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MONTANA FIFTH JUDICIAL DISTRICT COURT, MADISON COUNTY

BRAD TERRELL,

Plaintiff,

-vs-

E&I CONSTRUCTION AND
DESIGN, LLC AND NATHAN E. NUTTER,

Defendants.

E&I CONSTRUCTION AND DESIGN, LLC and
NATHAN E. NUTTER,

Third-Party Plaintiffs,

-vs-

STEVEN J. ANDERS d/b/a 24SEVEN GENERAL
CARPENTRY, and JOHN DOES 1-V,

Third-Party Defendants.

Cause No. DV-29-2020-65
Hon. Luke Berger

**NOTICE OF ENTRY OF
JUDGMENT**

PLEASE TAKE NOTICE that pursuant to Rule 58 of the Montana Rules of Civil Procedure, on the 29th day of March, 2023, pursuant to the Court's March 23, 2023, Order on Motions, the Court entered final judgment in the above-entitled action, which judgment is in favor of Defendants E&I Construction and Design, LLC and Nathan E. Nutter and Third-Party Defendants Steven J. Anders d/b/a 24Seven General Carpentry and against

the Plaintiff Brad Terrell. A copy of the Court's March 29, 2023, Entry of Final Judgment is attached to this Notice as **Exhibit A**.

DATED this 29th day of March, 2023.

UGRIN ALEXANDER ZADICK, P.C.

By: _____

Jordan Y. Crosby

James R. Zadick

Attorneys for Third-Party Defendant

Steven Anders d/b/a 24Seven Basic Carpentry

EXHIBIT A

**MONTANA FIFTH JUDICIAL DISTRICT COURT
MADISON COUNTY**

<p>BRAD TERRELL,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>E&I CONSTRUCTION AND DESIGN, LLC and NATHAN E. NUTTER,</p> <p style="text-align: right;">Defendants.</p>	<p>Cause No. DV-29-2020-65</p> <p>Judge Luke Berger</p> <p>ORDER GRANTING DEFENDANTS/THIRD-PARTY PLAINTIFFS' UNOPPOSED MOTION TO DISMISS CLAIMS AND ENTRY OF FINAL JUDGMENT</p>
<p>E&I CONSTRUCTION AND DESIGN, LLC and NATHAN E. NUTTER,</p> <p style="text-align: right;">Third-Party Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>STEVEN J. ANDERS d/b/a 24SEVEN GENERAL CARPENTRY, and JOHN DOES I-V,</p> <p style="text-align: right;">Third-Party Defendants.</p>	

Pursuant to Defendants/Third-Party Plaintiffs' Unopposed Motion to Dismiss Breach of Contract and Negligence Claims pursuant to Rule 41(b)(2) and Rule 41(c), M.R.Civ.P., and good cause appearing:

IT IS HEREBY ORDERED that Defendants/Third-Party Plaintiffs' Unopposed Motion to Dismiss Breach of Contract and Negligence Claims against Steven J. Anders d/b/a 24Seven General Carpentry ("Anders") is GRANTED. As a result, Defendants/Third-Party Plaintiffs' breach of contract and negligence claims against Anders are dismissed, with each party to bear its own fees and costs.

Given the Court's March 27, 2023, Order on Motions [Docket # 87], which granted summary judgment in favor of Defendants on all claims alleged against Defendants by Plaintiff, Defendants/Third-Party Plaintiffs' claims for contribution and indemnification are moot. *See State, ex rel. Deere & Co., v. District Court of Fifth Judicial Dist. of State*, 224 Mont. 384, 730 P.2d 396, and *Durden v. Hydro Flame Corp.*, 1999 MT 186, 295 Mont. 318, 983 P.2d 943. Accordingly, the Court grants judgment in favor of Anders on Defendants/Third-Party Plaintiffs claims for contribution and indemnification, with each party to bear its own fees and costs.

Anders' pending motion for summary judgment, on which briefing has been stayed, is DENIED as moot in light of this Order.

Given the Court's March 27, 2023, Order on Motions, as well as this Order, the Court finds that this Order constitutes final judgment in the case.

cc: Bryan M. Kautz
Jordan Crosby
Terry F. Schaplow

CERTIFICATE OF SERVICE

I, Jordan York Crosby, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Entry of Judgment to the following on 03-29-2023:

Bryan Michael Kautz (Attorney)
175 North 27th Street, Suite 1206
Billings MT 59101
Representing: Nathan E Nutter, E&I Construction and Design LLC
Service Method: eService

James Robert Zadick (Attorney)
P.O. Box 1746
#2 Railroad Square, Suite B
Great Falls MT 59403
Representing: Steven J Anders
Service Method: eService

Terry F. Schaplow (Attorney)
3825 Valley Commons Dr. Suite 1
Bozeman MT 59718
Representing: Brad Terrell
Service Method: eService

Electronically signed by Michelle Smith on behalf of Jordan York Crosby
Dated: 03-29-2023