

1 Matthew G. Monforton (MT Bar No. 5245)
MONFORTON LAW OFFICES, PLLC
2 32 Kelly Court
Bozeman, Montana 59718
3 Telephone: (406) 570-2949
4 Facsimile: (406) 551-6919
matthewmonforton@yahoo.com

5 Attorney for Plaintiffs
6

7 **MONTANA FOURTEENTH JUDICIAL DISTRICT COURT**
8 **WHEATLAND COUNTY**
9

10	ROBERT WILLEMS, PHYLLIS)	Case No. DV-13-17
	WILLEMS, TOM BENNETT, BILL)	
11	JONES, PHILIP WILSMAN, LINDA)	PLAINTIFFS' RESPONSE TO THE
	WILSMAN, JASON CARLSON, MICK)	STATE'S MOTION FOR CHANGE
12	JIMMERSON, DWAYNE CROOK,)	OF VENUE; AFFIDAVITS OF
	MARY JO CROOK, JAMES STUNTZ,)	PLAINTIFFS
13	RANDY BOLING, ROD BOLING, BOB)	
14	KELLER, GLORIA KELLER, ROALD)	
	TORGESON, RUTH TORGESON, ED)	
15	TIMPANO, JEANNIE RICKERT, TED)	
16	HOGELAND, KEITH KLUCK, PAM)	
	BUTCHER, TREVIS BUTCHER,)	
17	BOBBIE LEE COX, WILLIAM COX,)	
	AND DAVID ROBERTSON,)	
18)	
	Plaintiffs,)	
19)	
20	vs.)	
)	
21	STATE OF MONTANA, LINDA)	
22	McCULLOCH, in her capacity as Secretary)	
	of State for the State of Montana,)	
23)	
	Defendants.)	
24)	

25
26 Plaintiffs hereby present their Response to the State's Motion for Change of Venue:
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28

1 **INTRODUCTION**

2 Section 25-2-126(1), MCA,¹ entitles plaintiffs suing the State to the convenience and
3 affordability of a forum in their home county rather than being forced to litigate in Helena. This
4 right is especially important to Plaintiffs, several of whom are Harlowton residents in their eighties.
5 They desire to attend the proceedings but would be greatly inconvenienced by having to travel to
6 Helena. The State offers no persuasive argument for shirking its statutory responsibility to
7 accommodate them. Its change of venue motion should therefore be denied.

8 **ARGUMENT**

9
10 I. **PLAINTIFFS' STATUTORY RIGHT TO A "PRACTICAL AND INEXPENSIVE
11 FORUM FOR SUITS AGAINST THE STATE" NECESSITATES DENIAL OF
12 THE STATE'S VENUE MOTION**

13 Although venue is generally limited to either the district where a defendant resides or where
14 a cause of action accrues, the Legislature has given plaintiffs suing the state a third option: venue in
15 the district where plaintiffs reside. § 25-2-126(1), MCA. While conceding that this plaintiff-
16 residence venue statute permits Plaintiffs to file this action in the Fourteenth Judicial District,
17 (State's Brf, p. 2), the State fails to acknowledge case law giving this statute preeminence in venue
18 determinations:

19 The underlying purpose of statutory provisions as to venue for
20 actions against state agencies is to afford to the citizen a forum that
21 is not so distant and remote that access to it is impractical and
22 expensive. To that end, such provisions should be liberally
23 construed in favor of the private litigant.

24 *Guthrie v. Mont. Dept. of Health & Environmental Sciences*, 172 Mont. 142, 146, 561 P.2d 913, 915
25 (1977), quoting *Regents of the University of California v. Superior Court*, 3 Cal.3d 529, 476 P.2d

26 ¹ Section 25-2-126(1), MCA, states as follows:

27 The proper place of trial for an action against the state is in the county in
28 which the claim arose or in Lewis and Clark County. In an action
brought by a resident of the state, the county of the plaintiff's residence
is also a proper place of trial.

