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IN THE SUPREME COURT OF THE STATE OF MONTANA

ALLIED WASTE SERVICES OF NORTH
AMERICA, LLC, DBA REPUBLIC
SERVICES OF MONTANA,

Defendant/Appellant,

v.

LH RESIDENTIAL LLC; and OTIS
STREET LLC, BOTH DBA MONTANA
CRESTVIEW,

Plaintiffs/Appellees.

DA 23–0721

**CRESTVIEW’S NOTICE OF
SUPPLEMENTAL AUTHORITY**

Pursuant to Rule 12(6) of the Montana Rules of Appellate Procedure,
Appellee Montana Crestview submits this notice of supplemental authority based
on the Court’s holding in *Gottlob v. Desrosier*, 2025 MT 56, 421 Mont. 176, 565
P.3d 1196, which was decided after this appeal was fully briefed in early August of
2024.

In its reply brief, Republic Services asserts that the “fact that Republic can (and does) provide three cubic yards of service to its customers regardless of the 3-yard container model utilized is fatal to Crestview’s ability to fulfill Rule 23(b)(3)’s predominance standards.” (Reply at 5–6.)

In *Gottlob*, however, the Court reiterated the rule that questions of ultimate liability are inappropriate for resolution at the class certification stage, and that “for purposes of this appeal, it is enough to conclude—as we have here—that the class claims collectively will stand or fall with the resolution of this issue.” *Gottlob*,

¶ 45.

September 4, 2025.

/s/ Jesse Kodadek
Jesse Kodadek

CERTIFICATE OF SERVICE

I, Jesse C. Kodadek, hereby certify that I have served true and accurate copies of the foregoing Notice - Supplemental Authority to the following on 09-04-2025:

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Electronically Signed By: Jesse C. Kodadek
Dated: 09-04-2025