



Montana Department of Transportation

2701 Prospect  
PO Box 201001  
Helena MT 59620-1001

Greg Gianforte, Governor  
Malcolm "Mack" Long, Director

October 4, 2021

Susie Lindsay  
Lead Fiscal Analyst - Communications  
Legislative Fiscal Division  
PO Box 201706  
Helena, MT 59620-1706

Subject: Montana Department of Transportation  
Revised HB 358 Claims Report, July 1, 2021 – September 30, 2021

Dear Ms. Lindsay:

Attached please find the Montana Department of Transportation's (MDT's) revised spreadsheet of claims submitted pursuant to HB 358. This spreadsheet is submitted for reporting period July 1, 2021 – September 30, 2021.

If you need further information, please contact me at 406 439-2110.

Sincerely,

*Valerie D Wilson*

Valerie Wilson  
Chief Legal Counsel, MDT

copies: Malcolm Long, MDT Director  
Julie Brown, MDT Deputy Director  
Kevin Christiansen, MDT Chief Operations Officer

# Montana Department of Transportation

## Report of Claims, September 2021

NAME	Forum	Date of Service / Notice / Loss	Filed Date	NOTES	Agency	
<b>HB 358 Claims in Litigation</b>						
1	Bjorn Johnson Construction v. MDT	1st Judicial District, Lewis & Clark County, CDV-2021-473	5/13/2021 - Served	4/23/2021	Prime contractor seeking judicial review of MDT's denial of certified claim and appeal in the South of Boulder - South project, petition asserts \$3,788,574.03 damages	MDT
2	Grose, Keni v. MDT	1st Judicial District, Lewis & Clark County, CDV-2021-338	4/14/2021 - Served	4/5/2021	Wrongful discharge claim, may exceed \$50,000	MDT
3	Hamlin Construction v. State	1st Judicial District, Lewis & Clark County, ADV-2018-1429 / MT Supreme Court DA 21-370	7/28/2021: Notice of Appeal	12/6/2018	Action filed by Red Fox Meadows Subdivision related to MDT installation of culverts on Canyon Ferry Road, MDT's permits were issued by Lewis & Clark County. MDT won on summary judgment. Case is pending appeal before MT Supreme Court	MDT
4	Hamlin Construction v. Lewis & Clark Co & State	1st Judicial District Court, Lewis & Clark County, DDV 2018-980	7/23/2021: Served	9/13/2018	After MDT prevailed on summary judgment in Case # ADV 218-1429, Court allowed Red Fox Meadows to name MDT in this companion action it had pending against Lewis & Clark County.	MDT
5	Keasler v. Knife River & MDT	4th Judicial District Court, Flathead County, DV-21-659		7/30/2021	Motorcycle accident in construction zone on MT Highway 2, MDT tendered defense to the prime contractor	MDT
6	LeProwse Construction v. State	Mont 2nd Judicial District, Silver Bow County, DV-20-199	8/1/2019: Served	6/3/2020	Subcontractor claims defamation & business loss related to MDT placing it on suspended status related to its failure to pay worker's union medical payments, may exceed \$10,000	MDT
7	LeProwse Construction v. Beaudette & Terrio	U.S. District of Montana, CV-21-45	6/14/2021: Served	6/9/2021	42 USC 1983 claim brought against MDT employees relating to above action of suspending LeProwse Construction, may exceed \$10,000	MDT
8	Midtlying v. Campbell	2nd Judicial District, Silver Bow County, DV-15-406	11/27/2012 - Served	11/24/2015	Personal injury, auto accident claim, may exceed \$10,000 per RMTD	MDT
9	Vancos v. State and Gallatin County	Mont 18th Judicial District, Gallatin County, DV-2019-84	7/29/2016: Served	7/26/2019	Personal injury, pedestrian accident, may exceed \$50,000 per RMTD	MDT
10	Wendale Properties v. State	6th Judicial District, Park County, DV-20-85	6/29/2021: Served	6/1/2021	Damage claim, based upon maintenance facility salt contamination, may exceed \$10,000	MDT
11	Worley-Hood v. Dick Anderson Construction	4th Judicial District, Missoula County, DV-20-1006	9/15/2017: Served	8/24/2020	Personal injury, bicycle accident, may exceed \$10,000 per RMTD	MDT