1 457, 461 (1970); see also *Petersen v. Tucker*, 228 Mont. 393, 396, 742 P.2d 483, 484 (1987) (citing
2 the same portion of *Regents* as was cited in *Guthrie*); *Kendall v. State*, 231 Mont. 316, 318, 752 P.2d
3 1091, 1092 (1988) (“[t]his Court has stated that the purpose of this statute is to afford citizens a
4 practical and inexpensive forum for suits against the State and that such statutes are to be liberally
5 construed in favor of private litigants”).

6 Providing a convenient forum for the Plaintiffs in this matter is particularly important given
7 that several of them are over eighty years of age. Five of the Plaintiffs reside in Harlowton. One of
8 them, Robert Willems, is 86 years old and a veteran of World War II. (See Affidavit of R.
9 Willems).² His wife, Plaintiff Phyllis Willems, is 82 years old and has lived in Harlowton her entire
10 life. (See Affidavit of P. Willems). Both of them desire to attend the proceedings in this matter.
11 (*Id.*) Plaintiffs William “Bill” Jones, Philip Wilsman, and Linda Wilsman are also Harlowton
12 residents who desire to attend the proceedings. (See Affidavits of W. Jones, P. Wilsman, and L.
13 Wilsman).

14 Additionally, a number of the Lewistown Plaintiffs desire to attend the proceedings. (See,
15 e.g., Affidavits of Plaintiffs Dwayne Crook, Mary Jo Crook, Jeannie Rickert, Robert Keller, Gloria
16 Keller, Roald Torgeson, and Ruth Torgeson.) Harlowton is a much closer drive for them than
17 Helena.³

18 Whether or not these Plaintiffs testify as witnesses, they are litigants entitled to their day in
19 court.⁴ And under § 25-2-126(1), MCA, they are entitled to have their day in a convenient court. As
20 shown in the next section, the State’s arguments for depriving Plaintiffs of their chosen forum are
21 not persuasive.

22
23 ² Along with the complaint and answer, affidavits may also be considered in deciding a change of
venue motion. *Kendall*, 231 Mont. at 391, 752 P.2d at 1092.

24
25 ³ Lewistown is 190 miles from Helena but only 58 miles from Harlowton. See
<http://www.mapquest.com>.

26
27 ⁴ Subject to the Court’s permission, there are several other Harlowton and Lewistown residents
28 who intend to join this suit in the very near future. All of them desire to attend the proceedings and
desire those proceedings to be held in Harlowton. (See Affidavits of Robert A. Willems, Joe
Brouillette, Merrilee R. Swickard, and Roy Jones.)

1 II. THE STATE'S ARGUMENTS FOR DEPRIVING PLAINTIFFS OF THEIR
2 STATUTORY RIGHT TO A CONVENIENT FORUM LACK MERIT

3 The State argues that the convenience of its employees and agents necessitates a change of
4 venue under § 25-2-201(3), MCA.⁵ This argument has two flaws.

5 First, the State's reasoning would essentially nullify § 25-2-126(1), MCA. This statute
6 reflects a policy decision by the Legislature that venue-related inconveniences arising from suits
7 against the State should be borne by the State, not plaintiffs. *Cf., Regents*, 476 P.2d at 462 ("it is a
8 severe hardship to require litigants to have their cases tried at Sacramento" and, therefore, "as
9 between the State and the individual, the State should and can afford any added expense involved").
10 In cases in which plaintiffs sue the State in their home counties, State witnesses (usually State
11 employees) are often required to travel from Helena. If this "inconvenience" were sufficient for the
12 State to obtain a transfer under § 25-2-201(3), MCA, the plaintiff-residence venue rule in § 25-2-
13 126(1), MCA, would be meaningless.

