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Attorney for Appellants

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

DIAMOND V CORPORATION, INC.,)
a Montana corporation,)
GRANT KUBESH, MARY KUBESH,)
ZACH KUBESH and BARBARA)
KUBESH,)

Appellants,)

v.)

BUCKHORN ENERGY OAKS)
DISPOSAL SERVICES, LLC, a foreign)
limited liability company, and)
DAWSON COUNTY, a political)
subdivision of the STATE OF)
MONTANA,)

Appellees.)

NOTICE OF APPEAL

NOTICE is given that Diamond V Corporation, Inc., Grant Kubesh, Mary Kubesh, Zach Kubesh and Barbara Kubesh, the Appellants above-named and who are the Plaintiffs in that cause of action filed in the Montana Seventh Judicial District, in and for the County of Dawson, as Cause No. DV-20-29, hereby appeal to the Supreme Court of the State of Montana from the Court's Order Granting Defendants' Motions for Summary Judgment entered on September 29, 2022, the Final Judgment entered on November 14, 2022, and the Notice of Entry of Judgment entered on November 28, 2022.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7. The money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. That the summary judgment hearing transcript has been ordered and received.
4. That included herewith is the filing fee prescribed by statute.

DATED this 1st day of December, 2022.

/s/ Ben T. Sather

Ben T. Sather
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Attorney for Appellants

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:

Via U.S. Mail:

Tammera Helmuth
Dawson County Clerk of District Court
207 W. Bell Street
Glendive, MT 59330

Via E-Service & U.S. Mail

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/s/ Ben T. Sather

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CERTIFICATE OF SERVICE

I, Ben T. Sather, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 12-01-2022:

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Service Method: Conventional

Electronically Signed By: Ben T. Sather

Dated: 12-01-2022