice*)
Robert M. Schwartz (*pro hac vice*)
QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 S. Figueroa St., 10th Floor
Los Angeles, CA 90017
(213) 443-3000
brucevandalsem@quinnemanuel.com
robertschwartz@quinnemanuel.com

Attorneys for Plaintiff/Appellant Michael L. Goguen

Matt J. Kelly
Amy C. McNulty
TARLOW & STONECIPHER, PLLC
1705 West College
Bozeman, MT 59715-4913
(406) 586-9714
mkelly@lawmt.com
amcnulty@lawmt.com

Laura R. Handman (*pro hac vice*)
Adam L. Rich (*pro hac vice*)
DAVIS WRIGHT TREMAINE LLP
1251 Avenue of the Americas, 21st Floor
New York, NY 10020-1104
(212) 489-8230
laurahandman@dwtd.com
adamrich@dwtd.com

Attorneys for Defendants/Appellees NYP Holdings, Inc. and Isabel Vincent

Peter Michael Meloy
MELOY LAW FIRM
P.O. Box 1241
Helena, MT 59624
mike@meloylawfirm.com
Attorneys for Defendant/Appellee Dial

NOTICE IS GIVEN that Michael L. Goguen, the Cross-Appellant above-named and who is the Plaintiff in the cause of action filed in the Eleventh Judicial District Court, Flathead County, Montana Cause Number DV-15-2021-0001382-DQ, hereby cross-appeals to the Supreme Court of the State of Montana from the District Court's Order Re: Motions to Dismiss, (Dkt. # 39), specifically that portion of the District Court's Order granting Defendant William Dial's Motion to Dismiss and the judgment the Court entered in favor of Defendant Dial pursuant to that Order.

THE APPELLANT FURTHER CERTIFIES:

1. This appeal is subject to the mediation process required by Mont.R.App.P., Rule 7(2)(c). The money judgment being sought is more than \$5,000.
2. This appeal is an appeal from an order certified as final under Mont.R.Civ.P. 54(b). A true copy of the District Court's certification order is attached hereto as Exhibit A.
3. A copy of the Notice of Appeal has been or will be contemporaneously filed in the office of the Clerk of the District Court.
4. A copy of this Notice of Appeal will be served by mailing to the Clerk of the District Court and to counsel for the Appellees, or to any Appellee appearing *Pro Se*.

5. That transcripts of hearings may be needed in this cause. Transcripts of proceedings have been ordered by the Appellant; and

6. The required filing fee for this Notice of Appeal has been paid through the Montana Courts Electronic Filing system.

DATED this 9th day of September, 2022.

WORDEN THANE P.C.
Reid J. Perkins

/s/ Reid J. Perkins
Reid J. Perkins
Attorneys for Plaintiff Michael L. Goguen

CERTIFICATE OF SERVICE

I, Reid J. Perkins, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 09-09-2022:

Matt J. Kelly (Attorney)
1705 West College
Bozeman MT 59715
Representing: Isabel Vincent, NYP Holdings, Inc.
Service Method: eService

Amy Claire McNulty (Attorney)
1705 West College Street
Bozeman MT 59715
Representing: Isabel Vincent, NYP Holdings, Inc.
Service Method: eService

Peter M. Meloy (Attorney)
2601 E. Broadway
2601 E. Broadway, P.O. Box 1241
Helena MT 59624
Representing: William Dial
Service Method: eService

Diane M Doolittle
855 Twin Dolphin Dr. 5th Floor
Redwood Shores CA 94065
Service Method: E-mail Delivery
E-mail Address: dianedoolittle@quinnemanuel.com

Bruce E. Van Dalsem
865 E. Figueroa St. 10th Floor
Los Angeles CA 90017
Service Method: E-mail Delivery
E-mail Address: brucevandalsem@quinnemanuel.com

Robert M. Schwartz
865 S. Figueroa St. 10th Floor
Los Angeles CA 90017
Service Method: E-mail Delivery
E-mail Address: robertschwartz@quinnemanuel.com

Laura R. Handman
1251 Avenue of the Americas, 21st Floor
New York NY 10020
Service Method: E-mail Delivery
E-mail Address: laurahandman@dwt.com

Adam L. Rich
1251 Avenue of the Americas, 21st Floor
New York NY 10020
Service Method: E-mail Delivery

Electronically signed by Christina Johnson on behalf of Reid J. Perkins
Dated: 09-09-2022