MIKE McGRATH
Montana Attorney General
ALI BOVINGDON
ANTHONY JOHNSTONE
Assistant Attorneys General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401
(406) 444-2026

COUNSEL FOR DEFENDANT

IN THE MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

COLUMBIA FALLS Elem. School Dist. No. 6 and H.S. Dist. No. 6; EAST HELENA Elem. Dist. No. 9; HELENA Elem. Dist. No. 1 and H.S. Dist No. 1; BILLINGS Elem. Dist. No. 2 and H.S. Dist. No. 2; WHITE SULPHUR SPRINGS Elem. Dist. No. 8 an H.S. Dist. No. 8; TROY Elem. Dist. No. 1 and H.S. Dist. No. 1; MEA-MFT; MONTANA SCHOOL BOARDS ASSOCIATION; MONTANA RURAL EDUCATION ASSOCIATION; SCHOOL ADMINISTRATORS OF MONTANA; ALAN & NANCY NICHOLSON; GENE JARUSSI, PETER & CHERYL MARCHI; and MICHAEL & SUSAN NICOSIA, for themselves and as parents of their minor children, Plaintiffs, v. THE STATE OF MONTANA, Defendant.	Case No. BDV-2002-528 **STATE'S OPPOSITION TO PLAINTIFFS' RENEWED MOTION FOR SUPPLEMENTAL RELIEF**

Defendant the State of Montana (hereinafter "the State") opposes Plaintiffs' Renewed Motion for Supplemental Relief and an Order to Show Cause. Since this

Court's order and the Supreme Court's opinion in this case, five legislative sessions have passed with the enactment of significant revisions to the school funding laws. This case is moot. There is no basis for supplemental relief and a show cause hearing is the inappropriate vehicle for the unspecified relief Plaintiffs demand. If the Court disagrees, the State will respond on the merits to a show cause order at the appropriate time.

BACKGROUND

Plaintiffs brought this lawsuit in 2002, seeking a declaration that the school funding system in place at that time was unconstitutional. After a trial held four years ago, this Court held "that the current state funding system" violates Article X, Section 1 of the Montana Constitution. 04/15/04 Concl. of Law ¶¶ 8-9. In March 2005, the Supreme Court issued an opinion affirming this Court's holding that Montana's school funding system as it then existed violated Article X, Sections 1(2) and (3) of the Montana Constitution in that it: (a) failed to recognize the distinct and unique cultural heritage of American Indians and had not shown a commitment in its educational goals to the preservation of their cultural identity; and (b) failed to adequately fund Montana's public schools because the funding formula was not grounded in principles of quality. Columbia Falls Elem. School Dist. No. 6 v. State, 2005 MT 69, 326 Mont. 304, 109 P.3d 257.

In reaching its conclusion, the Court observed that the funding formula Plaintiffs challenged had been enacted in 1993 through passage of House Bill ("HB") 667. Id. at ¶ 24 (noting that HB 667 addressed the Court's previous finding that spending disparities among districts denied equality of educational opportunity under Mont. Const. art. X, § 1(1)) cf. Helena Elem. Sch. Dist. No. 1 v. State, 236 Mont. 44, 769 P.2d 684 (1989). The Court found that the formula enacted under HB 667 was not correlated to an understanding of "what constitutes a 'quality' education." Id. at ¶¶ 24, 25.

Because the Montana constitution mandates that the Legislature provide a basic system of free ***quality*** public schools, the Court ruled that in order to construct such a system, the Legislature must define what constitutes quality and create a funding formula correlated to that definition. Columbia Falls Elem. at ¶ 31. The Court stressed that, while it found the challenged school funding system constitutionally deficient, it deferred to the Legislature to craft a solution that would meet the State's constitutional mandate. Id. at ¶¶ 22, 28, and 31.

Since the Supreme Court's decision in 2005, the Legislature has made numerous and substantial changes to Montana's school funding laws. The school funding system challenged by Plaintiffs in 2002 is not the mechanism that presently distributes money to Montana's school districts. Over the course of two regular and two special sessions, one of which was dedicated exclusively to issues of school funding, the Legislature has appropriated $182.7 million in new ongoing funding (a 32 percent increase) for the benefit of Montana public school children. Of this amount, $148.2 million (a 27 percent increase) has been distributed directly to local school districts through the State's revised funding formula.

