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Attorney for Appellant

IN THE SUPREME COURT OF THE STATE OF MONTANA
SUPREME COURT CAUSE NO. _____

MARK MULLEE,

Appellant,

v.

WINTER SPORTS, INC., dba
WHITEFISH MOUNTAIN RESORT,

Appellee.

NOTICE OF APPEAL

NOTICE is given that Mark Mullee, the Appellant above-named and who is the Plaintiff in that cause of action filed in the Eleventh Judicial District, in and for the County of Flathead as Cause No. DV-22-0051, hereby appeals to the Supreme Court of the State of Montana from such action the Final Judgment, entered on May 28, 2024 and attached hereto as **Exhibit A**. Pursuant to M. R. App. P. 6(1)(3) and 4(4)(a), this appeal encompasses all previous orders and rulings excepted to or

objected to which led to and resulted to the Final Judgment including or in addition to the Order re: Defendant's Motion for Summary Judgment, entered on April 12, 2024; the Order re: Defendant's Motion to Exclude Dr. Donaldson, Reg Gibbs, and Ann Adair, entered on April 12, 2024; the Order re: Mullee's Motion for Summary Judgment on Damages, entered on April 12, 2024; the Order re: Motion *in Limine* to Exclude Stan Gale, entered on April 12, 2024; the Order re: Mullee's Motion for Summary Judgment on Affirmative Defenses, entered on April 12, 2024; and the Order re: Plaintiff's Various Motions *in Limine*, entered on April 12, 2024.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. That notice under M. R. App. P. 27 is not required.
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. If all available transcripts have not been ordered, Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute.

DATED this 4th day of June, 2024.

DRIGGS BILLS & DAY, P.C.

Attorney for Appellant Mark Mullee

By: /s/ Ian P. Gillespie
Ian P. Gillespie

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, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above-referenced District Court action as follows:

Mikel L. Moore
MOORE RESOLUTIONS, PLLC
305 Mountain Gateway Drive
Kalispell, MT 59901
Attorney for Appellee Winter Sports, Inc.
Via E-Filing

Christopher Di Lorenzo
MOORE, COCKRELL, GOICOECHEA, & JOHNSON, P.C.
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Attorney for Appellee Winter Sports, Inc.
Via E-Filing

Peg L. Allison
Clerk of the 11th Judicial District Court, Flathead County
920 South Main, Suite 300
Kalispell, MT 59901
Via E-Filing

Thomas F. Sapp, Jr.
Official Court Reporter
920 South Main Street, #310
tsapp@mt.gov
Via E-Filing

Dated this 4th day of June, 2024.

By: /s/ Ian P. Gillespie
Ian P. Gillespie

CERTIFICATE OF SERVICE

I, Ian Philip Gillespie, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 06-04-2024:

Christopher Cameron Di Lorenzo (Attorney)
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Representing: Winter Sports, Inc. dba Whitefish Mountain Resort
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Electronically Signed By: Ian Philip Gillespie
Dated: 06-04-2024