14 Second, witness inconvenience is a non-issue in this case because there is likely to be little, if
15 any, live witness testimony offered by either side. The State's claim that testimony from Plaintiffs
16 can be "submitted with the same effectiveness in the form of depositions," (State's Brf, p. 3, quoting
17 *Westergard v. Westergard*, 108 Mont. 54, 55, 88 P.2d 5 (1939)), is equally applicable to testimony
18 from the State's witnesses. Plaintiffs have already noticed depositions for three members of the
19 Districting Commission for late June. Moreover, the causes of action in this case will very likely be
20 resolved on cross-motions for summary judgment rather than a trial or evidentiary hearing requiring
21 live witness testimony.

22 In attempting to satisfy the ends-of-justice prong of § 25-2-201(3), MCA, the State relies
23 upon *Cabinet Resource Group v. Montana Dept of State Lands*, 189 Mont. 349, 354-55, 616 P.2d
24 310, 312-13 (1980) for the proposition that a change of venue would further the interests of justice
25

26
27 ⁵ Section 25-2-201, MCA, states that "The court or judge must, on motion, change the place of
28 trial... (3) when the convenience of witnesses and the ends of justice would be promoted by the
change."

1 because Plaintiffs' causes of action arise in Lewis and Clark County. (State's Brf, p. 3). There are
2 three problems with this argument.

3 First, *Cabinet Resource Group* did not involve a plaintiff seeking to invoke the plaintiff-
4 residence venue rule in § 25-2-126(1), MCA. Indeed, the Montana Supreme Court subsequently
5 rejected the State's reliance upon *Cabinet Resource Group* in attempting to transfer to Helena a suit
6 filed in Missoula by a state employee. *Ford v. Montana Dept. of Fish Wildlife & Parks*, 208 Mont.
7 132, 676 P.2d 207 (1984). The employee in *Ford* relied upon the precursor to § 25-2-126(1), MCA,
8 when he filed in Missoula, prompting the Court to hold that *Cabinet Resource Group* and its
9 progeny "should not be used to circumvent the goal of providing a forum which is practical and
10 convenient for the plaintiff." *Ford*, 208 Mont. at 135-36, 676 P.2d at 209.⁶

11 Second, the Supreme Court has expressly held that the plaintiff-residence venue rule in § 25-
12 1-126(1), MCA, trumps the general rule that a cause of action should be tried in the district where it
13 accrues. In *Kendall*, for example, a student who had attended the University of Montana School of
14 Law filed suit against the school in Carbon County after he moved to Red Lodge. The district court
15 granted the State's motion for a change of venue to Missoula County because the student's cause of
16 action, which was based upon an alleged overpayment of tuition, accrued in Missoula. *Kendall*, 231
17 Mont. at 317-18, 752 P.2d at 1092. In reversing, the Supreme Court held that the district court's
18 reasoning would frustrate the purpose of § 25-1-126(1), MCA. *Id.*

19 Third, to the extent that the location where the cause of action arises has any bearing on
20 venue, that factor supports venue in Wheatland County. The State contends that Plaintiffs' causes of
21 action accrued in Lewis & Clark County because the Districting Commission's acts occurred there.
22 (State's Brf., p.3.) As the *Guthrie* court succinctly noted, however, "it is where the shaft strikes [the
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24
25 ⁶ Nor is the other case relied upon by the State, *BNSF v. State*, 2010 MT 46, 355 Mont. 296, 228
26 P.3d 1115, on point. In that case, the Supreme Court held simply that a district court's order
27 pursuant to § 25-2-201(3), MCA, cannot be reviewed on an interlocutory appeal. The Court made
28 no mention of the plaintiff-residence venue rule in § 25-1-126(1), MCA.

1 plaintiff], not where it is drawn, that counts.” *Id.*, 172 Mont. at 149, 561 P.2d at 917. Thus, in an
2 action to enjoin the state, the Court held:

3 The cause of the action is the threatened enforcement or operation
4 of the order in Valley and Phillips counties. It is not the mere
5 making of the order, but the place where it is put in operation, that
6 determines where the cause of action arose. Operation of the order
7 is what is alleged will injure plaintiff.

