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IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. DA 25-0773

<p>EDWARD BUTCHER and RANDY PINOCCI, Appellants/Cross-Appellees, v. JOSH GOSNEY and INFINITY WELLNESS, Appellees/Cross-Appellants.</p>	<p>On appeal from Mont. 10th Dist. Court, Fergus County, Cause No. DV-14-2023- 0000005-BC NOTICE OF CROSS-APPEAL</p>
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NOTICE is given that Infinity Wellness, Inc. and Josh Gosney cross-appeals to the Supreme Court of the State of Montana from the final order entered August 7, 2025 denying Cross-Appellants’ Motion for Judgment on the Pleadings, the deemed denial of Cross-Appellants’ Motion for Attorney Fees and Costs filed on August 14, 2025, and the District Court’s failure to award costs and disbursements pursuant to the Memorandum of Costs and Disbursements filed on August 11, 2025 in Cause No. DV-14-2023-0000005-BC in the Tenth Judicial District, in and for the County of Fergus

THE CROSS-APPELLANT FURTHER CERTIFIES:

1. That this cross-appeal is subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought is not less than \$5,000.
2. That this cross-appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. That all available transcripts of the proceedings in this cause involving the issue cross-appealed have been ordered from the court reporter contemporaneously with the filing of this notice of cross-appeal.
4. That included herewith is the filing fee prescribed by statute.

Dated this 3rd day of November, 2025.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By /s/ Steve Fitzpatrick
Steve J. Fitzpatrick, Esq.
Attorney for Josh Gosney and Infinity Wellness, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF CROSS-APPEAL with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing NOTICE OF CROSS-APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Samuel L. Martin, III
Delli Bovi, Martin, & Reed, LLC
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Helena, MT 59601
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Attorney for Plaintiff/Appellant

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712 W Main Street, Suite 303
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Deidre Taber
712 W. Main Street, Ste. 303
Lewistown, MT 59457

/s/ Steve Fitzpatrick
BROWNING, KALECZYC, BERRY & HOVEN, P.C.

CERTIFICATE OF SERVICE

I, Steven J. Fitzpatrick, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Cross Appeal to the following on 11-04-2025:

Samuel Loveridge Martin (Attorney)
34 W 6th Ave Unit 2E
Helena MT 59601
Representing: Edward B. Butcher, Randy Pinocci
Service Method: eService

Brenda Snapp
Fergus County Clerk of Court
712 W Main Street, Suite 303
Lewistown MT 59457
Service Method: Conventional

Deidre Taber
Fergus County Court Reporter
712 W Main Street, Suite 303
Lewistown MT 59457
Service Method: Conventional

Electronically signed by Francine Polacek on behalf of Steven J. Fitzpatrick
Dated: 11-04-2025