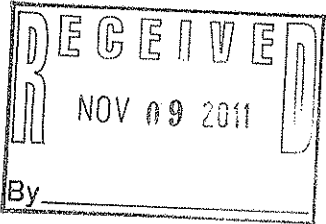


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Attorneys for Plaintiffs

**MONTANA NINTH JUDICIAL DISTRICT COURT  
 TETON COUNTY**

\*\*\*\*\*

MAURER FARMS, INC.; KYLE )  
 BURGMAIER; STEVEN DAHLMAN; )  
 JOHN GOODMUNDSON; ROBERT )  
 STEPHENS, )

Plaintiffs, )

vs. )

STATE OF MONTANA; MATL LLP, )

Defendants. )

Cause No. DV-11-024

**PLAINTIFFS LANDOWNERS'  
 MOTION FOR SUMMARY  
 JUDGMENT**

COMES NOW Plaintiffs Maurer Farms, Inc., Kyle Burgmaier, Steven Dahlman,  
 John Goodmundson, and Robert Stephens ("Landowners") and moves this Court,

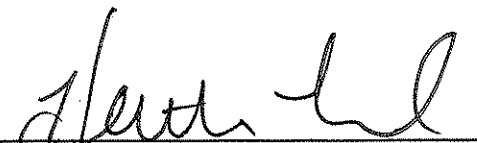
pursuant to Rule 56, M.R.Civ.P. for an order granting Landowners summary judgment that:

1. H.B. 198 enacted as MCA § 75-20-113 violates the Plaintiffs Landowners' right to due process under the Fifth and Fourteenth Amendments to the United States Constitution;
2. H.B. 198 enacted as MCA § 75-20-113 violates the Plaintiffs Landowners' right to due process under Article II of the Montana Constitution;
3. H.B. 198 enacted as MCA § 75-20-113 violates the Plaintiffs Landowners' right to protection of property under Article II, Section 3 of the Montana Constitution;
4. H.B. 198 enacted as MCA § 75-20-113 violates the Plaintiffs Landowners' right to participate under Article II, Section 8 of the Montana Constitution;
5. H.B. 198 enacted as MCA § 75-20-113 violates Montana Constitutional protections prohibiting special legislation, Article V, Section 12 of the Montana Constitution; and/or
6. H.B. 198 enacted as MCA § 75-20-113 is facially unconstitutional because the Major Facility Siting Act lacks sufficient notice requirements required by the Montana and United States constitutions to provide due process protection to Landowners.

RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of November, 2011.

LUND LAW, PLLC

By: \_\_\_\_\_

  
HERTHA L. LUND  
*Attorney for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of November, 2011, a true and correct copy of the foregoing document was served, in the manner indicated, upon the following:

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Montana Department of Justice  
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Helena, MT 59620-1401

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