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MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

ELLIOT MERJA and RILEY)	
DENNING, TIMOTHY A. MILLER)	
and LAURIE L. MILLER,)	Cause No. ADV-23-255
)	
)	
Plaintiffs,)	MOTION FOR SUMMARY
)	JUDGMENT ON THE
-vs-)	PLAINTIFFS' FIRST CLAIM
)	FOR RELIEF
CASCADE COUNTY, FORT SHAW)	
IRRIGATION DISTRICT, WEST)	
GREAT FALLS FLOOD and)	
DRAINAGE CONTROL DISTRICT,)	
SANDRA MERCHANT, in her)	
official capacity as CASCADE)	
COUNTY CLERK and RECORDER,)	
)	
Defendants.)	

Plaintiffs move the Court for a grant of summary judgment on the First Claim for Relief set forth in the Complaint for the reason that there is no genuine issue of material fact and the plaintiffs are entitled to judgment as a matter of law. Undersigned counsel has contacted counsel for Fort Shaw Irrigation District, who opposes this motion; and counsel for Cascade County and Sandra Merchant, who do not take a position with respect to whether a new election should be

conducted. However, they oppose any suggestion that Cascade County should be responsible for the costs of such a re-election. This motion is not directed against West Great Falls Flood and Drainage Control District.

DATED this 6th day of March, 2024.

STEVEN T POTTS, PLLC

By /s/ Steven T. Potts
625 Central Avenue West, Suite 200
Great Falls MT 59404
(Attorney for Plaintiffs)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon the persons named below by mailing, hand-delivery, Federal Express, or by telecopying to them a true and correct copy of said document.

☐ U.S. Mail ☐ Hand-delivery ☐ Federal Express ☒ E-service except as
noted below

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this 6th day of March, 2024.

/s/ Steven T. Potts