8 *Guthrie*, 172 Mont. at 149, 561 P.2d at 916. Likewise, the place where the Districting Commission’s
9 reassignment will be put into operation is in Wheatland and Fergus counties as well as the other
10 counties constituting SD-15, the district to which the Commission has unlawfully reassigned Senator
11 Bradley Hamlett. If this reassignment stands, Plaintiffs will be represented until 2016 by senator
12 who has never appeared on their ballots, thereby depriving Plaintiffs of their right to vote for a state
13 senator in the 2014 election. This disenfranchisement will be imposed upon Plaintiffs residing in
14 Wheatland County, thereby resulting in the cause of action accruing in Wheatland County.

15 The State also argues that a change of venue to Helena would be more convenient for the
16 parties’ counsel. (State’s Brf, p. 2.) Attorneys, however, are a hardy bunch accustomed to
17 advocating zealously in distant and exotic locales. Their comfort has no relevance to the issue of
18 venue. *Cf. Poncy v. Johnson & Johnson*, 414 F.Supp. 551, 558 (S.D.Fla. 1976) (“it seems to be
19 well-established that inconvenience to counsel is not a factor to be considered in determining
20 whether or not a case should be transferred under 28 U.S.C. § 1404(a)”).

21 CONCLUSION

22 For all of the foregoing reasons, Plaintiffs respectfully request this Court deny the State’s
23 Motion for Change of Venue and permit Plaintiffs to have their day in court in a convenient forum.

24 DATED: May 17, 2013

25 Respectfully submitted,

26 By:

27 
28 Matthew G. Monforton
Attorney for Plaintiffs

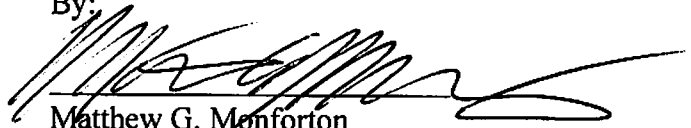
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 17th day of May, 2013, that I mailed a true and correct copy of the foregoing document, via U.S. Mail, postage prepaid, to the following address(es):

Lawrence VanDyke
J. Stuart Segrest
215 N. Sanders
P.O. Box 201401
Helena, MT 59620-1401

By:



Matthew G. Monforton
Monforton Law Offices, PLLC
32 Kelly Court
Bozeman, Montana 59718
Telephone: (406) 570-2949
E-mail: matthewmonforton@yahoo.com

Attorney for Plaintiffs

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AFFIDAVIT OF ROBERT WILLEMS

STATE OF MONTANA)

: ss

County of Wheatland)

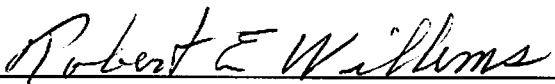
Robert Willems, after being first duly sworn, deposes and states as follows:

1) I am a resident of Harlowton, Montana and have lived there for 65 years. I am 86 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.


Affiant

STATE OF MONTANA)

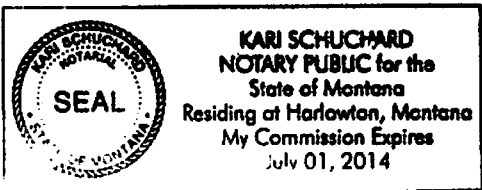
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On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Robert Wilkens known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Kari Schuchard

NOTARY PUBLIC for the State of Montana

Residing at: Harlowton

My commission expires: July 1, 2014

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AFFIDAVIT OF PHYLLIS WILLEMS

STATE OF MONTANA)

: ss

County of Wheatland)

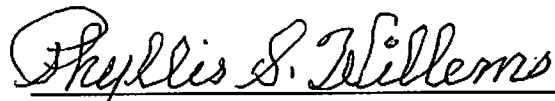
Phyllis Willems, after being first duly sworn, deposes and states as follows:

1) I am a resident of Harlowton, Montana and have lived there for 82 years. I am 82 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.



