FILED
10/16/2026
Terry Halpin
CLERK
Yellowstone County District Court
STATE OF MONTANA
By: Courtney Miller
DV-56-2026-0000855-DK
Zink, Ed
62.00

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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT

YELLOWSTONE COUNTY

LAUREL CARED, Plaintiff, vs. STATE OF MONTANA, Defendant.	**Cause No. DV-56-2026-0855-DK** **Hon. Ed Zink** **MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES' ANSWER TO AMENDED COMPLAINT**

Defendant Montana Department of Public Health and Human Services ("DPHHS"), through counsel, answers the Amended Complaint of Plaintiff Laurel CARED ("Laurel CARED"), filed in this Court on October 2, 2026 ("Amended Complaint"), as follows:

FIRST DEFENSE

The Amended Complaint fails to state a claim against DPHHS upon which relief may be granted.

SECOND DEFENSE

DPHHS answers the allegations in the Amended Complaint, in paragraphs corresponding to those in the Amended Complaint, as follows:

1. DPHHS denies that the environmental assessment remains incomplete, internally inconsistent, and unsupported; and admits the remainder of the allegations in Paragraph 1.

2. DPHHS denies the allegations in Paragraph 2 and affirmatively alleges that the Court injunction order speaks for itself.

3. DPHHS denies the allegations in Paragraph 3.

4. DPHHS denies the allegations in Paragraph 4.

5. DPHHS denies the allegations in Paragraph 5.

6. DPHHS denies the allegations in Paragraph 6.

7. DPHHS denies the existence of "unresolved issues" and admits the remainder of the allegations in Paragraph 7.

8. The allegations in Paragraph 8 are Plaintiff's characterization of its Amended Complaint, to which no response is required.

JURISDICTION AND VENUE

9. DPHHS admits that Laurel CARED purports to bring this action pursuant to the Uniform Declaratory Judgments Act, the Injunctive Relief Act, MEPA, and the Montana Constitution; and specifically denies the applicability of the Injunctive Relief Act, MCA § 27-19-102, et seq.

10. DPHHS admits the allegations in Paragraph 10.

PARTIES

11. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and therefore denies the same.

12. DPHHS denies the allegations in Paragraph 12.

13. Answering Paragraph 13 of Plaintiff's Amended Complaint, DPHHS admits that it is a government entity subject to suit for injuries to persons and that it, in cooperation with the Montana Board of Investments, participated in and approved actions challenged by Plaintiff. DPHHS denies that it is liable for any injury to Plaintiff and, to the extent Plaintiff alleges personal liability, DPHHS denies that any officer, board member, employee, or agent of the State is or may be personally liable. DPHHS denies the remaining allegations in Paragraph 13.

LEGAL BACKGROUND

I. MEPA

14. The allegations in Paragraph 14 are Laurel CARED's characterization of the Montana Environmental Policy Act, which speaks for itself and must be read in context in its entirety; therefore, no response is required.

15. The allegations in Paragraph 15 are Laurel CARED's selective quotation and characterization of the Montana Environmental Policy Act, which speaks for itself and must be read in context in its entirety; therefore, no response is required.

16. The allegations in Paragraph 16 are Laurel CARED's selective quotation and characterization of the Montana Environmental Policy Act, which speaks for itself and must be read in context in its entirety; therefore, no response is required.

17. The allegations in Paragraph 17 are Laurel CARED's characterization of an Administrative Rule pertaining to the Montana Environmental Policy Act, which speaks for itself and must be read in context in its entirety; therefore, no response is required.

18. The allegations in Paragraph 18 are Laurel CARED's characterization of an Administrative Rule pertaining to the Montana Environmental Policy Act, which speaks for itself and must be read in context in its entirety; therefore, no response is required.

19. The allegations in Paragraph 19 are Laurel CARED's characterization of an Administrative Rule pertaining to the Montana Environmental Policy Act, which speaks for itself and must be read in context in its entirety; therefore, no response is required.

20. To the extent Paragraph 20 of Plaintiff's Amended Complaint contains accurate restatements of the law, DPHHS admits the allegations, and denies any characterization or inference inconsistent with the law.

21. To the extent Paragraph 21 of Plaintiff's Amended Complaint contains accurate restatements of the Montana Environmental Policy Act and its associated rules, DPHHS admits the allegations, and denies any characterization or inference inconsistent with the Montana Environmental Policy Act or associated rules.

