

**Steve Williams**  
**Deputy Yellowstone County Attorney**  
**Yellowstone County Courthouse**  
**P.O. Box 35025**  
**Billings, Montana 59107-5025**  
**(406) 256-2832**  
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*Attorney for Yellowstone County*

**IN THE SUPREME COURT OF THE STATE OF MONTANA**  
**Supreme Court Cause No. \_\_\_\_\_**

YELLOWSTONE COUNTY	)	
	)	
	)	
Petitioner and Appellant,	)	
vs.	)	<b>NOTICE OF APPEAL</b>
	)	
MONTANA DEPARTMENT OF	)	
ENVIRONMENTAL QUALITY	)	
	)	
Respondent and Appellee,	)	
_____	)	

Pursuant to Rule 4(2)(a) of the Montana Rules of Appellate Procedure, Yellowstone County appeals to the Montana Supreme Court the May 12, 2025 decision of the Montana Thirteenth Judicial District Court, Yellowstone County, to deny its motion for summary judgment and grant the Montana Department of Environmental Quality’s motion for summary judgment in *Yellowstone County v. Montana Department of Environmental Quality*, Montana Thirteenth Judicial District Court, Yellowstone County, Cause Number DV 2024-80.

On May 20, 2025, the District Court entered judgment in favor of the Department. On May 21, 2025, the Department filed its notice of entry of judgment. On June 13, 2025, the County filed a motion to alter the judgment. By August 12, 2025, the District Court had not ruled on the motion. Pursuant to Rule 59(f) of the Montana Rules of Civil Procedure, the motion was considered denied. Pursuant to Rule 4(5)(a)(v)(E) and Rule 4(5)(a)(i) of the Montana Rules of

Appellate Procedure, the County had 60 days from August 12, 2025 to file its notice of appeal.  
The County had until October 13, 2025, to file its notice of appeal.

The County certifies:

- (1) the mediation process does not apply to the appeal. It is an appeal from a decision in a declaratory judgment action.
- (2) the appeal is not from an order certified as final under Rule 54(b) of the Montana Rules of Civil Procedure.
- (3) the appeal does not challenge the constitutionality of an act of the Montana Legislature. Pursuant to Rule 27 of the Montana Rules of Appellate Procedure, the County does not have to give notice to the Montana Attorney General of the appeal.
- (4) the County has ordered a transcript of the oral arguments on the motions for summary judgment, the only transcript for the case.

DATED this 9<sup>th</sup> day of October 2025.

/s/ Steve Williams  
Steve Williams  
Deputy Yellowstone County Attorney

## CERTIFICATE OF SERVICE

I, Steve Williams, a Deputy Yellowstone County Attorney, Counsel for Yellowstone County, certify that I (1) filed the Notice of Appeal with the Clerk of the Montana Supreme Court, (2) filed a copy of the Notice with the Yellowstone County Clerk of District Court, and (3) served a copy of the Notice on Kurt Moser, Counsel for the Montana Department of Environmental Quality, as indicated below:

Yellowstone County Clerk of District Court  
Attn: Terry Halpin  
P.O. Box 35030  
Billings, Montana 59107-5030  
thalpin@yellowstonecountymt.gov  
*Yellowstone County Clerk of District Court*

Kurt R. Moser  
Montana Department of Environmental Quality  
1520 East Sixth Avenue  
P. O. Box 200901  
Helena, Montana 59620-0901  
kmoser2@mt.gov  
*Counsel for DEQ*

DATED this 9<sup>th</sup> day of October 2025.

/s/ Steve Williams  
Steve Williams  
Deputy Yellowstone County Attorney

## CERTIFICATE OF SERVICE

I, Steven Thomas Williams, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 10-09-2025:

Kurt R. Moser (Govt Attorney)  
1520 East Sixth Avenue  
P.O. Box 200901  
Helena MT 59620-0901  
Representing: Montana Department of Environmental Quality  
Service Method: eService

Terry Halpin Yellowstone County Clerk of District Court  
PO Box 35030  
Billings MT 59107-5030  
Service Method: E-mail Delivery  
E-mail Address: [thalpin@yellowstonecountymt.gov](mailto:thalpin@yellowstonecountymt.gov)

Electronically signed by Karen Krzesniak on behalf of Steven Thomas Williams  
Dated: 10-09-2025