Affiant

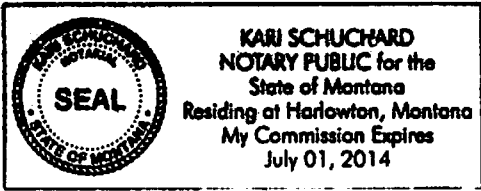
STATE OF MONTANA)

) :ss

County of Wheatland)

1 On this 15th day of May, 2013, before me, a Notary Public in and for the state and county
2 aforesaid, personally appeared Phyllis Willem, known to me to be the person whose name
3 is subscribed to the within instrument and acknowledged to me that he executed the same.
4

5 IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
6 and year first above written.



Kari Schuchard
NOTARY PUBLIC for the State of Montana
Residing at: Harlowton
My commission expires: July 1, 2014

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AFFIDAVIT OF WILLIAM P. JONES

STATE OF MONTANA)

: ss

County of Wheatland)

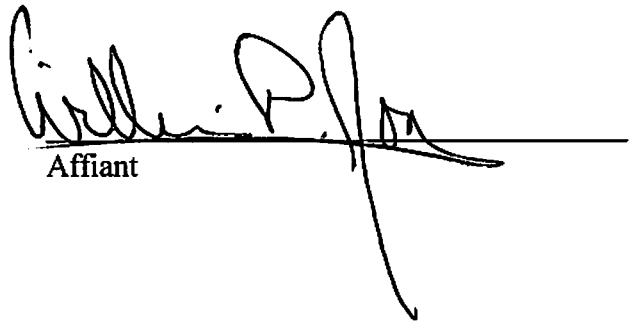
William P. Jones, after being first duly sworn, deposes and states as follows:

1) I am a resident of Harlowton, Montana and have lived there for 62 years. I am 62 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.


Affiant

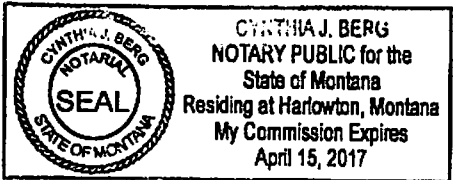
STATE OF MONTANA)

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County of Wheatland)

1 On this 15th day of May, 2013, before me, a Notary Public in and for the state and county
2 aforesaid, personally appeared William P. Jones, known to me to be the person whose name
3 is subscribed to the within instrument and acknowledged to me that he executed the same.

4
5 IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
6 and year first above written.



Cynthia J. Berg
NOTARY PUBLIC for the State of Montana
Residing at: Harlowton
My commission expires: April 15, 2017

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AFFIDAVIT OF LINDA WILSMAN

STATE OF MONTANA)
 : ss
County of Wheatland)

Linda Wilsman, after being first duly sworn, deposes and states as follows:

1) I am a resident of Harlowton, Montana and have lived there for 6 years. I am 59 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.

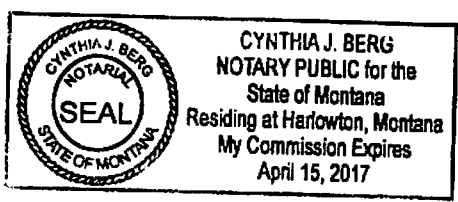

Affiant

STATE OF MONTANA)
) :ss
County of Wheatland)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Linda Wilsman known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.



Cynthia J. Berg
NOTARY PUBLIC for the State of Montana
Residing at: Harlowton
My commission expires: April 15, 2017

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AFFIDAVIT OF PHILIP WILSMAN

STATE OF MONTANA)

: ss

County of Wheatland)

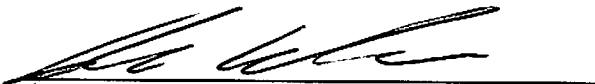
Philip Wilsman, after being first duly sworn, deposes and states as follows:

1) I am a resident of Harlowton, Montana and have lived there for 6 years. I am 59 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.



