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ATTORNEYS FOR PLAINTIFFS

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

JAN DONALDSON and MARY ANNE	
GUGGENHEIM, MARY LESLIE and	Cause No. BDV-2010-702
STACEY HAUGLAND, GARY	Hon. Jeffrey M. Sherlock
STALLINGS and RICK WAGNER, KELLIE	
GIBSON and DENISE BOETTCHER, JOHN	
MICHAEL LONG and RICHARD PARKER,	
NANCY OWENS and MJ WILLIAMS, and	
CASEY CHARLES and DAVID WILSON,	PLAINTIFFS' MOTION FOR
Plaintiffs,	SUMMARY JUDGMENT
VS.	
STATE OF MONTANA,	
Defendant.	$ \hat{j} $

The Plaintiffs, by and through their counsel, move this Court for summary judgment pursuant to M. R. Civ. P. 56. The basis for this motion is set forth in Plaintiffs' *Combined Brief in Support of Motion for Summary Judgment and Response to Motion to Dismiss* and supporting affidavits.

Defendant moved to dismiss Plaintiffs' claims based on M. R. Civ. P. 12(b)(6) on October 29, 2010. Plaintiffs' Combined Brief in Support of Motion for Summary Judgment and Response to Motion to Dismiss also responds to Defendant's Motion to Dismiss. "If, on a motion asserting the defense number (6) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56..." M. R. Civ. P. 12(b).

Plaintiffs respectfully request that the Court render summary judgment in their favor. RESPECTFULLY SUBMITTED this 10th day of December, 2010.

GOETZ, GALLIK & BALDWIN, P.C.

By:

James H. Goetz Benjamin J. Alke

and

AMERICAN CIVIL LIBERTIES UNION OF MONTANA FOUNDATION Elizabeth L. Griffing

MORRISON & FOERSTER LLP Ruth N. Borenstein Philip T. Besirof Neil D. Perry AMERICAN CIVIL LIBERTIES UNION FOUNDATION Elizabeth O. Gill

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on the following counsel of record, by the means designated below, this 10th day of December, 2010.

	U.S. Mail
	Federal Express
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