In addition to historic increases in ongoing funding, the Legislature also has made significant one-time-only appropriations aimed at addressing problems identified by the Supreme Court including, among other increases, $10 million in funding to implement Indian Education for All in Montana, $10 million in funding dedicated to the start-up costs of full time kindergarten, $23 million in deferred maintenance and weatherization, and $30 million in funding to address capital investment and deferred maintenance. The total increase in one-time-only funding distributed directly to school districts since 2005 amounts to $78.9 million. In addition to increases that are distributed directly to school districts, the Legislature also has infused more than $200 million into the Office of Public Instruction and the retirement systems for teachers and other education personnel.

The 2005 Regular Session

In the 2005 regular session, the Legislature defined "a basic system of free quality" public schools. Mont. Code Ann. § 20-9-309(2). In addition to providing a definition, section 20-9-309 required the Legislature to establish a funding formula based upon the costs of delivering a basic system of quality schools. Mont. Code Ann. § 20-9-309(4)(b). The Legislature specified that the funding formula must be related to such educationally relevant factors as: the number of students; the needs of isolated and urban schools; resources for special needs students; the needs of American Indian students; and the ability of school districts to attract and retain quality teachers. Mont. Code Ann. § 20-9-309(3)(a) through (f). Section 20-9-309 also required that at least every 10 years, the Legislature authorize a study to reassess the needs and costs related to providing a basic system of free quality public schools and, if necessary, incorporate those findings into the state funding formula.

By the close of the 2005 regular session, and just a month after the Supreme Court's decision in Columbia Falls Elem., the Legislature had appropriated more than $90 million of new ongoing state funding for the biennium, including a $3.4 million appropriation dedicated to the implementation of Indian Education for All as mandated by Article X, Section 1(2). HB 2, 2005 Leg., 59th Sess. (Mont. 2005).

The 2005 Special Session

In December of 2005, the Governor called a special session of the Legislature to continue the work begun in the regular session to respond to the Court's decision in Columbia Falls Elem. In the eight months preceding the special session, the Quality Schools Interim Committee (hereinafter "Schools Committee") worked to assess the educational needs of Montana children, determine the costs of providing a basic system of quality public schools and construct a funding formula in accordance with Mont. Code Ann. § 20-9-309. During the 2005 special session, the Legislature enacted SB 1 which

incorporated many of the findings and solutions identified by the work of the Schools Committee. SB 1, 2005 Leg., 59th Sess. (Mont. 2005).

Senate Bill 1 amended Montana's school funding laws to include new and critical components aimed at providing a basic system of quality schools and satisfying the Supreme Court's finding that the existing school funding system was constitutionally deficient. In summary, SB 1 included the following: addition of a new quality educator funding component (Mont. Code Ann. § 20-9-327); addition of a new at-risk student funding component (Mont. Code Ann. § 20-9-328); addition of a new Indian Education for All funding component (Mont. Code Ann. § 20-9-329); addition of a new American Indian achievement gap funding component (Mont. Code Ann. § 20-9-330); retention of the basic entitlement component for all public schools and the entitlement increase passed in the 2005 regular session (Mont. Code Ann. § 20-9-306(6)); retention of the per-ANB entitlement and the entitlement increase passed in the 2005 regular session (Mont. Code Ann. § 20-9-311); and retention of the three-year averaging feature for determination of per-ANB entitlement (id.). The four new funding components identified above are funded entirely by state dollars. The quality educator component serves dual purposes of addressing teacher recruitment and retention issues and providing a stable source of funding that helps districts smooth funding from year to year in the event of declining ANB populations.

In addition to these substantive changes, the Legislature also enacted HB 1, which contained the corresponding appropriations for implementation of SB 1 as well as the inflationary increases required by Mont. Code Ann. §20-9-326. HB 1, 2005 Leg. Spec. Sess., 59th Sess. (Mont. 2005). House Bill 1 included increased ongoing funding for schools of $37.3 million and $159.5 million of one-time-only funds tied to issues identified by the Court and the Legislature as necessary components of providing a basic system of quality schools. HB 1 also authorized a K-12 public school facility study needs

assessment and energy audit to be completed by July 1, 2008 and appropriated $2.5 million to fund it.