Affiant

STATE OF MONTANA)

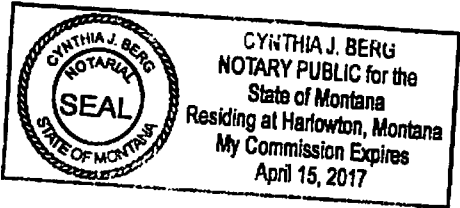
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County of Wheatland)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Philip Wilsman known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.



Cynthia J. Berg
NOTARY PUBLIC for the State of Montana
Residing at: Harlowton
My commission expires: April 15, 2017

1 **AFFIDAVIT OF DWAYNE E. CROOK**

2
3 STATE OF MONTANA)

4 : ss

5 County of Fergus)

6
7 Dwayne E. Crook, after being first duly sworn, deposes and states as follows:

8
9 1) I am a resident of Lewistown, Montana and have lived there for 76 years. I am 76 years
10 old.

11
12 2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than
13 Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I
14 am able to.

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17 FURTHER AFFIANT SAYETH NAUGHT

18 DATED this 15th day of May, 2013.

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21 Affiant

22 STATE OF MONTANA)

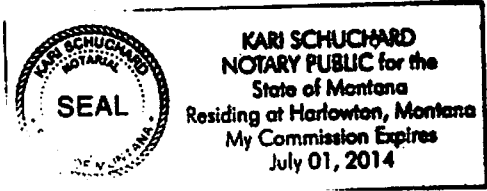
23) :ss

24 County of Fergus)

25
26 On this 15th day of May, 2013, before me, a Notary Public in and for the state and county
27 aforesaid, personally appeared Dwayne Crook, known to me to be the person whose name
28 is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.



Kari Schuchard

NOTARY PUBLIC for the State of Montana

Residing at: Harlowton

My commission expires: July 1, 2014

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AFFIDAVIT OF MARY JO CROOK

STATE OF MONTANA)

: ss

County of Fergus)

Mary Jo Crook, after being first duly sworn, deposes and states as follows:

1) I am a resident of Lewistown, Montana and have lived there for 71 years. I am 71 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.



Affiant

STATE OF MONTANA)

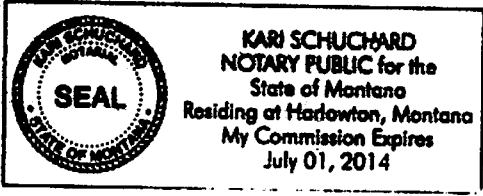
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County of Fergus)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Mary Crook, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.



Kari Schuchard

NOTARY PUBLIC for the State of Montana

Residing at: Harlowton

My commission expires: July 1 2014

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AFFIDAVIT OF JEANNIE RICKERT

STATE OF MONTANA)

: ss

County of Fergus)

Jeanne Rickert, after being first duly sworn, deposes and states as follows:

1) I am a resident of Lewistown, Montana and have lived there for 22 years. I am 57 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.

Jeannie Rickert
Affiant

STATE OF MONTANA)

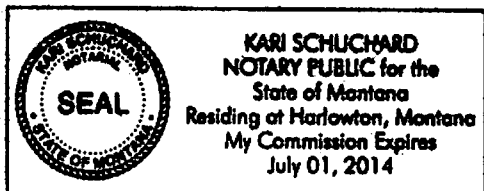
) :ss

County of Fergus)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Jeannie Rickert, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.



Kari Schuchard

NOTARY PUBLIC for the State of Montana

Residing at: Harlowton

My commission expires: July 1, 2014

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AFFIDAVIT OF ROBERT D. KELLER

STATE OF MONTANA)

: ss

County of Fergus)

Robert D. Keller, after being first duly sworn, deposes and states as follows:

1) I am a resident of Lewistown, Montana and have lived there for 52 years. I am 72 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.