22. To the extent Paragraph 22 of Plaintiff's Amended Complaint contains accurate restatements of the law, DPHHS admits the allegations, and denies any characterization or inference inconsistent with the law.

23. To the extent Paragraph 23 of Plaintiff's Amended Complaint contains accurate restatements of case law and Administrative Rules, DPHHS admits the

allegations, and denies any characterization or inference inconsistent with the case law or associated rules.

24. To the extent Paragraph 24 of Plaintiff's Amended Complaint contains accurate restatements of MEPA and associated rules, DPHHS admits the allegations, and denies any characterization or inference inconsistent with the law.

II. SITE SELECTION OF THE FORENSIC MENTAL HEALTH FACILITY

25. The allegations in Paragraph 25 are Laurel CARED's characterizations of House Bill 5, which speaks for itself and must be read in context in its entirety; therefore, no response is required.

26. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 and therefore denies the same.

27. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 and therefore denies the same.

28. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 and therefore denies the same.

29. Answering Paragraph 29 of Plaintiff's Amended Complaint, DPHHS admits that, on August 22, 2025, Laurel Chief Administrative Officer Markegard emailed Board of Investments Executive Director Villa, Department of Public Health and Human Services Director Charles Brereton, and Director of Budget and Program Planning Ryan Osmundson more details about the Old Highway 10 site, that Laurel Chief Administrative Officer Markegard stated that the site could utilize water and sewer infrastructure associated with the nearby Love's Travel Center development, and that

Executive Director Villa responded that he would be in touch once the Board of Investments had more guidance on the project.

30. To the extent Paragraph 30 of Plaintiff's Amended Complaint contains accurate restatements of Governor Gianforte's September 10, 2025, Letter to the Montana Board of Investments, DPHHS admits the allegations. DPHHS further states that the Governor's Letter speaks for itself, and DPHHS denies any characterization or inference that might be drawn from Plaintiff's allegations.

31. To the extent Paragraph 31 of Plaintiff's Amended Complaint contains accurate restatements of Department of Public Health and Human Services Director Brereton's October 6, 2025, Letter to Montana Board of Investments Executive Director Villa, DPHHS admits the allegations. DPHHS further states that the Director's Letter speaks for itself, and DPHHS denies any characterization or inference that might be drawn from Plaintiff's allegations.

32. DPHHS admits the allegations in Paragraph 32.

33. DPHHS admits the allegations in Paragraph 33.

34. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 and therefore denies the same.

35. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and therefore denies the same.

36. DPHHS admits the allegations in Paragraph 36.

37. DPHHS admits the allegations in Paragraph 37.

38. DPHHS admits the allegations in Paragraph 38.

39. DPHHS admits the allegations in Paragraph 39.

40. Answering Paragraph 40 of Plaintiff's Amended Complaint, DPHHS lacks sufficient knowledge as to which Defendant Plaintiff is referring to in Paragraph 40 and therefore denies the same.

41. DPHHS admits the allegations in Paragraph 41.

42. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and therefore denies the same.

43. DPHHS admits that the property is outside of Laurel city limits and is not annexed into the City and denies the remainder of the allegations contained in Paragraph 43.

44. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and therefore denies the same.

45. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 and therefore denies the same.

46. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 and therefore denies the same.

47. Answering Paragraph 47 of Plaintiff's Amended Complaint, DPHHS admits that Board of Investments Executive Director Villa announced at the March 24, 2026, Laurel City Council meeting, and also that the Board of Investments noticed on March 24, 2026, an April 22, 2026, public hearing in Laurel on the Forensic Mental Health Facility. DPHHS denies that it requested a zoning change at the March 24, 2026, Laurel City Council meeting, stating it requested a governmental use designation, as

reflected in Board of Investments Executive Director Villa's April 2, 2026, Letter to the Yellowstone County Planning Division Manager Anna Vickers.

48. DPHHS denies the allegations in Paragraph 48.

49. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 and therefore denies the same.

50. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 and therefore denies the same.

