

IN THE SUPREME COURT OF THE STATE OF MONTANA

JENNIFER SHAHOOD, an individual,

Plaintiff/Appellee,

v.

CITY AND COUNTY OF BUTTE-SILVER BOW,

Defendant/Appellant.

NOTICE OF APPEAL

On Appeal from the Montana Second Judicial District Court, Butte-Silver Bow County
Cause No. DV-19-400
The Honorable Kurt Krueger, Presiding

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Christopher L. Decker
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NOTICE IS HEREBY GIVEN that the City and County of Butte-Silver Bow, Appellant above-named and Defendant in the action filed in Montana Second Judicial District, Silver Bow County, Cause No. DV-19-400, hereby appeals to the Supreme Court of Montana from the district court's January 2, 2025 Order Granting Motion for New Trial (Doc. 165), attached hereto as **Exhibit A**. Pursuant to Mont. R. App. P. 6(1),(3), 4(4)(a), and 4(5)(v)(D) this appeal encompasses all previous orders and rulings excepted to or objected to which led to and resulted in the final judgment, including those made before and during trial. These include, but are not limited to, the following:

1. The Court's verbal ruling granting Plaintiff's Motion for Partial Directed Verdict on Negligence, Negligence Per Se, and Causation (there was no written order on this issue);
2. The Court's Order Denying Defendant's Motion for Partial Summary Judgment on Negligence Per Se, dated October 4, 2022 (Doc. 78), attached hereto as **Exhibit B**; and
3. The Court's verbal ruling precluding Defendant's admission of any of Plaintiff's medical records or portions of medical records at trial.

Pursuant to Mont. R. App. 4, Appellant certifies that:

1. This appeal is subject to the mediation process required by Mont. R. App. P. 7. because it is an appeal of an action seeking monetary damages/recovery in excess of \$5,000. Mont. R. App. 7(1)(c).

2. This appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b).

3. No notice to the Montana Attorney General is required under Mont. R. App. 27 because Appellant is not challenging the constitutionality of any act of the Montana legislature.

4. That all available transcripts of proceedings in this case have been ordered from the court reporter contemporaneously with the filing of this Notice of Appeal.

5. The filing fee prescribed by statute is included with this notice.

6. A copy of this Notice of Appeal has been filed with the Clerk of the District Court and served on all counsel of record.

DATED: January 14, 2025

BOONE KARLBERG P.C.

/s/ Christopher L. Decker

Cynthia L. Walker

Christopher L. Decker

*Attorneys for Defendant/Appellant City
and County of Butte-Silver Bow, Montana*

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, through the electronic filing system, as follows:

Clerk of District Court
Montana Second Judicial District Court
155 West Granite Street
Butte, MT 59701
clkofdistcourt@bsb.mt.gov

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DATED: January 14, 2025

BOONE KARLBERG P.C.

/s/ Christopher L. Decker
Cynthia L. Walker
Christopher L. Decker
*Attorneys for Defendant/Appellant City
and County of Butte-Silver Bow, Montana*

CERTIFICATE OF SERVICE

I, Christopher Lee Decker, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 01-14-2025:

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Electronically signed by Nila Glover on behalf of Christopher Lee Decker
Dated: 01-14-2025