

# Ravalli County Attorney

205 Bedford Street, Suite C ♦ Hamilton, MT 59840 ♦ (406) 375-6750 ♦ Fax (406) 375-6731

County Attorney:  
**Bill Fulbright**

Deputy Attorneys:  
**John Bell**  
**Daniel Browder**  
**Thorin Geist**  
**Howard Recht**  
**Angela Wetzsteon**

June 9, 2014

RECEIVED

JUN 19 2014

Ravalli County Commissioners

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Ronald Paul Foltz, CPA  
P. O. Box 4605  
Missoula, MT 59806-4605

Via E-mail and U.S. Mail  
Ron.foltz@ronfoltzcpa.com

**Re: Disclosure of Current and Material Pending or Threatened Litigation –  
Fiscal Year Ending June 30, 2013**

Dear Mr. Foltz:

In connection with the audit for the fiscal year ended June 30, 2013, the following is a description of any material pending or threatened litigation, claims or contingencies involving matters with respect to which this office has been engaged or to which this office has devoted substantive attention on behalf of Ravalli County. Matters are regarded as material if they individually or (if a series of similar claims or lawsuits) in the aggregate involve amounts in excess of \$50,000.

**Litigation – Pending and Resolved:**

- Case Name:** *Big Sky Development v. Ravalli County*  
**Case No:** Montana Twenty-First Judicial District Court, Cause No. DV 08-342  
**Status:** Final settlement reached. On May 12, 2014, the County agreed to pay plaintiff, Big Sky Development Group, \$675,000 in installments over 5 years (2014 through 2018, inclusive).
- Case Name:** *Marchant vs. Ravalli County*  
**Court:** Montana Twenty-First Judicial District Court, Cause No. DV 12-413  
**Status:** Case dismissed without liability to County.



3. **Case Name:** *Ohnstad vs. Ravalli County*  
**Court:** U.S. District Court (District of Montana, Missoula Division), Cause No. CV 12-56  
**Status:** Settled. Settlement amount covered under MACo coverage.
4. **Case Name:** *Sullivant vs. Spectrum Medical Services, Nurse Judy, Leete and Ravalli County*  
**Court:** U.S. District Court (District of Montana, Missoula Division), Cause No. CV 11-119  
**Status:** Case dismissed without liability to County.
5. **Case Name:** *Souza vs. Ravalli County*  
**Court:** Montana Twenty-First Judicial District Court, Ravalli County  
**Status:** Settled. Settlement amount covered under MACo coverage.
6. **Case Name:** *Bitterrooters for Planning vs. