

NOTICE is given that the Appellants, who are the Plaintiffs in that cause of action filed in the First Judicial District Court of the State of Montana, in and for the County of Lewis and Clark, as Cause No. BDV-2010-702, hereby appeal to the Supreme Court of the State of Montana from the final Judgment entered in such action on the 21st day of April, 2011 and from the denial of the Motion to Amend/Alter Judgment filed May 6, 2011 and deemed denied on July 5, 2011.

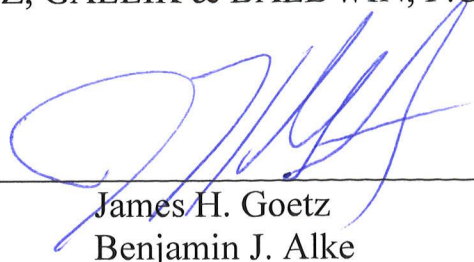
THE APPELLANTS FURTHER CERTIFY:

1. That this appeal is not subject to the mediation process required by M. R. App. P. 7.
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 not been given because the State of Montana is a party to this action.
4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this Notice of Appeal.
5. That included herewith is the filing fee prescribed by statute.

DATED this 4th day of August, 2011.

GOETZ, GALLIK & BALDWIN, P.C.

By: _____

A handwritten signature in blue ink, appearing to be "James H. Goetz" or "Benjamin J. Alke", written over a horizontal line.

James H. Goetz
Benjamin J. Alke

and

AMERICAN CIVIL LIBERTIES UNION
OF MONTANA FOUNDATION
Elizabeth L. Griffing

MORRISON & FOERSTER LLP
Ruth N. Borenstein
Philip T. Besirof
Neil D. Perry

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
Elizabeth O. Gill

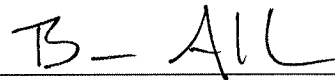
Attorney for Appellants

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing Notice of Appeal with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing Notice of Appeal upon the Clerk of the District Court, and each attorney of record, as follows:

- | | |
|---|---|
| <input type="checkbox"/> U.S. Mail | Steve Bullock, Montana Attorney General |
| <input type="checkbox"/> Federal Express | Jennifer Anders, Assistant Attorney General |
| <input checked="" type="checkbox"/> Hand-Delivery | Office of the Montana Attorney General |
| <input type="checkbox"/> Via Fax: (406) 444-3549 | P.O. Box 201401 |
| <input type="checkbox"/> E-mail: | Helena, MT 59620-1401 |
| | |
| <input type="checkbox"/> U.S. Mail | Nancy Sweeney |
| <input type="checkbox"/> Federal Express | Clerk of the District Court |
| <input checked="" type="checkbox"/> Hand-Delivery | Montana First Judicial District Court |
| <input type="checkbox"/> Via Fax: (406) 447-8275 | Lewis and Clark County |
| <input type="checkbox"/> E-mail: | 228 Broadway Street |
| | Helena, Montana 59601-4263 |

DATED this 4th day of August, 2011.



James H. Goetz
Benjamin J. Alke