

Arthur V. Wittich
MONTANA LAW COMPANY
280 West Kagy Blvd. Ste. D-324
Bozeman, MT 59715
(406) 585-5598
artw@law-advisor.com

Attorney for Appellant R. Porch Construction, Inc.

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 24-0177

CITY OF KALISPELL, a Municipal Corporation

Appellee/Petitioner,

v.

R PORCH CONSTRUCTION, INC., a Montana Corporation,

Appellant/Interested Party/Defendant

DIABLO INVESTMENTS, LLC, a Montana Limited Liability
Company; KALISPELL AIRPORT ASSOC., a Montana
Corporation; RED EAGLE AVIATION, INC., a Montana
Corporation; and JOHN DOES 1-10,

Interested Parties/Defendants.

UNCONTESTED MOTION TO DISMISS APPEAL

Comes now Appellant R Porch Construction, Inc., and moves to dismiss all appellate issues in accordance with Montana Rules of Appellate Procedure 16(4). This motion and dismissal of the appeal are part of a full and final settlement agreement between the appearing parties, and as such is uncontested.

A Proposed Order is attached.

DATED this 5th day of August 2024.

Digitally signed by Roger Porch
DN: C=US, E=roger@porch.com, O=R Porch
Construction, Inc., OU=President, CN=Roger
Porch
Date: 2024.08.05.14:27:04 -0800

Roger Porch
Roger Porch
Roger Porch Construction

DATED this 5th day of August 2024.

/s/ Arthur V. Wittich
ARTHUR V. WITTICH

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing
MOTION TO DISMISS with the Clerk of the Montana Supreme Court and each
attorney of record as follows:

Johnna Preble
Kalispell City Attorney
201 First Avenue East
Kalispell, MT 59901
Representing: City of Kalispell

Taylor Nicole Eisenzimer
321 W. Broadway, Suite 500
Missoula, MT 59802
Representing: Kalispell Airport Association, Inc.

Paul A. Sandry
Johnson, Berg & Saxby, PLLP
P.O. Box 3038
Kalispell, MT 59903
Representing: Diablo Investments, LLC

Sarah D. Simkins
P.O. Box 3038
Kalispell, MT 59903
Representing: Diablo Investments, LLC

DATED: August 11, 2024
/s/ Arthur V. Wittich

CERTIFICATE OF SERVICE

I, Arthur Montana Law Company Wittich, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 08-11-2024:

Johnna Justine Preble (Govt Attorney)
201 1st Ave. E.
Kalispell MT 59901
Representing: City of Kalispell
Service Method: eService

Paul A. Sandry (Attorney)
Johnson, Berg & Saxby, PLLP
PO Box 3038
Kalispell MT 59903
Representing: Diablo Investments, LLC
Service Method: eService

Sarah D. Simkins (Attorney)
221 First Avenue East
P.O. Box 3038
Kalispell MT 59903
Representing: Diablo Investments, LLC
Service Method: eService

Taylor Nicole Eisenzimer (Attorney)
321 W. Broadway, Suite 500
Missoula MT 59802
Representing: Kalispell Airport Association, Inc.
Service Method: eService

Electronically Signed By: Arthur Montana Law Company Wittich
Dated: 08-11-2024