51. Answering Paragraph 51 of Plaintiff's Amended Complaint, DPHHS admits that the Preliminary Environmental Assessment released at 10:17 am on April 20, 2026, in advance of the April 22, 2026, public hearing was preliminary and contained incomplete sections, but DPHHS states that it was continuing its assessment of the Facility at the time of the April 22 public hearing, that the purpose of the public hearing was to involve the public in identifying potentially significant issues, alternatives, or impacts of both doing and not doing the proposed Facility, and to consider the public's comments in its continuing assessment. DPHHS admits that the Water Resources section contained a placeholder paragraph and that water resources had not yet been confirmed, but that Paragraph did provide information on water resources, including that it was anticipated that the City of Laurel's municipal water and wastewater systems would serve as the service provider, and this was again noted in the Public Services and Long-Term Operational Impacts sections, and in the Forensic Mental Health Facility Update. DPHHS denies the remaining allegations in Paragraph 51.

52. DPHHS admits the allegations in Paragraph 52.

53. DPHHS admits the allegations in Paragraph 53.

54. DPHHS denies the allegations in Paragraph 54.

55. DPHHS admits the allegations in Paragraph 55.

56. DPHHS admits the allegations in Paragraph 56.

57. Answering Paragraph 57 of Plaintiff's Amended Complaint, DPHHS admits closing on the property occurred on June 12, 2026, and states that the Board of Investments notified Yellowstone County on the day of closing as is necessary for any parcel transactions. DPHHS admits that the closing was publicly reported on June 16, 2026.

III. PROCEDURAL HISTORY

58. The allegations contained in Paragraph 58 consist of Plaintiff's characterization of its Complaint, which speaks for itself; therefore, no response is required.

59. DPHHS admits the allegations in Paragraph 59.

60. DPHHS admits the allegations in Paragraph 60.

61. The allegations contained in Paragraph 61 consist of Plaintiff's characterization of the Court's injunction order, which speaks for itself; therefore, no response is required.

62. DPHHS admits the allegations in Paragraph 62.

63. DPHHS admits the allegations in Paragraph 63.

64. DPHHS admits the allegations in Paragraph 64.

65. DPHHS admits the allegations in Paragraph 65.

66. The allegations contained in Paragraph 66 consist of Plaintiff's characterization of the City of Laurel's comments, which speak for themselves; therefore, no response is required.

67. DPHHS admits the allegations in Paragraph 67.

IV. THE FINAL ENVIRONMENTAL ASSESSMENT

Water Demand

68. Answering Paragraph 68 of Plaintiff's Amended Complaint, DPHHS admits that the Final Environmental Assessment provides estimates using DEQ Circular 4 and states that the Final Environmental Assessment speaks for itself, and denies Plaintiff's allegations to the extent inconsistent with, or an incomplete characterization of, the Final Environmental Assessment.

69. The allegations contained in Paragraph 69 consist of Plaintiff's characterization of the Final EA, which speaks for itself; therefore, no response is required.

70. DPHHS denies the allegations in Paragraph 70.

71. DPHHS denies the allegations in Paragraph 71.

72. DPHHS admits the allegations in Paragraph 72.

73. The allegations contained in Paragraph 73 consist of Plaintiff's characterization of the Revised EA, which speaks for itself; therefore, no response is required.

74. DPHHS admits the allegations in Paragraph 74.

75. Answering Paragraph 75 of Plaintiff's Amended Complaint, DPHHS states that the City of Laurel's June 29, 2026, Letter speaks for itself and denies Plaintiff's allegations to the extent inconsistent with, or an incomplete characterization of, the Letter or Final Environmental Assessment.

76. DPHHS denies the allegations in Paragraph 76.

77. The allegations contained in Paragraph 77 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

78. The allegations contained in Paragraph 78 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

79. Answering Paragraph 79 of Plaintiff's Amended Complaint, DPHHS states that the Agreement and Final Environmental Assessment speak for themselves, and deny Plaintiff's allegations to the extent inconsistent with, or an incomplete characterization of, the Agreement or Final Environmental Assessment.

80. Answering Paragraph 80 of Plaintiff's Amended Complaint, DPHHS admits that some persons have raised issues regarding water pressure, but otherwise denies the allegations in Paragraph 80 of Plaintiff's Amended Complaint.

81. DPHHS denies the allegations in Paragraph 81 of Plaintiff's Amended Complaint.

82. The allegations contained in Paragraph 82 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

83. Answering Paragraph 83 of Plaintiffs' Amended Complaint, DPHHS admits that the State's engineer analyzed water pressure for the Facility based in part on

tests conducted for the Love's Travel Center and that the engineering analysis speaks for itself, and denies the allegations in Paragraph 83 to the extent inconstant with, or an incomplete characterization of, the State Engineer's analysis.

