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Attorneys for Roger D. Peters and Carrie A. Peters

**IN THE SUPREME COURT OF THE STATE OF MONTANA
SUPREME COURT CAUSE NO. DA 25-0510**

<p>ROGER D. PETERS and CARRIE A. PETERS</p> <p>Plaintiffs/Appellants,</p> <p>v.</p> <p>THE KENISON PLACE, LLC and WILLIAM J. MARTINELL, individually,</p> <p>Defendants/Appellees.</p>	<p>Cause No. DV-1-2022-0014512-OC</p>
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AMENDED NOTICE OF APPEAL

NOTICE is hereby given that Roger D. and Carrie A. Peters (“Peters”), Plaintiffs/Appellants in the above-captioned matter, filed in the Montana Fifth Judicial District Court, in and for the County of Beaverhead, as Cause No. DV-1-2022-0014512-OC, hereby appeals to the Montana Supreme Court from:

1. The order entered in such action on the 17th day of December 2024, entitled *Order on Defendants' Motions for Summary Judgment and to Dismiss* (Doc. 64) granting Appellees' Motion to Dismiss Counts I-IV of Appellants' Verified Complaint and Appellees' Motion for Summary Judgment as to trespass and attorney fees;

2. The order entered in such action on the 10th day of March 2025, entitled *Order* (Doc. 70) determining Defendants as the prevailing party and entitled to attorneys' fees;

3. The order entered in such action on the 18th day of June 2025, entitled *Order on Motion for Attorneys' Fees* (Doc. 80) granting in part Appellees' Motion for Attorney Fees and awarding Appellees \$196,767.22 in attorney fees and costs; and

4. Judgment entered on the 12th day of August 2025 (Doc. 88.00).

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by Mont. R. App. P. 7.

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

3. This amended notice of appeal is filed as the Judgment entered by the district court on August 12, 2025, included a denial of Appellants' April 25, 2025

Mont. Code Ann. § 85-2-406 Petition for Certification to the Montana Water Court (Doc. 72.00) and Appellees June 3, 2025 Rule 11 Motion (Doc. 78.00) filed in conjunction with said petition. In Appellants' Notice of Appeal filed July 17, 2025, it was certified by Appellants that no orders on these matters had been entered. On August 12, 2025, that circumstance changed, necessitating this amendment to the previously filed Notice of Appeal.

4. Pursuant to Rule 5(a)(ii), M.R.App.P., by entry of the written judgment after the filing Appellants' Notice of Appeal on July 17, 2025, the appeal shall be treated as filed on August 12, 2025.

5. That a copy of this Amended Notice of Appeal is being served upon counsel of record and every party not represented by counsel and the Clerk of Court of Beaverhead County.

6. That all available transcripts of the proceedings in this case have been ordered from the court reporter and have been filed with this Court.

7. The filing fee prescribed by statute has been previously paid.

DATED this 13th day of August 2025.

PARSONS BEHLE & LATIMER

/s/ John E. Bloomquist

John E. Bloomquist

Attorneys for Roger and Carrie A.

Peters

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing Amended Notice of Appeal with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing Amended Notice of Appeal upon the Clerk of District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

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/s/ Marlana Reichert
Marlana Reichert
Advanced Certified Paralegal

CERTIFICATE OF SERVICE

I, John E. Bloomquist, hereby certify that I have served true and accurate copies of the foregoing Notice - Amended Notice of Appeal Filed to the following on 08-13-2025:

Ryan P. McLane (Attorney)
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Representing: William J. Martinell, The Kenison Place LLC
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Electronically signed by Marlana Reichert on behalf of John E. Bloomquist
Dated: 08-13-2025