As a result of the 2005 regular and special sessions, the State increased its ongoing commitment to Montana schools by $81.4 million annually. This increased funding is a direct result of the Legislature's work to define quality and to develop a system to fund its definition.

The 2007 Regular and Special Sessions

During the 2007 regular and special sessions, the Legislature again exhibited its commitment to provide a basic system of public schools grounded in principles of quality. Central to this commitment was its enactment of legislation authorizing full-time kindergarten. SB 2, 2007 Leg. Spec. Sess., 60th Sess. (Mont. 2007). The Legislature appropriated $28 million of general fund money (distributed through increased per-ANB funding and the quality educator funding component) for the 2009 biennium to school districts choosing to offer full-time kindergarten and $10 million in one-time-only money to fund start-up costs associated with full-time kindergarten.

Additionally, the Legislature appropriated a 50 percent increase over the preceding biennium in funding for the quality educator component. School districts had received $2,000 for each quality educator in fiscal year 2007. That amount was increased to $3,036 for fiscal year 2008 and $3,042 for fiscal year 2009. In its continuing effort to address issues of teacher salary and recruitment identified by Columbia Falls Elem., Senate Bill 2 included a quality educator student loan assistance program. The loan repayment assistance program targets teachers who are employed in districts experiencing quality educator shortages.

In addition to these changes (and among others), the Legislature appropriated an additional $3 million to fund Indian Education for All in Montana, increased the statewide guaranteed tax base ratio from 175 percent to 193 percent, appropriated in excess of $21 million over the biennium to fund the increased guaranteed tax base aid,

and appropriated in excess of $38.2 million of new money to fund the basic entitlement and per-ANB inflationary increases required by Mont. Code Ann. § 20-9-326 ($15.5 million in fiscal year 2008 and $22.7 million in fiscal year 2009). The Legislature also transferred $40.8 million into a newly-created school facility improvement account. The 2009 Legislature will determine how the money should be spent based upon the results of the school facility condition and needs assessment and energy audit. As a result of the 2007 special sessions, the State increased its ongoing commitment to Montana schools by another $92.4 million.

Plaintiffs' Motion to Show Cause

Plaintiffs acknowledge that the State of Montana has responded "positively" to the Court's ruling and that significant increases in state funding have occurred. (Pls.' Renewed Mot. at ¶¶ 22, 24.) Plaintiffs also acknowledge that, because of changes to Montana's school funding formula and the corresponding increases in funding, "most" school districts have begun to address the problems that resulted in their earlier litigation. (Pls.' Renewed Mot. at ¶¶ 25.) Notwithstanding these acknowledgements, Plaintiffs ask the Court to order a show cause hearing in which the State would be required to prove that the Legislature's actions are constitutional.

Plaintiffs have refused to specify the relief they seek. At the core of its Motion for Supplemental Relief, however, is Plaintiffs' allegation that a minority of school districts will face budget issues in fiscal year 2009. Plaintiffs demand declaratory and injunctive relief on behalf of this minority of school districts "to avoid forced general fund budget cuts for school districts in the 2008-09 school year." (Pls.' Renewed Mot. at ¶ 9.) Plaintiffs' motion comes eight months after adjournment of the 2007 special session, just six months before school budgets must be finalized for the 2008-09 school year, and ten months before the 61st Legislature convenes. It also comes on the tail of a 27 percent increase in on-going state funding distributed directly to schools over the course of two bienniums.

ARGUMENT

Six years after they filed a lawsuit challenging the school funding system as it then existed, and three years and five legislative sessions after the Supreme Court directed this controversy to the Legislature, Plaintiffs' application for a show cause hearing is misplaced. Plaintiffs have conceded the Legislature's accomplishments in defining and funding a basic system of free quality elementary and secondary schools. (Pls.' Renewed Mot. at ¶¶ 22-25.) The state of school funding in Montana has progressed beyond the "long-standing structural and substantive deficiencies" that were the subject of this case. (Am. Compl. ¶ 1.)

