

November 29 2011

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 07-0016

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

NOV 29 2011

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANAIN THE MATTER OF AMENDING RULE 6 OF  
THE RULES OF APPELLATE PROCEDURE

ORDER

In April 2011, this Court adopted new Montana Rules of Civil Procedure, with an effective date of October 1, 2011. It has come to our attention that M. R. Civ. P. 23(f), providing for appeals from an order permitting or refusing class certification or rejecting a proposed class settlement, conflicts in part with the Montana Rules of Appellate Procedure as to the time for filing a notice of appeal from an order permitting or refusing class certification. In addition, M. R. Civ. P. 23(f) allows for appeal from an order rejecting a proposed class settlement, which subject is not addressed in the Rules of Appellate Procedure. We have addressed the first of these two issues in a separate order amending M. R. Civ. P. 23(f), and we here address the second issue by amending M. R. App. P. 6(3)(d).

IT IS ORDERED that M. R. App. P. 6(3)(d) is amended to read as follows (new language is underlined):

- (d) From an order permitting or refusing to permit an action to be maintained as a class action, or an order finally and definitively rejecting a proposed class action settlement;

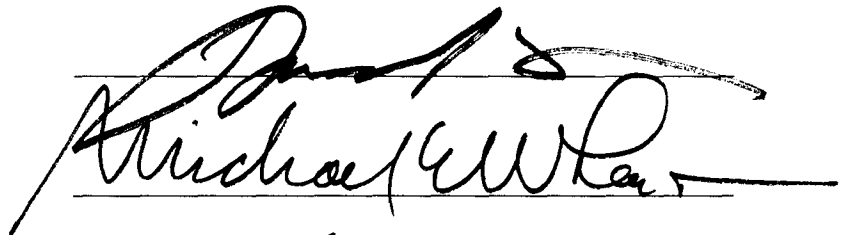
The Clerk is directed to provide copies of this Order to the Montana State Law Library for posting on the Court's website, and to the State Bar of Montana. The Clerk is further directed to provide copies of this Order and the attached Rules to Lee Heiman at the Montana Legislative Services Division; the Office of the Appellate Defender; the Office of the Attorney General; the Montana Trial Lawyers Association; the Montana

Defense Trial Lawyers; the Chair of the Advisory Commission on Rules of Civil and Appellate Procedure; and Thomson-Reuters.

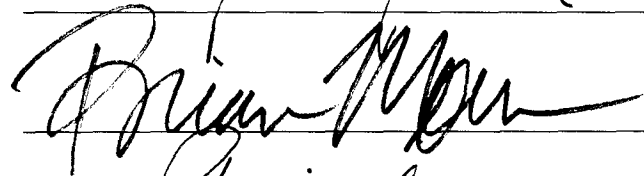
DATED this 29<sup>th</sup> day of November, 2011.



Chief Justice



Beth Baker



Patricia Cotter



Justices