

ORIGINAL

FILED

09/13/2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 16-0505

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 16-0505

Stephen D. Bell (Mont. # 2576)
DORSEY & WHITNEY LLP
Millennium Building
125 Bank Street, Suite 600
Missoula, MT 59802-4407
Telephone: (406) 721-6025
Facsimile: (406) 543-0863
E-mail: bell.steve@dorsey.com

Ben D. Kappelman (Mont. # 12564)
DORSEY & WHITNEY LLP
50 South 6th Street, Suite 1500
Minneapolis, MN 55402-1498
Telephone: (612) 492-7644
Facsimile: (612) 395-5451
E-mail: kappelman.ben@dorsey.com

Attorneys for Appellants

SHAWNA KNUDSON ROTHWELL
and LEANNE KNUDSON BAILLY,

Appellees/Plaintiffs,

v.

ERICKSON PETROLEUM
CORPORATION,

Appellant/Defendant,

and

KELLER TRANSPORT,
INC.; WAGNER ENTERPRISES, LLC;
and JOHN DOES I-V,

Defendants.

FILED

SEP 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

AMENDED NOTICE OF APPEAL

AMENDED NOTICE is given that Erickson Petroleum Company, the Appellant above-named and who is a Defendant in that cause of action filed in the

Twentieth Judicial District, in and for the County of Lake, as Cause No. DV-16-41, hereby appeals to the Supreme Court of the State of Montana from the Order Denying Motion for Substitution of Judge entered in such action on the 27th day of July, 2016 and the Order Denying Defendant Erickson Petroleum Corporation's Renewed Motion for Substitution or Reconsideration of Order Denying Motion for Substitution entered in such action on the 1st day of September, 2016.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7 and that the money judgment being sought is not less than \$5,000.

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

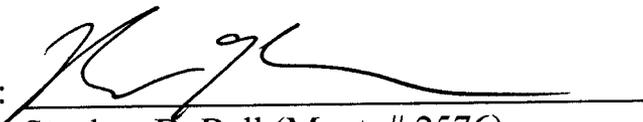
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That there have been no proceedings before the District Court such that there are no available transcripts that need be ordered from the court reporter contemporaneously with the filing of this notice of appeal.

5. That included with Appellants' original Notice of Appeal was the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated: September 9, 2016

DORSEY & WHITNEY LLP

By: 
Stephen D. Bell (Mont. # 2576)
Ben D. Kappelman (Mont. # 12564)

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 via U.S. Mail on the date listed below.

I further certify that I have served true and accurate copies of the foregoing AMENDED NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript has been ordered, and each party not represented by an attorney in the above-referenced District Court action, by causing the same to be placed in the U.S. Mail, postage prepaid, addressed to the following:

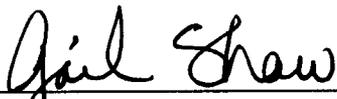
Lynn Fricker
Clerk of District Court
Lake County District Court
Polson, MT 59860-2125

Travis W. Kinzler
Cok Kinzler PLLP
35 North Bozeman Avenue
Bozeman, MT 59715

Charles E. Hansberry
Hansberry & Jourdonnais, PLLC
3111 Grant Street, Suite B
Missoula, MT 59801

Michael D. Cok
Cok Kinzler PLLP
35 North Bozeman Avenue
Bozeman, MT 59715

Dated: September 9, 2016



Gail Shaw
Legal Secretary
Dorsey & Whitney LLP
50 South 6th Street, Suite 1500
Minneapolis, MN 55402-1498

FILED

SEP 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA