

**MONTANA FIFTH JUDICIAL DISTRICT COURT
MADISON COUNTY**

BRAD TERRELL,	Cause No. DV-29-2020-65
Plaintiff,	Judge Luke Berger
vs.	
E&I CONSTRUCTION AND DESIGN, LLC and NATHAN E. NUTTER,	ORDER GRANTING DEFENDANTS/THIRD-PARTY PLAINTIFFS' UNOPPOSED MOTION TO DISMISS CLAIMS AND ENTRY OF FINAL JUDGMENT
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 I-V,	
Third-Party Defendants.	

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