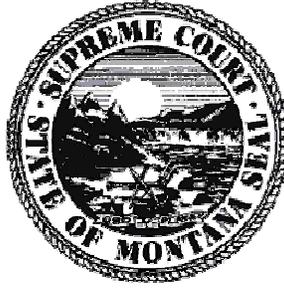


FILED

September 10 2015

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 15-0554



IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003

September 10, 2015

RE: District Court Case No: DDV 2012-931

**NOTICE OF FILING**

Supreme Court No.  
DA 15-0554

EDWARD D. WRZESIEN and LACEY  
VAN GRINSVEN, individually and on  
behalf of all similarly situated persons,  
and MEGAN ASHTON, individually,

Plaintiffs and Appellants,

v.

STATE OF MONTANA, and MONTANA  
PUBLIC EMPLOYEER RETIREMENT  
ADMINISTRATION,

Defendants and Appellees.

Notice of Appeal was filed on September 10, 2015 and assigned the above Supreme Court case number.

PLEASE NOTE the time for filing the appellant's opening brief has NOT yet begun. Another notice will be sent when this office receives the district court record, the filing of which initiates the briefing schedule pursuant to the Montana Rules of Appellate Procedure.

*As a reminder, one can follow this case online through the Clerk of the Supreme Court's Public View Docket at <http://supremecourtdocket.mt.gov/>.*

Sincerely,



ED SMITH  
Clerk of the Supreme Court

**ORIGINAL**

**FILED**

September 10 2015

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 15-0554

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 15 - 0554

Supreme Court Cause No. \_\_\_\_\_

EDWARD D. WRZESIEN and  
LACEY VAN GRINSVEN, individually  
and on behalf of all similarly situated persons,  
and MEGAN ASHTON, individually,

Appellants

v.

STATE OF MONTANA and MONTANA  
PUBLIC EMPLOYEE RETIREMENT  
ADMINISTRATION,

Appellees.

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**NOTICE OF APPEAL**

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**APPEARANCES**

**APPELLANTS:**

Travis Dye  
KALKSTEIN, JOHNSON & DYE, PC  
P.O. Box 8568  
Missoula, MT 59807-8568  
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**APPELLEES:**

Timothy C. Fox  
J. Stuart Segrest  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401  
(406) 444-2026  
[ssegrest@mt.gov](mailto:ssegrest@mt.gov)

NOTICE is given that Edward D. Wrzesien, Lacey Van Grinsven, and Megan Ashton, Appellants, who are the plaintiffs in First Judicial District, Lewis & Clark County Cause No. DDV 2012-931, hereby appeal to the Supreme Court of

the State of Montana from the judgment entered by the district court on August 6, 2015. Notice of Entry of Judgment was served by Appellees on August 11, 2015.

**APPELLANTS FURTHER CERTIFY:**

1. This appeal is subject to the mediation process required by M. R. App. P. 7.
2. This appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. This appeal involves a challenge to the constitutionality of an act of the Montana Legislature; however, the State of Montana and an agency thereof are parties to the appeal and, therefore, separate notice under M. R. App. P. 27 is not required.
4. 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. Included herewith is the filing fee prescribed by statute.

DATED this 8<sup>th</sup> day of September, 2015.

  
\_\_\_\_\_  
Travis Dye  
KALKSTEIN, JOHNSON  
& DYE, P.C.

## 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 in the above-referenced District Court action, as follows:

Timothy C. Fox  
J. Stuart Segrest  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401  
(406) 444-2026  
[ssegrest@mt.gov](mailto:ssegrest@mt.gov)

Nancy Sweeney  
Clerk of Court  
228 Broadway St.  
Helena, MT 59601-4263

  
\_\_\_\_\_



DATED this 11th day of August, 2015.

TIMOTHY C. FOX  
Montana Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59920-1401

By: \_\_\_\_\_

  
J. STUART SEGREST

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused to be mailed a true and accurate copy of  
the foregoing document to:

Mr. Travis Dye  
Kalkstein, Johnson & Dye, P.C.  
225 Adams  
P.O. Box 8568  
Missoula, MT 59807-8568

Dated: \_\_\_\_\_

8/11/15

  
J. STUART SEGREST

RECEIVED

AUG 10 2015

CLERK OF DISTRICT COURT  
LEWIS AND CLARK COUNTY

FILED August 6, 2015  
NANCY SWENSON, District Court  
By [Signature] Deputy

MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY

EDWARD D. WRZESIEN and	)	Cause No. DDV 2012-931
LACEY VAN GRINSVEN, individually and	)	
on behalf of all similarly situated persons,	)	<b>FINAL JUDGMENT</b>
and MEGAN ASHTON, individually,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
STATE OF MONTANA and MONTANA	)	
PUBLIC EMPLOYEE RETIREMENT	)	
ADMINISTRATION.	)	
	)	
Defendants.	)	

The parties to this matter have filed cross-motions for summary judgment. The motions have been fully briefed and the Court heard oral argument on October 7, 2014. This Court entered an Order on Cross-Motions for Summary Judgment on November 13, 2014, granting the State's motion.

Accordingly, the Court hereby enters its Final Judgment as follows:

1. Defendant State of Montana and Montana Public Employee Retirement Administration's motion for summary judgment is GRANTED.

2. Plaintiffs' motion for summary judgment is DENIED.

DATED this 4 day of August, 2015.

By: *James P. Reynolds*  
JAMES P. REYNOLDS  
District Court Judge