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*Attorney for Defendant-Appellant
Office of the Governor*

IN THE SUPREME COURT OF THE STATE OF MONTANA

SUPREME COURT CAUSE NO. _____

MONTANA ENVIRONMENTAL
INFORMATION CENTER and
EARTHWORKS,

Appellee/Plaintiff,

vs.

OFFICE OF THE GOVERNOR,

Appellant/Defendant.

Notice of Appeal

NOTICE is given that Defendant Office of Governor, the Appellant named above who is the defendant in the cause of action filed in the Montana First Judicial District, Lewis and Clark County, as Cause No. DDV 25-2022-209, hereby appeals to the Montana Supreme Court the Opinion and Order on Pending Motions and Writ of Mandate (Dkt. 72), entered on June 6, 2023, as well as all previous or related orders and rulings that led to or resulted in the order. The last order issued

by the District Court was on September 18, 2023, resolving plaintiffs' motion for attorney's fees (Dkt. 85). M. R. App. P. 6(3)(b) and (6).

The Appellant Further Certifies:

1. That this appeal is not subject to the mediation process required by Mont. R. App. 7.
2. This appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b).
3. That there are no available transcripts to be ordered in this cause.
4. That the Appellant is exempt from filing fee requirements.
5. That a copy of this Notice of Appeal is being served by mailing a copy to the clerk of District Court and counsel of record for the other parties and/or via electronic service for registered e-filers.

Dated this 3rd day of November, 2023.

By /s/ Dale Schowengerdt

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of November, 2023, I filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court and that I have served by electronic service upon the Clerk of District Court and on counsel of record for Appellees/Plaintiffs:

Angie Sparks
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Clerk of Court for First Judicial District

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Attorneys for Plaintiffs-Appellees Environmental Information Center

/s/ Dale Schowengerdt

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 11-03-2023:

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Electronically Signed By: Dale Schowengerdt
Dated: 11-03-2023