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NANCY SWEENEY  
LEWIS AND CLARK COUNTY

2008 JUN -5 P 1:38

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**MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY**

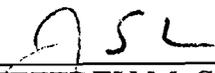
<p>CHRISTIAN C. HOHENLOHE and NORA R. HOTENLOHE,</p> <p>Petitioners,</p> <p>v.</p> <p>MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, an agency of the State of Montana,</p> <p>Respondent.</p>	<p>Cause No. BDV-2008-499</p> <p><b>ORDER</b></p>
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This matter is before the Court on Plaintiffs' application for an alternate writ of mandamus pursuant to Section 27-16-101, *et seq.*, MCA. The request for the alternate writ of mandamus is based on the recent decision by the Gallatin County District Court in *Bostwick Props., Inc. v. Mont. Dep't Nat'l Res. & Conserv.*, No. DV-07-917AX (Mont. 18th Jud. Dist. May 12, 2008).

This Court has reviewed Judge John C. Brown's decision in *Bostwick*. Frankly, this Court is not at all sure that it agrees with Judge Brown's decision in that case and, thus, cannot issue an alternate writ of mandamus due to what this Court

1 currently perceives as the lack of any clear legal duty to act as Petitioners request.  
2 However, the Court is of the view that Petitioners should be allowed to make their  
3 argument. Therefore, the Court will conduct an hearing on Petitioners' request for  
4 alternate writ of mandamus on Monday, June 16, 2008 at 1:30 p.m.

5 DATED this 5 day of June 2008.

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8 JEFFREY M. SHERLOCK  
District Court Judge

9 pcs: John E. Bloomquist/Abigail St. Lawrence  
Tim Hall

10 T/JMS/hohenlohe v DNRC order.wpd  
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