Given their acknowledgment of this progress, Plaintiffs now present a different and narrower complaint about budgeting difficulties in approximately one out of five Montana school districts. (Pls.' Renewed Mot. at ¶ 12.) They propose to remedy these alleged difficulties through "[i]njunctive relief that allows school districts to adopt general fund budgets for FY 09 that do not include forced cuts due to inadequate state funding." (Pls.' Renewed Mot. at ¶ 33(b).) Having brought their motion just a few months before school districts must finalize their budgets for Fiscal Year 2009, Plaintiffs seek to substitute pleading, briefing, discovery, and trial of their new claims with a hearing "at which the State of Montana shall be required to show cause why further relief should not be granted." Pls.' Renewed Mot. at 2. Yet they will not say what that further relief should be.

A rushed show cause hearing under the Court's limited remand jurisdiction in the current case is not a proper vehicle for Plaintiffs' recast claims. In denying Plaintiffs' first motion for supplemental relief, the Court explained that at some point it "would need to address the State of Montana's argument that this matter is moot." 08/22/06 Order at 2. That time has come; as the Supreme Court has declared twice in prior school funding challenges, this matter is moot. The traditional supplemental relief jurisdiction available under the Uniform Declaratory Judgment Act can neither rescue it from

mootness, nor provide an appropriate and effective means to litigate Plaintiffs' new claims. If Plaintiffs want to challenge the new school funding system enacted by the 2005 and 2007 Legislatures on the new grounds they offer in their motion, they must bring a new lawsuit.

I. PLAINTIFFS' ORIGINAL CLAIMS ARE MOOT.

The primary difference between the school funding system as it stands now and when the Court denied Plaintiffs' prior show cause motion is that it has progressed even further beyond the law as it stood in 2002, when this case commenced. The funding system targeted by Plaintiffs' Complaint as "not based on an accurate or reliable evaluation of educationally relevant factors" (Am. Compl. at ¶ 24) has been replaced by succeeding Legislatures. As the State anticipated in opposing Plaintiffs' first show cause motion, the 2007 Legislature "made additional significant changes to Montana's school funding statutes." (State's 06/26/06 Opp. Br. at 6.) There is no reason to doubt that the 2009 Legislature and its successors will continue to improve the school funding system according to the Supreme Court's ruling and new educational and economic factors as they arise.

More than two years ago, even before the 2007 Legislature's educational enactments and appropriations, the Supreme Court rejected "a further constitutional challenge to the funding system at this time" as moot. Stroebe v. State, 2006 MT 19, ¶ 17. Then, the Supreme Court explained that claims based on old law and raised prior to the invalidation and subsequent reform of the school funding system simply could not be revived to address changed law and facts:

> Regardless of what constitutional insufficiencies may have plagued the previous funding system, the circumstances under which this action was brought have now sufficiently changed as a result of *Columbia Falls* that

> another judgment from this Court would come both too late and too early--that is, too late for the old system and too early for the new system.

Id. If it was too late to revive pre-reform claims two years ago, perforce it is too late to do so now.

The Supreme Court reached a similar conclusion the last time successful school funding plaintiffs invited the Court to maintain continuing jurisdiction as a vehicle for future challenges. See Helena Elem. School Dist. No. 1 v. State, 236 Mont. 44 There, the Supreme Court explained that legislative changes in response to the invalidation of the old school funding system "require new and different proof," and any new challenge to those changes "can be presented in a new and separate court action." Id., 236 Mont. at 61; see also Montana Rural Educ. Assoc. v. State, No. BDV-91-2065, 1992 Mont. Dist. LEXIS 439, at *8 (Mont. 1st Dist. July 22, 1993) (original school funding lawsuit had become moot because the "statutory schemes [challenged by Plaintiffs] have been changed significantly.").

At one time, Plaintiffs agreed with this mootness principle. They pleaded in this case that the legislative changes enacted by HB 667 "differed substantially enough from the previous system to render the pending lawsuits moot," even when (as Plaintiffs also claim here) HB 667 failed to "address many of the fundamental and structural deficiencies that continue to exist in Montana's school funding system." (Am. Compl. ¶ 21.) In other words, the question of mootness is not whether "important constitutional issues continue to exist" under the new law and facts, (Pls' Renewed Mot. at ¶ 32), but whether reassertion of Plaintiffs' old claims arising from old facts and old law is a controversy "upon which the judgment of the court may effectively operate." Stroebe, ¶ 17, quoting Skinner v. Allstate Ins., 2005 MT 323, ¶ 15. Plaintiffs offer no new authority to contradict the Supreme Court's dispositive holdings in Helena Elementary and Stroebe, or their own earlier assertions.

