

ORIGINAL

FILED

11/30/2016

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

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.

**STIPULATION OF DISMISSAL OF
APPEAL AS TO ALL PARTIES AND
STIPULATION OF DISMISSAL OF
ACTION AS TO SOME PARTIES**

FILED

NOV 30 2016

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

DORSEY & WHITNEY LLP
Stephen D. Bell (Mont. # 2576)
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)
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 Appellant

COK KINZLER PLLP
Michael D. Cok
Travis W. Kinzler
35 North Bozeman Avenue
Bozeman, MT 59715
Telephone: (800) 677-6263
Facsimile: (406) 587-9465
E-mail: mikecok@cokkinzlerlaw.com
E-mail: twkinzler@cokkinzlerlaw.com

Attorneys for Appellees

HANSBERRY & JOURDONNAIS, PLLC
Charles E. Hansberry
3111 Grant Street, Suite B
Missoula, MT 59801
Telephone: (406) 203-1730
Facsimile: (406) 205-3170
Email: chuck@HJBusinessLaw.com

Attorneys for Keller Transport, Inc.

COME NOW the parties and move this Court to dismiss this appeal as to all parties and direct the dismissal of this action as to some parties following the partial settlement of this dispute.

Appellees/Plaintiffs Shawna Knudson Rothwell and Leanne Knudson Bailly and Appellant/Defendant Erickson Petroleum Corporation have reached a full and final settlement of all claims between them and respectfully request that this Court direct the District Court to enter a judgment of dismissal, with prejudice and on the merits, with each party to bear its own costs and attorney fees.

Defendant Keller Transport, Inc.¹ did not appeal from the orders denying motions for substitution of judge at issue in this matter and thus respectfully requests that the Court remand for further proceedings as between it and Appellees/Plaintiffs.

The parties have agreed upon and respectfully request that the Court enter the proposed order filed herewith.

Dated: November 29, 2016

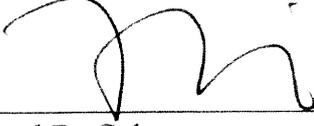
DORSEY & WHITNEY LLP

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

¹ Defendants Wagner Enterprises, LLC and John Does I-V have not appeared in the Supreme Court or the District Court.

Dated: November 28, 2016

COK KINZLER PLLP

By:  _____

Michael D. Cok
Travis W. Kinzler

Dated: November _____, 2016

HANSBERRY & JOURDONNAIS, PLLC

By: _____

Charles E. Hansberry

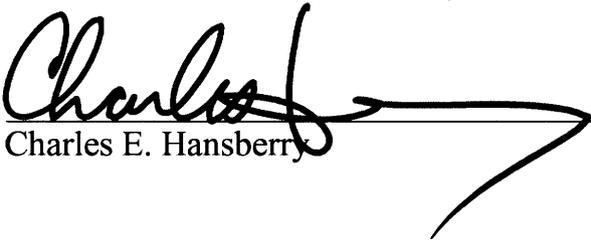
Dated: November ____, 2016

COK KINZLER PLLP

By: _____
Michael D. Cok
Travis W. Kinzler

Dated: November 22, 2016

HANSBERRY & JOURDONNAIS, PLLC

By:  _____
Charles E. Hansberry

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 16-0505

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.

CERTIFICATE OF SERVICE

FILED

NOV 30 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

I hereby certify that on the 29th day of November, 2016, the undersigned served the following documents:

1. *Stipulation of Dismissal of Appeal as to All Parties and Stipulation of Dismissal of Action as to Some Parties,*
2. *Order Dismissing Appeal,* and
3. *Certificate of Service*

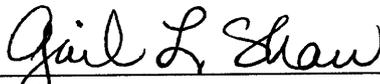
upon counsel via email and by depositing a true and correct copy of the same in the United States mail, postage prepaid and properly addressed to:

Michael D. Cok
Cok Kinzler PLLP
35 North Bozeman Avenue
Bozeman, MT 59715
mikecok@cokkinzlerlaw.com

Travis W. Kinzler
Cok Kinzler PLLP
35 North Bozeman Avenue
Bozeman, MT 59715
twkinzler@cokkinzlerlaw.com
klane@cokkinzlerlaw.com

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

DATED this 29th day of November, 2016.



Gail L. Shaw