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Attorneys for Defendant/Appellee

**IN THE SUPREME COURT OF THE STATE OF MONTANA
Cause No. DA 22-0486**

GILBERT R. JOHNSTON, et al.,,

Plaintiffs and Appellants,

vs.

FLYING S TITLE & ESCROW, INC., f/k/a FIRST AMERICAN TITLE
COMPANY,

Defendant and Appellee.

APPELLEE’S UNOPPOSED MOTION TO AMEND THE CAPTION

Pursuant to Montana Rule of Appellate Procedure 2(4), Appellee Flying S Title & Escrow of Montana, Inc., formerly known as First American Title Company of Montana, Inc., respectfully moves the Court to amend the caption in this matter to more accurately reflect the name of the Appellee. At the time this appeal was filed, Flying S Title & Escrow of Montana, Inc. was not yet operating

under that name and was conducting business as First American Title Company of Montana, Inc. At the end of 2022, Appellee ceased doing business as First American Title Company of Montana, Inc. For ease of reference and to avoid confusion with the documents in the record, Appellee requests that its name on the amended caption be “Flying S Title & Escrow of Montana, Inc. f/k/a First American Tile Company.”

Counsel for Appellants does not object to the amendment of the caption. A proposed order is provided for the Court’s consideration.

DATED this 9th day of February, 2023.

CROWLEY FLECK PLLP

By: /s/ Jeffrey M. Roth
Jeffrey M. Roth
Jeffrey R. Kuchel
Attorneys for Defendant/Appellee

CERTIFICATE OF SERVICE

I, Jeffrey M. Roth, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 02-09-2023:

David Brian Cotner (Attorney)

2700 Radio Way

Missoula MT 59808

Representing: Nancy Cordial, EDS Investments, LLC, Jim S. Ferguson, Stephen R. Gibbs, Jeffrey M. Hollenback, JCO Properties, LLC, Gilbert R. Johnston, Judith A. Johnston, Michael Allen McCracken, Rachelle Amber McCracken, News Development, LLC, Scott Shone, Eric W. Smart, Stephanie Nicole Smart, Brenda J. Smith, Donald Smith, Sean Justin Smith, Gerald B. Woodahl, Susan A. Woodahl

Service Method: eService

Kyle Clark Ryan (Attorney)

2700 Radio Way

Missoula MT 59808

Representing: Nancy Cordial, EDS Investments, LLC, Jim S. Ferguson, Stephen R. Gibbs, Jeffrey M. Hollenback, JCO Properties, LLC, Gilbert R. Johnston, Judith A. Johnston, Michael Allen McCracken, Rachelle Amber McCracken, News Development, LLC, Scott Shone, Eric W. Smart, Stephanie Nicole Smart, Brenda J. Smith, Donald Smith, Sean Justin Smith, Gerald B. Woodahl, Susan A. Woodahl

Service Method: eService

Jeffrey R. Kuchel (Attorney)

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Representing: First American Title Company of Montana, Inc.

Service Method: eService

Electronically signed by Rose Dumont on behalf of Jeffrey M. Roth

Dated: 02-09-2023