Instead, Plaintiffs appeal to an unrecognized judicial economy exception to mootness. (Pls.' Renewed Mot. at ¶ 32.) It is a false economy. The real "waste of judicial and public resources," id., would be to shoehorn new claims against a new law based on new facts into a show cause hearing arising under their old lawsuit, without the pleading and discovery process prescribed by the Montana Rules of Civil Procedure to define what, exactly, is being litigated. While "[t]his Court has heard and received a considerable amount of evidence," id., this Court also has acknowledged that its considerable experience in school funding cases does not make those cases any less moot when the law changes. Montana Rural Educ. Assoc., at *13-14. The solution to Plaintiffs' concern about relitigating relevant facts is not to rewrite mootness doctrine; it is to apply, where appropriate, the doctrine of collateral estoppel and bind the State to whatever relevant determinative facts--if any--were decided by the prior action. See Baltrusch v. Baltrusch, 2006 MT 51, ¶ 25.

As the parties and the Court are aware, school funding litigation does not involve the kind of readymade claims that might be pulled from the shelf and dusted off to fit the latest dispute. Plaintiffs' new claims concern a subclass of school districts alleging complex budgeting issues under the new school funding system, based on new financial data and a new legal and factual assertion that those schools "have used the funding increases in 2006, 2007 and 2008 prudently and in ways consistent with their obligations under Montana law." (Pls.' Renewed Mot. at ¶ 26.) Plaintiffs' focus on the subclass and the maximum budget issues also suggests these new claims concern equality of school funding, which was not the subject of the Supreme Court's quality-focused opinion.

The State and the Court are entitled to the development of a full record on these new claims, from framing the claims in a properly pleaded complaint and a response, through all necessary discovery and expert study, and finally to summary judgment or trial. Given the mootness of the original Complaint, the only effective means of resolving these new claims under the law and the Montana Rules of Civil Procedure is

commencement of a new action. (Conversely, those rules do not contemplate relitigation of the existing case through amended pleadings and a new trial nearly four years after entry of a judgment affirmed on appeal. See Mont. R. Civ. P. 59.)

II. LITIGATION OF NEW CLAIMS IS NOT "SUPPLEMENTAL RELIEF."

Notwithstanding the mootness of their old claims, Plaintiffs seek to litigate their new claims under the "supplemental relief" provision of the Uniform Declaratory Judgments Act: "Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper." Mont. Code Ann. § 27-8-313. Although the statute apparently provides for an ex parte petition followed by show cause hearing if a court deems the application sufficient, the Plaintiffs have filed a motion, which the State is opposing prior to a show cause order because such an order would be inappropriate in these circumstances.

The primary application of the supplemental relief provision by the Montana Supreme Court is to allow the fixing of attorneys fees after a declaratory judgment has been rendered, because in some circumstances a declaration of rights without an award of attorneys fees may leave the prevailing party "worse off than if a declaration of their rights had never been made." Trs. of Indiana Univ. v. Buxbaum, 2003 MT 97, ¶ 44, quoting McConnell v. Hunt Sports Ent., 725 N.E.2d 1193, 1224 (Ohio Ct. App. 1999); see also Martin v. SAIF Corp., 2007 MT 234, ¶ 28 (reversing grant of attorneys fees pursuant to Mont. Code Ann. § 27-8-313); Billings High Sch. Dist. No. 2 v. Billings Gazette, 2006 MT 329, ¶ 30 (affirming denial of attorneys fees pursuant to same). Here, on remand, Plaintiffs already have claimed and been awarded their attorneys fees. That award has exhausted the Court's limited remand jurisdiction. See Columbia Falls Elem., at ¶ 41; see also, Haines Pipeline Constr. v. Montana Power, 265 Mont. 282, 291 (1994) (in contrast to a remand for a new trial, a "remand with limiting instructions" determines

the district court's subsequent jurisdiction); In re Marriage of Becker, 255 Mont. 357, 360 (1992) (affirming district court's limited consideration of the only issue remanded).

