

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

THOMAS C. WEINER, M.D.,

Plaintiff and Appellant,

v.

ST. PETER'S HEALTH, a Montana
Domestic Nonprofit Corporation,
d/b/a St. Peter's Hospital, WADE
JOHNSON, JAMES TARVER, M.D.,
KERRY HALE, M.D., SHELLY
HARKINS, M.D., TODD WAMPLER,
M.D., RANDY SASICH, M.D., and
JOHN DOES 1-5,

Defendants and Appellees.

On Appeal from Montana First Judicial District Court, Lewis & Clark County
Cause No. ADV 2020-1988, Hon. Mike Menahan, District Court Judge

NOTICE OF APPEAL

(APPEARANCES ON NEXT PAGE)

APPEARANCES:

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NOTICE is given that Thomas C. Weiner, M.D., the Appellant above-named who is the Plaintiff in the cause of action filed in the First Judicial District, in and for the County of Lewis and Clark, Cause No. ADV 2020-1988, hereby appeals to the Supreme Court of the State of Montana the *Order – Weiner and St. Peter’s Health Motions for Summary Judgment Re: Health Care Quality Improvement Act* (Doc. 379) and the related *Addendum – St. Peter’s Health Motion for Summary Judgment Re: Defamation* (Doc. 380) (collectively, the “HCQIA Order”).

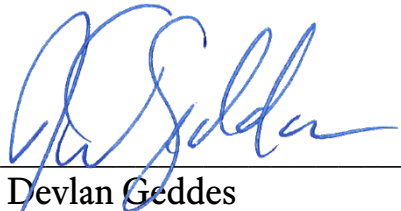
THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7., and the money judgment being sought is not less than \$5,000.
2. That this appeal is an appeal from an order certified as final under M. R. Civ. P. 54(b). As required by M. R. App. P. 4(4)(b), a copy of the *Order on Plaintiff’s Motion for Rule 54(b) Certification* (Doc. 408) is attached.
3. That no notice is required by M. R. App. P. 27 to be given, as Appellant does not challenge the constitutionality of any act of the Montana Legislature in this matter.
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 upon filing of this Notice of Appeal, the filing fee prescribed by statute has been paid electronically.

DATED this 15th day of February, 2024.

GOETZ, GEDDES & GARDNER, P.C.

By: 


J. Devlan Geddes
Attorneys for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have 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 true and accurate copy of the foregoing NOTICE OF APPEAL upon the Clerk of District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, by the means designated below, this 15th day of February, 2024:

<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Via Fax: <input checked="" type="checkbox"/> E-mail: clerkofcourt@lccountymt.gov	Clerk of Court Lewis & Clark County District Court 228 E Broadway St., Room 104 P.O. Box 148 Helena, MT 59624-0158
<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Via Fax: <input checked="" type="checkbox"/> E-mail: dave@mcleanlawmt.com	David M. McLean MCLEAN & ASSOCIATES, PLLC 3301 Great Northern Ave., Suite 203 Missoula, MT 59808
<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Via Fax: <input checked="" type="checkbox"/> E-mail: mmiller@strongandhanni.com kabke@strongandhanni.com	Michael J. Miller Kathleen J. Abke STRONG & HANNI 102 South 200 East, #800 Salt Lake City, UT 84111
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<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Via Fax: <input checked="" type="checkbox"/> E-mail: randysasich@gmail.com	Randy Sasich, M.D. 101 Greenwood Ct. Kelso, WA 98626
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J. Devlan Geddes

CERTIFICATE OF SERVICE

I, J. Devlan Geddes, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 02-15-2024:

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Electronically signed by Erin Hamm on behalf of J. Devlan Geddes
Dated: 02-15-2024