

## IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 21-0390

RANDY LAEDEKE,

Plaintiff and Appellant,

DARLA PRENN, and THE ESTATE OF  
LILA M. LAEDEKE,

Plaintiffs and Appellants,

v.

BILLINGS CLINIC,

Defendant and Appellee.

FILED

OCT 25 2022

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ORDER

 ORIGINAL

On September 29, 2022, Plaintiff and Appellant Randy Laedeke filed a Petition for Rehearing in this matter. On October 14, 2022, Defendant and Appellee Billings Clinic responded in opposition to Laedeke's petition.

Under M. R. App. P. 20, this Court will consider a petition for rehearing only if the opinion "overlooked some fact material to the decision," if the opinion "overlooked some question presented by counsel that would have proven decisive to the case," or if the opinion "conflicts with a statute or controlling decision not addressed" by the Court. M. R. App. P. 20(1)(a)(i-iii).

Laedeke asserts rehearing is warranted in this case because the Court "overlooked a major material fact" and "overlooked a question presented . . . that would have proven decisive to the case." Having reviewed Laedeke's petition and Billings Clinic's response, the Court concludes rehearing is not warranted under M. R. App. P. 20. Laedeke's petition for rehearing merely rehashes the same arguments regarding the tolling of the statute of limitations until he received certain medical documentation that he made in his initial briefing and which this Court squarely addressed and rejected in our Opinion. "A petition

for rehearing is not a forum in which to rehash arguments made in the briefs and considered by the Court.” *State ex rel. Bullock v. Philip Morris, Inc.*, 217 P.3d 475, 486, 2009 Mont. LEXIS 443. Accordingly,

IT IS HEREBY ORDERED that the Petition for Rehearing is DENIED.

The Clerk of this Court shall provide a copy of this Order to Randy Laedeke and to all counsel of record.

DATED this 26<sup>th</sup> day of October, 2022.

  
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Chief Justice

  
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Justices