

ORIGINAL

FILED

03/08/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 20-0279

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 20-0279

DANA ROLAN, on her own behalf  
and on behalf of the class she represents,

Plaintiffs, Counter-Defendants, and Appellees,

v.

NEW WEST HEALTH SERVICES,

Defendant and Appellee,

DARWIN SELECT INSURANCE COMPANY  
and ALLIED WORLD ASSURANCE COMPANY  
and DARWIN NATIONAL ASSURANCE  
COMPANY,

Defendant, Counter-Claimant, and Appellant.

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Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ORDER

On January 4, 2022, we issued an Opinion in the above-entitled action, reversing the District Court's holding that Allied is estopped from asserting the \$1 million "each Claim" limit of liability, remanding for the District Court to consider whether the \$1 million limit applied, and affirming the District Court's holding that Allied's "Loss" provision does not preclude Allied's indemnity obligation of the class's damages. On January 18, 2022, Rolan filed a Petition for Rehearing.

M. R. App. P. 20(1)(a) provides that a petition for rehearing will be considered only when the Court "overlooked some fact material to the decision," when "it overlooked some question presented by counsel that would have proven decisive to the case," or when "its decision conflicts with a statute or controlling decision not addressed" by the Court.

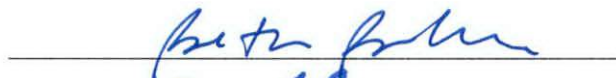

Having fully considered Rolan's petition, we conclude a rehearing is not warranted under the standards of M. R. App. P. 20(1)(a). Accordingly,

IT IS HEREBY ORDERED that the petition for rehearing is DENIED.

The Clerk of Court is directed to mail copies of this Order to all counsel of record.  
DATED this 8<sup>th</sup> day of March, 2022.

  
Chief Justice

  
Justices