

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No.:

Kristin L. Omvig
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NOTICE OF APPEAL

Attorneys for Plaintiff / Appellant 360 Reclaim, LLC

NOTICE is given that 360 Reclaim, LLC, the Appellant above named which is the Plaintiff in that cause of action filed in the Montana Eleventh Judicial District, in and for the County of Flathead, as Cause No. DV-19-305(A), hereby appeals to the Supreme Court of the State of Montana from the ORDER AND RATIONALE ON REMAND AND ON VARIOUS MOTIONS entered in favor of William M. Russell in such action on the 1st day of October, 2024.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal **is not** 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). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

3. That the notice required by M. 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 cause **have not** been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal. (See attached **Exhibit A.**)

5. That the filing fee was paid through the E-Filing system on October 15, 2024.

DATED this 15th day of October, 2024.

OMVIG HAMMER LAW, P.C.

By: /s/ Benjamin J. Hammer
Benjamin J. Hammer
Attorneys for Plaintiff / Appellant 360 Reclaim,
LLC

CERTIFICATE OF SERVICE

I, Benjamin J. Hammer, one of the attorneys of the law firm of OMVIG HAMMER LAW, P.C., do hereby certify that on the 15th day of October, 2024, I served a true and correct copy of the foregoing document upon the person(s) named below, at the address set out below, either by mailing, hand delivery, or Federal Express, in a properly addressed envelope, postage prepaid, or by telecopying a true and correct copy of said document.

| | |
|---|--|
| William M. Russell 310 East Day Street Pocatello, ID 83201-7205 | <input type="checkbox"/> E-Filing Service <input checked="" type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input checked="" type="checkbox"/> Other: E-mail: midnightmopper@gmail.com |
| Nicholas J. Lofing Garlington, Lohn & Robinson, PLLP PO Box 7909 Missoula, MT 59807-7909 <i>Attorneys for Mountain View Investments, LC</i> | <input checked="" type="checkbox"/> E-Filing Service <input type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input type="checkbox"/> Other: E-mail: njlofing@garlington.com |

/s/ Benjamin J. Hammer

CERTIFICATE OF SERVICE

I, Benjamin James Hammer, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 10-15-2024:

Kristin L. Omvig (Attorney)
PO Box 1202
Kalispell MT 59903
Representing: 360 Reclaim, LLC
Service Method: eService

Nicholas J. Lofing (Attorney)
Garlington Lohn & Robinson PLLP
PO Box 7909
Missoula MT 59807
Representing: Mountain View Investments, L.C.
Service Method: eService

William Russell (Appellee)
310 East Day Street
Pocatello ID 83201
Representing: Self-Represented
Service Method: E-mail Delivery

Electronically signed by Ann M. Thamert on behalf of Benjamin James Hammer
Dated: 10-15-2024