Beyond attorneys' fees, a plaintiff may seek supplemental relief to give effect to a declaratory judgment based on the original claims, even when the specific form of relief sought was not part of the original relief prayed for. When the defendant's failure to obey a declaratory judgment is self-evident on the record and rooted in the original claims giving rise to the judgment, an order to show cause is an appropriate shortcut. In a typical case, a plaintiff sought to supplement a declaratory judgment determining a property boundary, when after the complaint was filed but before the trial the defendant constructed an encroachment over what was determined to be the property boundary. Goodover v. Lindey's, 246 Mont. 80 (1990). In that case, supplemental relief was appropriate because "[t]he full resolution of the boundary-line dispute required Lindey's to remove the encroachments from Goodover's property." Id. at 83.

Similarly, mandatory supplemental relief might have been appropriate here if the State had refused to define "a basic system of free quality public elementary and secondary schools," Mont. Const. art. X, § 1(3), or recognize a commitment to "the distinct and unique cultural heritage of the American Indians," Mont. Const. art. X, § 1(2), even after the Montana Supreme Court declared the State's prior failure to do so was unconstitutional. However, now that Plaintiffs are challenging a newly-enacted school funding system, these new constitutional claims do not give effect to the declaration that the old school funding system is unconstitutional, and cannot be resolved in a simple show cause hearing. Plaintiffs have cited no case in which a court has allowed litigation of such new claims--after a post-judgment and post-appeal change in the underlying law and facts--under the guise of "supplemental relief."

As the State has argued in its mootness argument above, the only appropriate and effective means for resolving the constitutionality of the new school funding laws in the new circumstances Plaintiffs have alleged is through a new action filed in this Court.

Plaintiffs' motion relies on the kind of unproven allegations for unspecified relief that belong in a complaint, but denies the State the basic tools of pleading and discovery necessary to develop and defend against their new claims. Beyond this, a supplemental relief show cause hearing is especially ill-suited to determination of new school funding claims because Plaintiffs are attempting to shift the burden of proof to the State. (Pls.' Renewed Mot. at 1.) This violates the rule that "[t]he constitutionality of an enacted legislative statute is prima facie presumed." Ravalli County v. Erickson, 2004 MT 35, ¶17. Such a shift may have been proper if the underlying school funding system were unchanged because the State had refused to reform the laws originally challenged. Now that there is new law governing school funding, however, that new law must be tested on its own merits and deserves the same presumption of constitutionality enjoyed by any other legislative enactment.

Again, at one time Plaintiffs appeared to recognize this distinction when they described the new claims that allegedly arose following Helena Elementary; besides mooting the original case, according to Plaintiffs that "new funding system also created ***new problems and deficiencies***" that formed the basis of their new claims in this lawsuit. (Am. Compl. ¶ 21 (emphasis added).) Yet, notwithstanding the availability of supplemental relief under Mont. Code Ann. § 27-8-313, the Montana Supreme Court refused to exercise continuing jurisdiction over that case because the changed law and new facts merited "a new and separate court action," id., 236 Mont. at 61, rather than a shortcut show cause hearing. The same circumstances here should lead to the same result.

CONCLUSION

The claims Plaintiffs brought against the school funding system as it existed in 2002 are moot, because that system has been replaced with new laws and appropriations enacted by the Legislature. Whatever new claims Plaintiffs may raise under this new system must be brought in a new civil action, and are not the proper subject of a show

cause hearing. For these reasons, the State respectfully requests the Court to deny Plaintiffs' motion, leave the final judgment as affirmed by the Supreme Court undisturbed, and require that any new litigation be conducted in a new lawsuit according to the Montana Rules of Civil Procedure.

Respectfully submitted this 29th day of February, 2008.

MIKE McGRATH
Montana Attorney General
ALI BOVINGDON
ANTHONY JOHNSTONE
Assistant Attorneys General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: _____
ANTHONY JOHNSTONE
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing State's Opposition to Plaintiffs' Renewed Motion for Supplemental Relief to be mailed to:

Molloy Law Firm
P.O. Box 1182
Helena, MT 59624-1182

Mr. Brian K. Gallik
Goetz, Gallik, Baldwin & Dolan, P.C.
P.O. Box 6580
Bozeman, MT 59771-6580

Mr. Rich Batterman
Batterman Law Office, P.C.
P.O. Box 98S
Baker, MT 59313

DATED: _____ _____