

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. DA-24-0145

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Attorneys for Appellants

<p>HAVILA UNREIN, individually and as Co-Personal Representative of the Estate of CALLYNN HELMSING; JACK HELMSING individually and as Co-Personal Representative of the Estate of CALLYNN HELMSING,</p> <p>Appellants,</p> <p>v.</p> <p>RCHP BILLINGS-MISSOULA, LLC, d/b/a COMMUNITY MEDICAL CENTER</p> <p>Appellee.</p>	<p>AMENDED NOTICE OF APPEAL</p>
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NOTICE is given that HAVILA UNREIN individually and as Co-Personal Representative of the Estate of CALLYNN HELMSING; and JACK HELMSING individually and as Co-Personal Representative of the Estate of CALLYNN HELMSING, the Appellants above-named and who are the Plaintiffs in that cause of action filed in the Fourth Judicial District, in and for the County of Missoula, as Cause No. DV-21-457, hereby appeal to the Supreme Court of the State of Montana from the jury verdict rendered on the December 20, 2023, the District Court's Final Judgment entered on February 28, 2024, and all previous orders and rulings excepted or objected to which led up to and resulted in the District Court's Final Judgment.

THE APPELLANTS FURTHER CERTIFY:

1. That this appeal is subject to the mediation process required by Mont. R. App. P. 7. If subject to mediation, the money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b).
3. That the notice required by Mont. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this case have been previously ordered from the court reporter. Plaintiffs have attached the completed Notice of Request for Transcripts and accompanying Form 9 hereto as Exhibit A and B.

5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

DATED this 29th day of March 2024.


BECK, AMSDEN & STALPES, PLLC

Attorneys for Plaintiffs-Appellants

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 copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Mr. Sean Morris, Esq
WORDEN THANE, P.C.
321 W. Broadway St., Ste. 300
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Kevin J. Kuhn
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370 Seventeenth Street, Suite 4500
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kuhn@wtotrial.com

Attorneys for RCHP Billings-Missoula, LLC, d/b/a Community Medical Center

Shirley Foust
Missoula County District Court
200 West Broadway
Missoula MT 59802

Clerk of the District Court

DATED this 29th day of March 2024.



Kaitlin Pomeroy
BECK AMSDEN & STALPES, PLLC

Justin P. Stalpes, Esq.
Sydney E. Best, Esq.
Conner C. Bottomly, Esq.
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Attorneys for Plaintiffs

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MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY

* * * * *

HAVILA UNREIN, individually and
as Co-Personal Representative of the
Estate of CALLYNN HELMSING;
JACK HELMSING individually and
as Co-Personal Representative of the
Estate of CALLYNN HELMSING,

Plaintiffs,

v.

RCHP BILLINGS-MISSOULA,
LLC., d/b/a COMMUNITY
MEDICAL CENTER

Defendant.

Dept. 5
Cause No: DV 21-457
Hon. Shane Vannatta

**REQUEST FOR PRODUCTION
OF TRANSCRIPTS**

**EXHIBIT
A**

Pursuant to Rule 8(3), Montana Rules of Appellate Procedure, I request that you prepare and deliver the transcript for the following trial dates for the purposes of appeal:

Date of Trial

Name of Court Reporter

Dec. 11 2023 to Dec. 20, 2023

Julie Pesanti Deling

I certify that I have made arrangements with the court reporter to pay for the transcripts.

Upon completion of the requested transcripts, the court report shall serve one original (reduced format) plus one DVD-R containing PDF to the Clerk of the Supreme Court, one copy to each opposing counsel, and one copy to me.

DATED this 8th day of March 2024.

/s/ Justin P. Stalpes
BECK AMSDEN & STALPES, PLLC

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on the 8th day of March, 2023, a true and accurate copy of the foregoing was served upon the parties listed below by Email:

Sean Morris
WILLIAMS LAW FIRM, P.C.
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*Attorneys for Defendant RCHP Billings-Missoula, LLC., d/b/a Community
Medical Center*



KAITLIN POMEROY
Registered Paralegal

Montana Code Annotated 2023

TITLE 25. CIVIL PROCEDURE
CHAPTER 21. RULES OF APPELLATE PROCEDURE
Appendix of Forms

Form 9

Form 9

IN THE DISTRICT COURT OF THE 4th JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF Missoula
STATE OF MONTANA

Havila Unrein and Jack Helmsing as individuals and Co-Personal Representatives of the Estate of Callynn Helmsing

Plaintiff/Petitioner Cause Number 21-457

v. NOTICE OF TRANSCRIPTS
DEEMED NECESSARY FOR APPEAL

RCHP Billings-Missoula, LLC., d/b/a Community Medical Center
Defendant/Respondent.

NOTICE is given that Plaintiffs-Appellants, the Appellant in the above-named case, hereby determines the following transcripts are necessary for appeal. **Please check only those transcripts required:**

- No transcripts are necessary
- Jury Voir Dire
- Opening Statements
- Closing Arguments
- Trial Proceedings (all testimony, in-chambers discussions, and jury verdict)
- Pre-Trial Proceedings (specify by description and date of proceeding)

- Post-Trial Proceedings

- Other (specify by description and date of proceeding)

**EXHIBIT
B**

The following transcripts have been prepared previously and are deemed necessary on appeal, and appellant requests the court reporter(s) prepare such transcripts in the proper format for filing with the supreme court and service on Appellee(s) (specify by description and date of proceeding)

The court reporter(s) responsible for the preparation of these transcripts is/are

Julie DeLong

It is further certified that financial arrangements were made with the court reporter(s) before filing this Notice.

Dated this 8th day of March, 2024.

Justin Stalpes

Attorney for Plaintiffs-Appellants

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF TRANSCRIPTS DEEMED NECESSARY FOR APPEAL with the Clerk of the District Court and that I have served true and accurate copies of the foregoing NOTICE OF TRANSCRIPTS DEEMED NECESSARY FOR APPEAL upon each attorney of record, each court reporter from whom a transcript has been ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:

(list name and address of Clerk of the District Court, each court reporter, and each attorney or party served).

Dated this 8th day of March, 2024.

Kaitlin Pomeroy

Name

610 Professional Dr. Bozeman, MT 59718

Address

Paralegal

Title

CERTIFICATE OF SERVICE

I, Justin P. Stalpes, hereby certify that I have served true and accurate copies of the foregoing Notice - Amended Notice of Appeal Filed to the following on 03-29-2024:

Sydney Elizabeth Best (Attorney)
610 Professional Drive
Bozeman MT 59718
Representing: Jack Helmsing, Havila Courtney Unrein
Service Method: eService

Conner Cullen Bottomly (Attorney)
610 Professional Drive
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Representing: Jack Helmsing, Havila Courtney Unrein
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Kevin Joseph Kuhn (Attorney)
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Representing: RCHP Billings-Missoula, LLC
Service Method: eService

Electronically signed by Kaitlin Pomeroy on behalf of Justin P. Stalpes
Dated: 03-29-2024