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12	In the Matter of the Controlled Allocation of Liability for the Blackfoot Post Yard CECRA Facility	DEQ	12/17/2020 - MDT designated lead PLP		DEQ designated MDT lead PLP in a CECRA action resulting from a private post treatment facility (cir. 1930s - 1970s). Other PLPs include ARCO, IP, 3 individual landowners. A portion of the site is on Lincoln Airport property. Total clean-up costs will be determined when DEQ issues a Record of Decision. Costs could exceed \$5 million.	
<b>Human Rights Bureau Claims</b>						
13	Turk, Patty	Mont Human Rights Bureau, 0210476	6/29/2021 - Served		Discrimination / sexual harassment claim, could exceed \$10,000.	MDT
<b>HB 358 Pre-Litigation Claims</b>						
14	Bohlinger, Kirsten	RMTD	4/16/2021 - Notice		Personal injury, motor vehicle accident, damages may exceed \$10,000 per RMTD	MDT
15	Butler, Rodney	RMTD	4/14/2020 - Notice		Personal injury, motor vehicle accident, damages may exceed \$10,000 per RMTD	MDT
16	Davis, Brittany	RMTD	12/21/2020 - Notice		Personal injury, motor vehicle accident, damages may exceed \$10,000.	MDT
17	DeFrias, Cindy	RMTD	08/27/2020 - Notice		Personal injury, motor vehicle accident, claim tendered to prime contractor	MDT
18	Door Dash/Voyager/ Mahilum/ Schlosser	RMTD	5/28/2021 - Notice		Personal Injury, motor vehicle accident, damages may exceed \$10,000	MDT
19	Larson, Stacy	RMTD	7/12/2021 - Notice		Personal injury, trip & fall at 220 Main Street, Stevensville, MT, damages may exceed \$10,000.	MDT
20	Moe, Eric	RMTD	06/10/2021 - Notice		Personal Injury, motor vehicle accident, damages may exceed \$10,000.	MDT
21	Ouellette, Mary & Gerry	RMTD	6/18/2021 - Notice		Personal injury, motor vehicle accident, damages may exceed \$10,000	MDT
22	Potter, Jeffrey	RMTD	1/12/2020 - Notice		Personal injury, motor auto accident, damages may exceed \$10,000	MDT
23	Stanger, Haylie	RMTD	10/8/2020 - Notice		Personal injury, motor vehicle accident, damages may exceed \$10,000	MDT
24	Tweddle, William "Trey"	RMTD	10/08/2020 - Notice		Personal injury, motor vehicle accident, damages may exceed \$10,000	MDT

**HB 358 DAMAGE CLAIMS**

	<b>NAME</b>	<b>Forum</b>	<b>Date of Service / Notice / Loss</b>	<b>Filed Date</b>	<b>NOTES</b>	<b>Agency</b>
25	Hansen, Carol	RMTD	1/17/218 - Loss		Property, personal injury claim related to snowplow discharge, damages may exceed \$10,000.	MDT
26	Kirkmeyer, Dana	RMTD	7/21/2021 - Loss		Personal injury, motor vehicle accident, damages may exceed \$10,000	MDT
27	Parker, Julie (FedEx)	RMTD	8/2/2021 - Loss		Property damage, motor vehicle accident, collision involving MDT vehicle, demand may exceed \$10,000.	MDT
28	Peterson, Linda	RMTD	2/9/2021 - Loss		Personal injury, motor vehicle accident involving MDT vehicle, damage may exceed \$10,000	MDT
29	Shestag, Steve	RMTD	9/10/2021 - Loss		Damage claim against MDT Aeronautics for damaged airplane, may exceed \$10,000.	MDT
30	Wollschlager, Lucas	RMTD	3/23/2021 - Loss		Personal injury, motor vehicle accident, damages may exceed \$10,000	MDT
31	Merrill Ditch Co.	MDT	3/24/2021 - Notified		Access claim related to MDT's removal of a bridge near Reed Point, MT.	MDT