

Ralph W. Steele
Ralph W. Steele, P.C.
202 W. Main Street, Suite 201
Bozeman, Montana, 59715
Ph: 406-582-9986
Email: rsteele@steelelawmt.com

J. Devlan Geddes
Goetz, Geddes & Gardner, P.C.
35 N Grand Ave.
P.O. Box 6580
Bozeman, MT 59771-6580
Ph: 406-587-0618
Email: devlan@goetzlawfirm.com

*Attorneys for the Estate and Cameron
Burns as Personal Representative*

Grant R. Kelly
Church, Harris, Johnson &
Williams, P.C.
114 Third Street South
P.O. Box 1645
Great Falls, MT 59403-1645
Ph: 406-761-3000
Email: gkelly@chjw.com

*Attorneys for Alison Burns,
Interested Person*

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 22-0456

IN THE MATTER OF THE ESTATE OF

HORATIO W. BURNS,

Deceased.

**RESPONSE TO APPELLANT’S
MOTION FOR LEAVE TO FILE OVERLENGTH REPLY BRIEF**

Appellees the Estate of Horatio W. Burns, by and through its Personal Representative Cameron Burns (the “Estate”), and Alison Burns (“Alison”), jointly oppose Appellant’s (hereinafter “Dr. Barbier”) *Motion for Leave to File Overlength Reply Brief* because Dr. Barbier has failed to present an “extraordinary

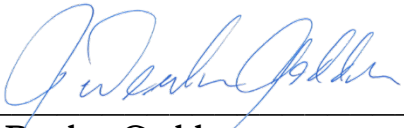
justification” for exceeding the Court’s 5,000 word limit for a reply brief established by Mont. R. App. P. 11(4)(a).

Dr. Barbier presents four issues on appeal. Only one appeal issue challenges the critical concern in this case—the jury’s verdict upholding the validity of the January 15, 2016, Last Will and Testament of Horatio W. Burns (the “2016 Will”). The other issues are procedural challenges of Alison’s right to recover attorneys’ fees incurred defending the 2016 Will and the applicable post-judgement interest rate.

None of Dr. Barbier’s appeal issues are especially complex, nor will additional briefing make the Court’s job easier. *Davenport v. City of Lincoln*, 2021 Mont. LEXIS 92 (2021) (“This matter is also not so complex as to require an overlength brief.”). That is precisely why the Estate and Alison cooperated to avoid duplication of arguments in their response briefs.

DATED this 14th day of August, 2023.


GOETZ, GEDDES & GARDNER, P.C.

By: 

J. Devlan Geddes
GOETZ, GEDDES & GARDNER, P.C.

Ralph W. Steele
Ralph W. Steele, P.C.
*Attorneys for The Estate and
Cameron Burns as Personal Representative*


CHURCH, HARRIS, JOHNSON & WILLIAMS, P.C.

By: 

GRANT R. KELLY
Attorneys for Alison Burns, Interested Person

CERTIFICATE OF COMPLIANCE

Pursuant to Rules 11 and 16 of the Montana Rules of Appellate Procedure, I certify that this brief is printed with a proportionately spaced (Equity Text A) text typeface of 14 points; is double spaced (except that footnotes and quoted and indented material are single spaced); with left, right, top and bottom margins of 1 inch; and that the word count calculated by Microsoft Word does not exceed 1,250 words (186), excluding the Caption and Certificate of Compliance.

By: 
J. Devlan Geddes

CERTIFICATE OF SERVICE

I, J. Devlan Geddes, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 08-14-2023:

Stephanie Denton Baucus (Attorney)
27 North 27th Street, Suite 1900
P.O. Box 2559
Billings MT 59101
Representing: Lindsay Burns Barbier
Service Method: eService

Christopher Thayne Sweeney (Attorney)
P O Box 2559
Billings MT 59103
Representing: Lindsay Burns Barbier
Service Method: eService

Bobbi K. Owen (Attorney)
27 North 27th Street
Suite 1900
P.O. Box 2559
Billings MT 59103
Representing: Lindsay Burns Barbier
Service Method: eService

Grant Robert Kelly (Attorney)
1716 Front Street
PO Box 982
Fort Benton MT 59442
Representing: Alison Burns
Service Method: eService

Ralph W. Steele (Attorney)
202 West Main Street
Suite 201
Bozeman MT 59715
Representing: Cameron Burns
Service Method: eService

Kyle W. Nelson (Attorney)

PO Box 6580
Bozeman MT 59771
Representing: Cameron Burns
Service Method: eService

Katherine Baker DeLong (Attorney)
35 N Grand Ave
Bozeman MT 59715
Representing: Cameron Burns
Service Method: eService

Morgan Elizabeth Tuss (Attorney)
2817 2nd Avenue North
Suite 300
Billings MT 59101
Representing: Seth Burns
Service Method: eService

Molly S. Considine (Attorney)
2817 2nd Ave. North #300
Billings MT 59101
Representing: Seth Burns
Service Method: eService

Margaret Carrie Weamer (Attorney)
1705 West College Street
Bozeman MT 59715
Representing: HW Burns Family LLC
Service Method: eService

Electronically signed by Erin Hamm on behalf of J. Devlan Geddes
Dated: 08-14-2023