

11/28/2023

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 23-0689

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Attorneys for Plaintiff/Appellant

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

LAKE COUNTY, )  
 )  
Plaintiff/Appellant, )  
 )  
vs. )  
 )  
STATE OF MONTANA, )  
 )  
Defendant/Appellee. )

**NOTICE OF APPEAL**

NOTICE is given that Lake County, the Appellant above-named and the plaintiff in that cause of action filed in the Montana Twentieth Judicial District Court, Lake County as Cause No. DV-22-117, hereby appeals to the Supreme Court for the State of Montana from the final judgment entered on the 9<sup>th</sup> day of November, 2023 (Doc. 46). Said final judgment was entered based upon the Court's Order Re: Motion to Dismiss (Doc. 29) and Order re: Motions for Summary Judgment (Doc. 45), both of which are

1 the subject of this appeal.

2 THE APPELLANT FURTHER CERTIFIES:

3 1. That this appeal is subject to the mediation process required by  
4 Mont. R. App. P. 7 in that Plaintiff's causes of action included some seeking  
5 a money judgment in excess of \$5,000.

6 2. That this appeal is not an appeal from an order certified as final  
7 under Mont. R. Civ. P. 54(b).

8 3. That Plaintiff does not challenge the constitutionality of an act of  
9 the Montana Legislature and therefore is not required to provide notice with  
10 respect to a challenge to the constitutionality of an act of the Montana  
11 Legislature.

12 4. That all available transcripts of the proceedings in this cause  
13 have been ordered from the court reporter contemporaneously with the  
14 filing of this appeal.

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

16 Dated this 28th day of November, 2023.

17 REEP, BELL & JASPER, P.C.

18 By:   
19 Attorneys for Plaintiff/Appellant  
20

CERTIFICATE OF SERVICE

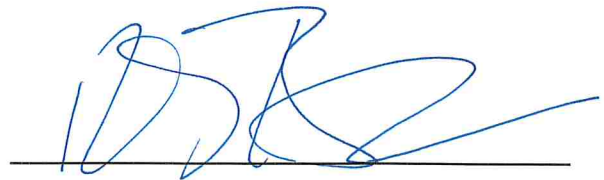
I hereby certify that on the 28<sup>th</sup> day of November, 2023, that I have filed the original of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court and I have served a true and accurate copy of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court and Defendant/Appellee via U.S. Mail as follows:

Dale Schowengerdt  
Landmark Law, PLLC  
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Lyn Fricker  
Clerk of District Court  
Lake County District Court  
106 4<sup>th</sup> Avenue E, Room 301  
Polson, MT 59860



## **CERTIFICATE OF SERVICE**

I, Robert T. Bell, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 11-28-2023:

Lance Patrick Jasper (Attorney)  
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Service Method: eService

Electronically signed by Tami Espinoza on behalf of Robert T. Bell

Dated: 11-28-2023