84. The allegations contained in Paragraph 84 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

85. The allegations contained in Paragraph 85 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

86. The allegations contained in Paragraph 86 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

87. The allegations contained in Paragraph 87 consist of Plaintiff's characterization of the record, which speaks for itself; therefore, no response is required.

88. The allegations contained in Paragraph 88 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

89. The allegations contained in Paragraph 89 consist of Plaintiff's characterization of the City's public comments, which speak for themselves; therefore, no response is required.

90. The allegations contained in Paragraph 90 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

91. The allegations contained in Paragraph 91 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

92. The allegations contained in Paragraph 92 consist of Plaintiff's characterization of DEQ Circular 4, which speaks for itself; therefore, no response is required.

93. The allegations contained in Paragraph 93 consist of Plaintiff's characterization of DEQ Circular 1, which speaks for itself; therefore, no response is required.

94. The allegations contained in Paragraph 94 consist of Plaintiff's characterization of the City's public comments, which speak for themselves; therefore, no response is required.

95. The allegations contained in Paragraph 95 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

96. The allegations contained in Paragraph 96 consist of Plaintiff's characterization of the City's 2023 Water System Preliminary Engineering Report, which speaks for itself; therefore, no response is required.

97. The allegations contained in Paragraph 97 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

98. The allegations contained in Paragraph 98 consist of Plaintiff's characterization of Appendix K of the EA, which speaks for itself; therefore, no response is required.

Availability of Water Service

99. DPHHS admits the allegations in Paragraph 99 of Plaintiff's Amended Complaint.

100. DPHHS admits the allegations in Paragraph 100 of Plaintiff's Amended Complaint.

101. DPHHS admits the allegations in Paragraph 101 of Plaintiff's Amended Complaint.

102. The allegations contained in Paragraph 102 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

103. The allegations contained in Paragraph 103 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

104. DPHHS denies the allegations in Paragraph 104 of Plaintiff's Amended Complaint.

105. DPHHS is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105 and therefore denies the same.

106. The allegations contained in Paragraph 106 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

107. The allegations contained in Paragraph 107 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

Other Water Issues

108. The allegations contained in Paragraph 108 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

109. The allegations contained in Paragraph 109 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

110. The allegations contained in Paragraph 110 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

111. Paragraph 111 of Plaintiff's Amended Complaint contains legal conclusions that do not require a response. To the extent a response may be required, DPHHS states that the Clean Water Act and the Final Environmental Assessment speak for themselves and denies Plaintiff's allegations to the extent inconsistent with the Clean Water Act or the Final Environmental Assessment.

112. DPHHS denies the allegations in Paragraph 112 of Plaintiff's Amended Complaint.

113. DPHHS denies the allegations in Paragraph 113 of Plaintiff's Amended Complaint.

114. DPHHS denies the allegations in Paragraph 114 of Plaintiff's Amended Complaint.

Human Environment

115. DPHHS admits the allegations in Paragraph 115 of Plaintiff's Amended Complaint.

116. DPHHS admits the allegations in Paragraph 116 of Plaintiff's Amended Complaint.

117. The allegations contained in Paragraph 117 consist of Plaintiff's characterization of the Laurel Growth Policy, which speaks for itself; therefore, no response is required.

118. DPHHS admits the allegations in Paragraph 118 of Plaintiff's Amended Complaint.

119. The allegations contained in Paragraph 119 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

120. The allegations contained in Paragraph 120 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

121. The allegations contained in Paragraph 121 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

122. The allegations contained in Paragraph 122 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

123. The allegations contained in Paragraph 123 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

Alternatives

124. The allegations contained in Paragraph 124 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

125. DPHHS admits the allegations in Paragraph 125 of Plaintiff's Amended Complaint.

126. DPHHS admits the allegations in Paragraph 126 of Plaintiff's Amended Complaint.

127. The allegations contained in Paragraph 127 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

128. The allegations contained in Paragraph 128 consist of Plaintiff's characterization of the EA, which speaks for itself; therefore, no response is required.

129. DPHHS denies the allegations in Paragraph 129 of Plaintiff's Amended Complaint.

130. Paragraph 130 of Plaintiff's Amended Complaint contains legal conclusions that do not require a response. To the extent a response may be required, DPHHS states that the Montana Environmental Policy Act, this Court's Order Granting in Part Preliminary Injunction (Doc. 35), and the Final Environmental Assessment speak for themselves and denies Plaintiff's allegations to the extent inconsistent with the Montana Environmental Policy Act, this Court's Order Granting in Part Preliminary Injunction, or the Revised Final Environmental Assessment.

