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8 *Attorneys for Plaintiffs/Appellants*

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

10 **Supreme Court Case No. \_\_\_\_\_**

11 \_\_\_\_\_  
12 WHITEFISH 57 COMMERCIAL,    ||  
13 LLC and RIMROCK COMPANIES,   ||  
14 LLC,                                ||

**NOTICE OF APPEAL**

15                               Plaintiffs/Appellants,   ||

16 vs.                                 ||

17 CITY OF WHITEFISH               ||

18                               Defendant/Appellee.   ||  
19 \_\_\_\_\_

20  
21 NOTICE IS HEREBY GIVEN that Whitefish 57 Commercial LLC and  
22 Rimrock Companies, LLC, the Plaintiffs in Cause No. DV-21-1349, Eleventh Judicial  
23 District, appeals to the Montana Supreme Court from the Order and Rationale on  
24 Motions for Summary Judgment entered on December 16, 2022.

25  
26 THE APPELLANT CERTIFIES:  
27  
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1           1.     That this appeal is not subject to the mediation process required by  
2 M.R.App.P. 7.  
3

4           2.     That this appeal is not from an order certified as final under M.R.Civ.P.  
5 54(b).  
6

7           3.     That this appeal does not involve a challenge to the constitutionality of  
8 any act of the Montana Legislature.  
9

10          4.     No hearings have taken place in this matter.  
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12          5.     That included herewith is the filing fee prescribed by statute.  
13

14           DATED this 13<sup>th</sup> day of January, 2023.  
15

16                                   FRAMPTON PURDY LAW FIRM  
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21                                   By:   
22                                   Sean S. Frampton  
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## **CERTIFICATE OF SERVICE**

I, Sean S. Frampton, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 01-13-2023:

Angela Jacobs (Attorney)  
PO Box 158  
Whitefish MT 59937  
Representing: City of Whitefish  
Service Method: eService

Electronically signed by Kelly Kracker-Sletten on behalf of Sean S. Frampton  
Dated: 01-13-2023