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Attorneys for Defendants/Appellants

IN THE SUPREME COURT OF THE STATE OF MONTANA
SUPREME COURT CAUSE NO. _____

DIEGO S. DAVALOS AND AMBER K.
FAZENDIN,

DEFENDANTS/APPELLANTS,

vs.

GWENDOLYN J. GERBER,

PLAINTIFF/APPELLEE.

NOTICE OF APPEAL

NOTICE is given that Diego S. Davalos and Amber K. Fazendin, the Appellants above named and who are the Defendants/Counterclaimants in that cause of action filed in the Montana Fourth Judicial District Court, in and for the County of Missoula, as Cause No. DV-32-2023-00007, hereby appeal to the Supreme Court of the State of Montana from the *Order On Cross Motions For Summary Judgment* entered in such action on the 6th day of July 2023. A true and correct copy of this Order is attached hereto as **Exhibit A**.

THE APPELLANTS FURTHER CERTIFY:

1. That this appeal is not subject to the mediation process required by M.R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. That there are no available transcripts to be ordered in this cause.

4. That included herewith is the filing fee prescribed by statute.

DATED this 20th day of July 2023.

ORR M^cDONNELL LAW, PLLC

/s/ Thomas C. Orr

By:

Thomas C. Orr

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify and affirm that a true and correct copy of the foregoing was provided as set forth below, at Missoula, Montana this 20th day of July 2023 to:

Julie R. Sirrs

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Clerk of District Court

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ORR M^cDONNELL LAW, PLLC

/s/ Katie M. Lilje

By: _____

Katie M. Lilje

Paralegal

CERTIFICATE OF SERVICE

I, Thomas Charles Orr, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 07-20-2023:

Julie Rachel Sirrs (Attorney)
Boone Karlberg P.C.
P.O. Box 9199
Missoula MT 59807
Representing: Gwendolyn J Gerber
Service Method: eService

Electronically signed by Katie Lilje on behalf of Thomas Charles Orr
Dated: 07-20-2023