

DA 25-0454

IN THE SUPREME COURT OF THE STATE OF MONTANA

JUBILEE NESTA SARA DA',
Appellant and Plaintiff,

v.

CITY OF BOZEMAN, AND
TASHA LARAIN NELSON,
Appellees and Defendants.

**APPELLANT'S UNOPPOSED MOTION TO DISMISS
DEFENDANT TASHA NELSON FROM APPEAL**

Appellant respectfully moves this Court to dismiss Defendant Tasha Nelson ("Nelson") as a party to this appeal.

1. Appellant filed a Notice of Appeal on June 30, 2025, including multiple appellees, including Tasha Nelson.
2. Subsequently, Appellant settled with NorthWestern Energy, and this Court issued an Order of dismissal against the utility.
3. Nelson filed a petition for relief under Chapter 7 of the U.S. Bankruptcy Code in the United States Bankruptcy Court for the District of Montana, triggering the automatic stay under 11 U.S.C. § 362.

4. In light of the bankruptcy stay, Appellant has not pursued appellate claims against Nelson, and has omitted Nelson from the style of the appeal and appellate briefing filed electronically on September 30, 2025.
5. This Court rejected the brief because, although Nelson's attorneys were served, Nelson was not identified as a party on the cover of Appellant's opening brief. (Or. of deficiency, 9/30/25).
6. Appellant was given 10 days to cure the deficiency and file the revised brief with no changes but for those specified that needed to be made to comply with this Court's order.
7. To avoid any ambiguity in the record and to ensure compliance with this Court's September 30, 2025 Order and the Bankruptcy Code, Appellant requests that this Court formally dismiss Nelson as a party to this appeal, without prejudice to any claims stayed or affected by the bankruptcy proceedings.
8. Counsel for the City of Bozeman and Tasha Nelson have been contacted, and they do not oppose this motion and all parties agree that no party shall waive its rights related to apportionment of liability or causation arguments under Montana law **if** the case is remanded.

WHEREFORE, Appellant respectfully requests that this Court enter an order dismissing Defendant Nelson from this appeal.

Dated: October 3, 2025.
E. Casey Magan

By: E. Casey Magan

CERTIFICATE OF COMPLIANCE

Pursuant to Rules 11 and 16 of the Montana Rules of Appellate Procedure, I certify that this motion is printed with a proportionately spaced text typeface of 14 points; is double spaced, with left, right, top and bottom margins of not less than one inch; and that the word count calculated by Microsoft Word is 296 words, (excluding the Caption and Certificate of Compliance).

By: E. Casey Magan
E. Casey Magan

CERTIFICATE OF SERVICE

I, Casey Magan, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 10-03-2025:

Steven Hamilton (Attorney)
1001 17th Street
Suite 300
Denver CO 80202
Representing: City of Bozeman
Service Method: eService

Brian L. Taylor (Attorney)
175 North 27 Street, Suite 1101
Billings MT 59101
Representing: City of Bozeman
Service Method: eService

Hannah Stone (Attorney)
PO Box 4947
Missoula MT 59806
Representing: Tasha Nelson
Service Method: eService

Alyssa Lanae Campbell (Attorney)
PO Box 4947
620 High Park Way
Missoula MT 59806
Representing: Tasha Nelson
Service Method: eService

Russell Scott Waddell (Attorney)
708 Evening Star Lane
Bozeman MT 59715-7779
Representing: Jubilee Nesta Sara Da'
Service Method: eService

Electronically Signed By: Casey Magan

Dated: 10-03-2025