COUNT I

131. DPHHS reincorporates by this reference its responses to all previous Paragraphs.

132. Paragraph 132 of Plaintiff's Amended Complaint contains legal conclusions that do not require a response. To the extent a response may be required, DPHHS states that the Montana Environmental Policy Act and associated rules speak for themselves and denies Plaintiff's allegations to the extent inconsistent with the Montana Environmental Policy Act or its associated rules.

133. DPHHS denies the allegations in Paragraph 133.

134. DPHHS denies the allegations in Paragraph 134.

135. DPHHS denies the allegations in Paragraph 135.

136. DPHHS denies the allegations in Paragraph 136.

137. DPHHS denies the allegations in Paragraph 137.

138. The allegations contained in Paragraph 138 consist of Plaintiff's legal conclusions and characterization of MEPA, which speaks for itself; therefore, no response is required.

139. DPHHS admits the allegations in Paragraph 139.

140. DPHHS admits the allegations in Paragraph 140.

141. DPHHS denies the allegations in Paragraph 141.

142. DPHHS denies the allegations in Paragraph 142.

143. DPHHS denies the allegations in Paragraph 143.

COUNT II

144. DPHHS reincorporates by this reference its responses to all previous Paragraphs.

145. The allegations contained in Paragraph 145 consist of Plaintiff's characterization of MEPA and ARM 17.4.607(1), which speak for themselves; therefore, no response is required.

146. Paragraph 146 of Plaintiff's Amended Complaint contains legal conclusions that do not require a response. To the extent a response may be required, DPHHS states that the Montana Environmental Policy Act and associated rules speak for themselves and denies Plaintiff's allegations to the extent inconsistent with the Montana Environmental Policy Act or its associated rules.

147. DPHHS denies the allegations in Paragraph 147.

148. DPHHS denies the allegations in Paragraph 148.

149. DPHHS denies the allegations in Paragraph 149.

150. DPHHS denies the allegations in Paragraph 150.

COUNT III

151. DPHHS reincorporates by this reference its responses to all previous Paragraphs.

152. The allegations contained in Paragraph 152 consist of Plaintiff's characterization of MEPA, which speak for itself; therefore, no response is required.

153. Paragraph 153 of Plaintiff's Amended Complaint contains legal conclusions that do not require a response. To the extent a response may be required, DPHHS states that the Montana Environmental Policy Act and associated rules speak for themselves and denies Plaintiff's allegations to the extent inconsistent with the Montana Environmental Policy Act or its associated rules.

154. DPHHS denies the allegations in Paragraph 154.

155. DPHHS denies the allegations in Paragraph 155.

156. DPHHS denies the allegations in Paragraph 156.

157. DPHHS denies the allegations in Paragraph 157.

158. DPHHS denies the allegations in Paragraph 158.

159. DPHHS denies the allegations in Paragraph 159.

THIRD DEFENSE - GENERAL DENIAL

DPHHS affirmatively denies every allegation in the Amended Complaint not expressly admitted above.

AFFIRMATIVE DEFENSES

1. Plaintiff failed to join necessary parties.

2. Plaintiff relies on evidence not contained in the record.

3. Plaintiff fails to prove its claims by clear and convincing evidence contained in the record

4. Plaintiff was provided the Montana Environmental Policy Act's procedural protections.

5. Plaintiff's remedies are limited to only those remedies available under the Montana Environmental Policy Act.

6. The Montana Environmental Policy Act does not provide relief for injuries or harm unrelated to the Montana environment.

7. Plaintiff is not entitled to attorney's fees or costs.

WHEREFORE, DPHHS respectfully requests:

a. That Plaintiff takes nothing by its Amended Complaint, and that it be dismissed with prejudice;

b. Costs of suit; and

c. Such other and further relief as the Court deems just, equitable, and/or otherwise proper.

DATED October 16, 2026

JACKSON, MURDO & GRANT, P.C.

/s/ Rob Cameron
Rob Cameron
Attorneys for Montana Department of Health and Human Services

CERTIFICATE OF SERVICE

I, Robert Cameron, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Answer to the following on 10-16-2026:

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Electronically signed by Mary Boyle on behalf of Robert Cameron
Dated: 10-16-2026