

Jesse is a litigator in the firm's Missoula, Montana office. His practice focuses on real estate-related litigation, commercial litigation and complex insurance issues. He is a recognized authority on public road, easement and access laws in Montana.



Jesse C. Kodadek

Of Counsel | Missoula

Biography

Jesse C. Kodadek is a member of Parsons' Litigation practice team. Jesse litigates in both trial and appellate courts, where he represents clients in a wide variety of matters, particularly in real estate-related litigation; in property rights cases involving public roads, easements and other access issues; in general commercial litigation; and in insurance disputes, including complex coverage issues.

Jesse has spent time in state and federal courtrooms from one end of Montana to the other and has successfully presented many appeals to the Montana Supreme Court and the Ninth Circuit Court of Appeals.

Experience

Letica Land Company v. Anaconda-Deer Lodge County, 2015 MT 323, 381 Mont. 389, 362 P.3d 614.

This was a long-running case where we represented a private landowner versus a Montana county. It involved two separate roads, one of which the County claimed was a county road, and the other, which was of more concern to our client, was an alleged public prescriptive easement. On appeal, we obtained a reversal of the trial court's decision that there was a public prescriptive easement crossing the clients' private property.

Flora v. Clear man, 2016 MT 290, 385 Mont. 341, 384 P.3d 448.

Represented clients in a complicated access dispute after the title insurance company paid policy limits and walked away. The published decision was the Montana Supreme Court affirming the grant of a preliminary injunction in favor of our clients while vacating unnecessary conditions on that injunction. The district court ultimately concluded that our

Contact information

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Capabilities

Appeals
Real Estate Litigation
Insurance Litigation
Plaintiffs Litigation
Business & Commercial Litigation

Licensed/Admitted

Montana
U.S. Dist. Court, Dist. of Montana
U.S. Court of Appeals, 9th Circuit
U.S. Supreme Court

clients had an express easement and the case settled before a damages trial.

Estate of McClure, 2016 MT 253, 385 Mont. 130, 381 P.3d 566.

Obtained a reversal of the district court's conclusion on the interpretation of a trust that essentially disinherited our client, and holding that an ambiguous trust agreement must be construed to require the creation of two trusts upon the death of the first co-grantor, which re-inherited our client.

Huckins v. United Services Automobile Association, 2017 MT 143, 387 Mont. 514, 396 P.3d 121.

This case started out as a basic tort case against a prior owner of a home for allegedly failing to disclose water damage and a flood-prone basement. It soon turned into a confessed judgment and an assignment of claims against the insurance company, where the client ultimately prevailed in a claim that USSA breached its duty to defend its insureds in the underlying case. On remand, after a series of favorable decisions including that a six-figure stipulated judgment was reasonable and that the client was entitled to attorney fees from the insurer, the case settled on favorable terms.

Burke v. Rolle, 2019 MT 6N, 395 Mont. 519, 432 P.3d 716.

Represented a congregate care home for disabled adults in a residential neighborhood where the neighbors claimed the home violated the neighborhood's restrictive covenants that limited the use of homes to residential purposes and prohibited commercial use. After a preliminary injunction hearing, the district court agreed with our clients and determined that the neighbors were unlikely to succeed on their challenge, and that their position might violate the Fair Housing and Fair Housing Amendment Acts. The Montana Supreme Court affirmed.

LL Liquor, Inc. v. State of Montana, 835 Fed.Appx. 917 (9th Cir. 2020); 912 F.3d 533 (9th Cir. 2018); and 757 Fed.Appx. 591 (9th Cir. 2018).

Represented a liquor franchisee in a breach of contract action against the state. The case went to the Ninth Circuit three times and ultimately resulted in a judgment of nearly \$6 million. One of the Ninth Circuit arguments resulted in published decision affirming the district court's Contracts Clause decision and a concurrently filed memorandum decision concluding the state breached the contract. The last trip to the Ninth Circuit resulted in a decision reversing the district court and concluding that LL Liquor was entitled to 10% post-judgment interest on a \$5 million stipulated judgment.

Sieben Ranch Company v. Adams, 2021 MT 172A, 404 Mont. 510, 494 P.3d 307.

Represented an historic ranch that brought a declaratory judgment action asserting that the neighboring property owners (of multiple sections) had no legal access over the ranch, despite their claims that there was a private easement, a county road, and access by virtue of a conservation easement over the ranch's property. The ranch prevailed in both district court and on appeal.

Mandich v. French, 2022 MT 88, 408 Mont. 296, 509 P.3d 6.

Represented a client in a dispute related to a shared well agreement and associated easements, and the opposing party's attempts to convert their use of the well to substantial commercial use. The client prevailed in district court and the Montana Supreme Court affirmed.

Accomplishments

Professional

Executive Editor, *Montana Law Review*

Super Lawyers Rising Star, 2023

Academic

University of Montana School of Law, Missoula, Montana J.D. – 2013

University of Montana B.A. Major: English Literature

Associations

Professional

State Bar of Montana

Western Montana Bar Association