Robert D. Keller
Affiant

STATE OF MONTANA)

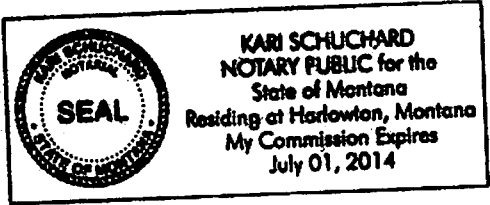
) :ss

County of Fergus)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Robert Keller, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Kari Schuchard
NOTARY PUBLIC for the State of Montana
Residing at: Harlowton
My commission expires: July 1, 2014

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AFFIDAVIT OF GLORIA A. KELLER

STATE OF MONTANA)

: ss

County of Fergus)

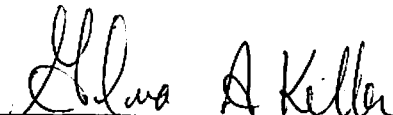
Gloria A. Keller, after being first duly sworn, deposes and states as follows:

1) I am a resident of Lewistown, Montana and have lived there for 70 years. I am 70 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.



Affiant

STATE OF MONTANA)

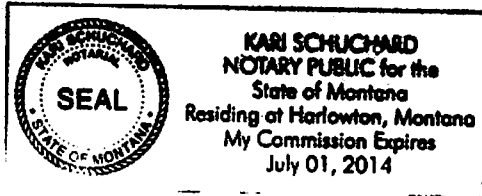
) :ss

County of Fergus)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Gloria Keller, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.



Kari Schuchard

NOTARY PUBLIC for the State of Montana

Residing at: Harlowton

My commission expires: July 1 2014

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AFFIDAVIT OF ROALD TORGESON

STATE OF MONTANA)
 : ss
County of Fergus)

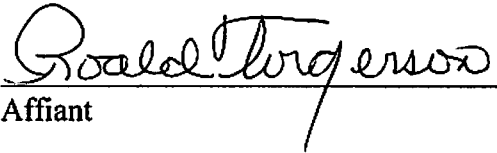
Roald Torgeson, after being first duly sworn, deposes and states as follows:

1) I am a resident of Lewistown, Montana and have lived there for 35 years. I am 73 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.

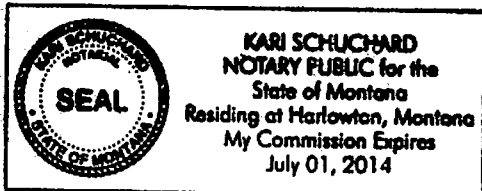

Affiant

STATE OF MONTANA)
) :ss
County of Fergus)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Roald Torgeson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.



Kari Schuchard

NOTARY PUBLIC for the State of Montana

Residing at: Harlowton

My commission expires: July 1, 2014

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AFFIDAVIT OF RUTH TORGESON

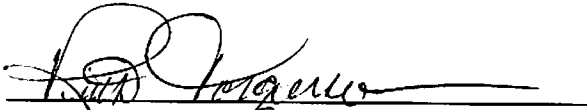
STATE OF MONTANA)
 : ss
County of Fergus)

Ruth Torgeson, after being first duly sworn, deposes and states as follows:

1) I am a resident of Lewistown, Montana and have lived there for 35 years. I am 70 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT
DATED this 15th day of May, 2013.


Affiant

STATE OF MONTANA)
) :ss
County of Fergus)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Ruth Torgeson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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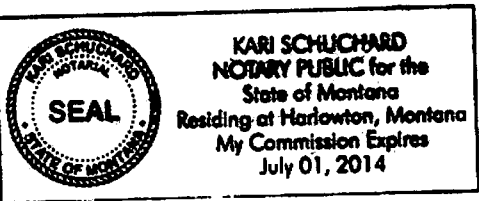
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.

Kari Schuchard

NOTARY PUBLIC for the State of Montana

Residing at: Harlowton

My commission expires: July 1, 2014



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AFFIDAVIT OF ROBERT A WILLEMS

STATE OF MONTANA)

: ss

County of Wheatland)

Robert A. Willems, after being first duly sworn, deposes and states as follows:

1) I am a resident of Harlowton, Montana and have lived there for 63 years. I am 63 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.

