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Attorneys for Intervenors Charissa and Benjamin Wagner

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

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE
COUNTY

IN THE MATTER OF:	Cause No.: DDN-21-046
R.N.,	INTERVENORS' NOTICE OF
YOUTH IN NEED OF CARE.	APPEAL

NOTICE is hereby given that the Intervenors, Charissa Wagner and

Benjamin Wagner, by and through their counsel of record, Timothy M. Dick, Esq. and Amanda D. Hunter, Esq., do hereby appeal to the Montana Supreme Court from the August 28, 2023, Final Judgment issued by the Montana Eighth Judicial District Court, Cascade County ruling dismissing the case in favor of the Montana Department of Health and Human Services.

THE APPELLANT FURTHER CERTIFIES:

1. The appellant certifies that this appeal is not subject to the mediation process required by M. R. App. P. 7. The judgment being sought involves a youth in need of care and the best interests of a youth in need of care and compliance with Montana law and procedure in the matter.

2. That this appeal is an appeal from an order certified as final under M. R. Civ. P. 54(b). A true copy of the District Court's order is attached hereto as Exhibit "A". This Order of Dismissal is final, and all parties are no longer able to seek any further relief from the District Court in this matter and Appellant has also exhausted all potential remedies which may have been available through the District Court.

3. No notice is required by M. R. App. P. 27. This appeal does not challenge the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause have

been ordered from the court reporter contemporaneously with the filing of this notice of appeal.

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

DATED this 22nd day of September, 2023.

TIMOTHY M. DICK, P.C.

COPPER CITY LAW, PLLC

By: /s/ Timothy M. Dick
Timothy M. Dick
P.O. Box 645
Butte, MT 59703
Attorney for Intervenors Charissa and
Benjamin Wagner

By: /s/ Amanda D. Hunter
Amanda D. Hunter
P.O. Box 4552
Butte, MT 59702
Attorney for Intervenors
Charissa and Benjamin
Wagner

CERTIFICATE OF SERVICE

I hereby certify that I have filed the true and accurate original 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 Eighth Judicial District Court, and each attorney of record, in the above-referenced Eighth Judicial District Court action, as follows:

DPHHS
C/O County Attorney
121 4th Street N, Suite 2A
Great Falls, MT 59401

Katie/Katherine A. Sharp
Public Defender
615 2nd Avenue N. 3rd Floor
Great Falls, MT 59401
Attorney for Natural Mother

Sam Harris
Law Office of Sam Harris
300 Central Avenue #400
Great Falls, MT 59401
Attorney for Presumed Natural Father

Allen Page Lanning
400 Central Avenue
Great Falls, MT 59401
Guardian ad Litem

Montana Eighth Judicial District Court, Cascade County
415 2nd Avenue North 200A
Great Falls, MT 59401

COPPER CITY LAW, PLLC

/s/ Amanda D. Hunter _____
Amanda D. Hunter
P.O. Box 4552
Butte, MT 59702

CERTIFICATE OF SERVICE

I, Amanda Dawn Hunter, hereby certify that I have served true and accurate copies of the foregoing Notice - Amended Notice of Appeal Filed to the following on 09-22-2023:

Valerie M. Winfield (Govt Attorney)
121 4th Street N Ste 2A
Great Falls
Montana
Great Falls MT 59401
Representing: DPHHS/Child Enforcement Division
Service Method: eService

Katherine A. Sharp (Attorney)
615 2ND AVE N
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PO Box 2051
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Timothy M. Dick (Attorney)
PO Box 645
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Representing: Benjamin Wagner, Charissa Wagner
Service Method: eService

Electronically Signed By: Amanda Dawn Hunter

Dated: 09-22-2023