

IN THE SUPREME COURT OF MONTANA

Cause No. _____

ALLIED WASTE SERVICES OF NORTH AMERICA, LLC, d/b/a
REPUBLIC SERVICES OF MONTANA,

Appellant,

vs.

LH RESIDENTIAL LLC and OTIS STREET LLC, both d/b/a
MONTANA CRESTVIEW,

Appellees.

NOTICE OF APPEAL

On appeal from the Montana Fourth Judicial District Court, Missoula County
Cause No. DV-32-22-0001172-BC

Appearances:

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Residential LLC and Otis Street LLC,
both d/b/a Montana Crestview*

NOTICE is given that Allied Waste Services of North America, LLC, d/b/a Republic Services of Montana, the Appellant, who is the Defendant in Cause No. DV-32-22-0001172-BC, filed in the Montana Fourth Judicial District, Missoula County, hereby appeals, pursuant to Montana Rule of Civil Procedure 23(f), the following order to the Supreme Court of the State of Montana:

1. Order Granting Plaintiffs' Motion for Class Certification (Nov. 28, 2023) (Doc. 38);

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by Montana Rule of Appellate Procedure 7. The money judgment sought is more than \$5,000.

2. That this appeal is not an appeal from an order certified as final under Montana Rule of Civil Procedure 54(b).

3. Notice under Montana Rule of Appellate Procedure 27 is not required.

4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter prior to the filing of this Notice of Appeal as part of the record in Cause No. DV-32-22-0001172-BC.

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

6. That a copy of this Notice of Appeal will be filed contemporaneously in the office of the Clerk of the District Court.

DATED this 15th day of December, 2023.

CROWLEY FLECK PLLP

By: /s/ Jeffrey M. Roth
Jeffrey M. Roth
Mac Morris

*Attorneys for Appellant Allied Waste
Services of North America, LLC, d/b/a
Republic Services of Montana*

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be filed a true and accurate copy of the forgoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court and that I have caused to be served true and correct copies of the foregoing NOTICE OF APPEAL upon the Clerk of District Court, each attorney of record, the court reporter from whom a transcript will be ordered, and each party having appeared in the above-referenced District Court action, as follows:

Clerk of the Montana Fourth Judicial District Court:

Amy McGhee
Missoula County District Court
200 West Broadway
Missoula, MT 59802
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Court Reporter:

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DATED this 15th day of December, 2023.

/s/ Jeffrey M. Roth

CERTIFICATE OF SERVICE

I, Jeffrey M. Roth, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 12-15-2023:

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Electronically signed by Rose Dumont on behalf of Jeffrey M. Roth
Dated: 12-15-2023