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**IN THE SUPREME COURT OF THE STATE OF MONTANA**

BRYAN HOSKIN and CARRIE  
HOSKIN, husband and wife,

Appellants/Plaintiffs,

vs.

TIMOTHY T. WALL,

Appellee/Defendant.

Case No.: DA 25-0147

**WALL’S RESPONSE TO HOSKINS’  
MOTION TO WAIVE MEDIATION**

Appellants and Plaintiffs Bryan Hoskin and Carrie Hoskin (“Hoskins”) move the Court “To Waive Mandatory Mediation” in this case. In their Notice of Appeal filed on February 14, 2025, Hoskins certified to the Court “[t]hat this appeal is subject to the mediation process required by M. R. App. P. 7.” As the Hoskins note in their motion, this Court mandates that the parties engage in mediation as part of the appellate process for cases seeking a monetary judgment.

“Since the inception of the mandatory appellate alternative dispute resolution process, this Court has maintained that the provisions are self-executing,

and ‘this Court will not insert itself in the process except under unusual or extraordinary circumstances.’” *Munro v. Munro*, DA 23-0131, 2 (Mont. May. 23, 2023) (quoting *Harwood v. Glacier Elec. Coop.*, 282 Mont. 38, 39, 939 P.2d 981, 981-982 (1997). “This Court will not consume its resources disposing of motion practice regarding the mandatory appellate dispute resolution process.” *Id.* (citing *Guang Xiang Liang v. Lai*, 2003 MT 281, ¶ 8, 317 Mont. 524, 78 P.3d 1212); see also *Cascade County v. Montana Petroleum Tank Release Compensation Board*, DA 21-0357, 2 (Nov. 9, 2021) (“the mandatory appellate mediation Rule is self-executing; this Court will not consume its resources disposing of motion practice regarding the mandatory appellate dispute resolution process.”).

The Hoskins’ Motion does not mention “unusual or extraordinary circumstances” that would warrant waiving mediation in this appeal. They simply make *ad hominem* attacks against Appellee and Defendant Timothy T. Wall and his counsel, and then conclude that “[j]ustice will not be served by subjecting Appellants / Plaintiffs to any further Financial and Emotional burden fighting for their Property and Water Rights.” However, this is not a sufficient reason to waive mediation. See *Guang Xiang Liang*, ¶ 7 (“dispens[ing] with mediation . . . simply because counsel [or the parties] do not believe mediation will resolve the appeal,” is not a valid reason to waive the mediation requirement).

“This Court will not consume its resources disposing of motion practice regarding the mandatory appellate dispute resolution process,” *Munro v. Munro*, DA 23-0131, 2 (Mont. May. 23, 2023), and the Hoskins’ Motion to Waive Mediation should be summarily denied.

DATED this 13th day of March, 2025.

DONEY CROWLEY P.C.

/s/ Jack G. Connors

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Jack G. Connors

*Attorneys for Appellee/Defendant Timothy  
T. Wall*

## **CERTIFICATE OF SERVICE**

I, Jack Connors, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 03-13-2025:

Bryan Hoskin (Appellant)  
P.O. Box 782  
Frenchtown MT 59834  
Service Method: E-mail Delivery

Carrie Hoskin (Appellant)  
P.O. Box 782  
Frenchtown MT 59834  
Service Method: E-mail Delivery

Electronically signed by Jodi Bell on behalf of Jack Connors  
Dated: 03-13-2025