Robert A. Willems
Affiant

STATE OF MONTANA)

) :ss

County of Wheatland)

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On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Robert Willems, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

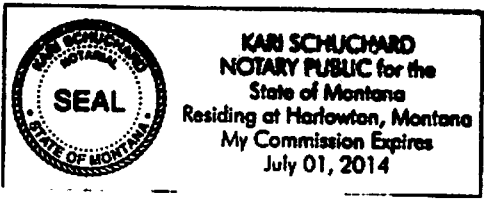
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Kari Schuchard

NOTARY PUBLIC for the State of Montana

Residing at: Harlowton

My commission expires: July 1, 2014



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AFFIDAVIT OF JOE BROUILLETTE

STATE OF MONTANA)

: ss

County of Wheatland)

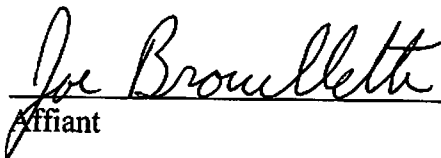
Joe Brouillette, after being first duly sworn, deposes and states as follows:

1) I am a resident of Harlowton, Montana and have lived there for 21 years. I am 63 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.



Affiant

STATE OF MONTANA)

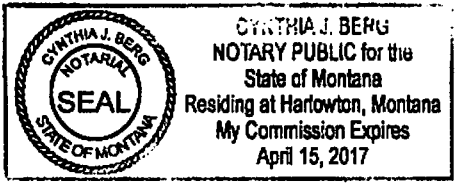
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County of Wheatland)

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On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Joe Brouillette, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Cynthia J. Berg
NOTARY PUBLIC for the State of Montana
Residing at: Harlowton
My commission expires: April 15, 2017

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AFFIDAVIT OF MERRILEE R. SWICKARD

STATE OF MONTANA)

: ss

County of Wheatland)

Merrilee Swicklard, after being first duly sworn, deposes and states as follows:

1) I am a resident of Harlowton, Montana and have lived there for 12 years. I am 70 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.



Affiant

STATE OF MONTANA)

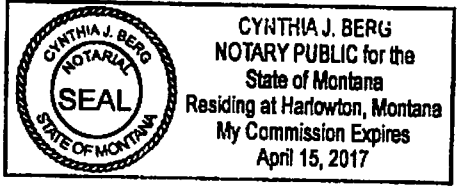
) :ss

County of Wheatland)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Merrilee Swickard, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.



Cynthia J. Berg
NOTARY PUBLIC for the State of Montana
Residing at: Harlowton
My commission expires: April 15, 2017

AFFIDAVIT OF ROY C. JONES

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STATE OF MONTANA)
 : ss
County of Fergus)

Roy Jones, after being first duly sworn, deposes and states as follows:

1) I am a resident of Lewistown, Montana and have lived there for 13 years. I am 66 years old.

2) I would greatly prefer to attend proceedings in this matter in Harlowton rather than Helena, which is a far greater drive for me. I intend to attend as many proceedings in this matter as I am able to.

FURTHER AFFIANT SAYETH NAUGHT

DATED this 15th day of May, 2013.

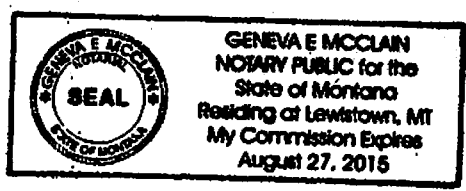
RC Jones
Affiant
Roy C. Jones

STATE OF MONTANA)
) :ss
County of Fergus)

On this 15th day of May, 2013, before me, a Notary Public in and for the state and county aforesaid, personally appeared Roy C Jones, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day
and year first above written.



Geneva E McClain
NOTARY PUBLIC for the State of Montana
Residing at: Lewistown
My commission expires: 8-27-15
Geneva E. McClain