

## IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. \_\_\_\_\_

Michael G. Eiselein  
Eiselein Law Firm, PLLC  
32 Haystack Dr.  
Bozeman, Montana 59718  
(406) 252-3461  
eiselein13@gmail.com  
*Attorney for Appellants,  
Russell Waddell and Casey Magan*

Russell Waddell and Casey Magan,

Appellants,

v.

Paul Studer, Rachael Studer, and the  
Summer Ridge Homeowners'  
Association, a Montana non-profit  
corporation,

Appellees.

**NOTICE OF APPEAL**

**NOTICE is hereby given** that Russell Waddell and Casey Magan, the Appellants above-named and who are the plaintiffs in that cause of action filed in the Eighteenth Judicial District, in and for the County of Gallatin, as Cause No. DV-16-2020-1267A, hereby appeal to the Supreme Court of the State of Montana from the orders and the final judgment entered in such action on the 18th day of October, 2024.

**THE APPELLANTS FURTHER CERTIFY:**

1. That this appeal is subject to the mediation process required by M. R. App. 7. The money judgment being sought is not less than \$5,000.00.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. 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.
4. The filing fee prescribed by statute is being paid contemporaneously with the e-filing of this Notice of Appeal.

Respectfully submitted this 24<sup>th</sup> day of October, 2024. Michael G. Eiselein

By: /s/ Michael G. Eiselein  
Eiselein Law Firm PLLC  
Attorney for Plaintiffs

## 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 court reporter from whom a transcript will be ordered, as follows:

Ms. Sandy Erhardt  
Clerk of the Eighteenth  
Judicial District Court  
615 South 16<sup>th</sup>, Room 302  
Bozeman, MT 59715  
*Via E-Filing:*  
*gallatindcfilings@mt.gov*

Michael Rabb  
Jeffrey Drigger  
The Rabb Law Firm  
3950 Valley Commons  
Drive, # 1  
Bozeman, Montana 59718  
*Via E-Filing and Email:*  
*service@therabblawfirm.com*  
*Attorneys for*  
*Defendants/Appellees Paul*  
*Studer and Rachael Studer*

Ms. Josey Loney  
Court Reporter  
615 South 16<sup>th</sup>  
Bozeman, MT 59715  
*Via E-Mail:*  
*JLoney@mt.gov*

G. Patrick HagEstad  
David J. HagEstad  
HagEstad Law Group, PLLC  
2721 Connery Way  
Missoula, MT 59808  
*Via E-Filing and Email:*  
*gpatrick@hagestadlaw.com*  
*david@hagestadlaw.com*  
*Attorneys for Defendant/Appellee*  
*Summer Ridge Homeowners Association*

By: /s/ Michael G. Eiselein  
Michael G. Eiselein

## **CERTIFICATE OF SERVICE**

I, Michael G. Eiselein, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 10-24-2024:

Michael Lloyd Rabb (Attorney)  
3950 Valley Commons Drive  
Suite 1  
Bozeman MT 59718  
Representing: Paul Studer, Rachael Studer  
Service Method: eService

David J. HagEstad (Attorney)  
2425 W. Central Ave.  
Suite 200  
Missoula MT 59808  
Representing: Summer Ridge Homeowners Association  
Service Method: eService

Jeffrey Driggers (Attorney)  
3950 Valley Commons Drive, Suite 2  
Bozeman MT 59718  
Representing: Paul Studer, Rachael Studer  
Service Method: Conventional

Josey Loney (Court Reporter)  
615 South 16th  
Room 305  
Bozeman MT 59715  
Service Method: eService  
E-mail Address: JLoney@mt.gov

Electronically Signed By: Michael G. Eiselein  
Dated: 10-24-2024