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CLERK OF THE  
DISTRICT COURT  
TERRY HALPIN  
2022 MAR 11 P 3:29

MONTANA THIRTEENTH JUDICIAL DISTRICT, YELLOWSTONE COUNTY  
FILED  
BY \_\_\_\_\_  
DEPUTY

\* \* \* \* \*

GARY McDANIEL, SUSAN McDANIEL,  
on behalf of themselves and all others  
similarly situated.  
  
Plaintiffs,  
  
CITY OF BILLINGS,  
  
Defendant.

Cause No. DV 19-1444  
  
**PARTIAL SUMMARY JUDGMENT**  
  
**WATER CLAIMS**

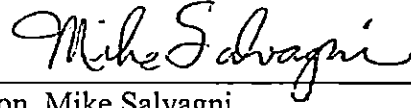
On March 1, 2022 , the Court entered a Decision and Order on the City of Billings’ Motion for Partial Summary Judgment Pursuant to Mont. R. Civ. P. 56 Re Plaintiffs’ Contract Claims Under Mont. Code Ann. § 30-2-607. C.t Doc. 106. The Court granted the City’s Motion for partial summary judgment dismissing Plaintiffs’ water claims. The Court held that pursuant to § 30-2-607, MCA, Plaintiffs’ water claims for breach of contract and breach of the covenant of good faith and fair dealing were dismissed. Based upon the Court’s Decision and Order, the Court enters the following partial summary judgment:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Partial Summary Judgment is entered in favor of Defendant City of Billings and against Plaintiffs Gary McDaniel and Susan McDaniel on Plaintiffs’ water claims under Counts II and III of Plaintiffs’ Complaint. Counts II and III as to Plaintiffs’ water claims are DISMISSED, with prejudice.

2. Pursuant to Rule 54 M.R.Civ.P. this is not a final judgment.

Dated March 11, 2022.

A handwritten signature in cursive script that reads "Mike Salvagni".

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Hon. Mike Salvagni  
Presiding Judge

cc: Matthew G. Monforton  
Doug James  
Bryce Burke

MONTANA, THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

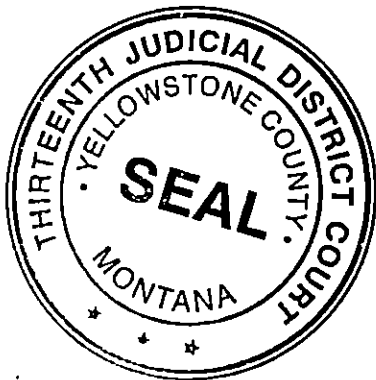
Gary McDaniel, et al.	)	Case No. DV 19-1444
	)	
Plaintiffs,	)	
	)	Judge Michael Salvagni
Vs.	)	
City of Billings,	)	CERTIFICATE OF SERVICE
	)	
Defendant.	)	

On this 11<sup>th</sup> day of March 2022, the Clerk of District Court certifies that a true and correct copy of the Partial Summary Judgment Water Claims. was mailed, first class, postage paid, to the following parties:

Matthew G. Monforton  
Monforton Law Offices  
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Doug James  
Moulton Bellingham  
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Billings, MT 59103

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TERRY HALPIN

By: 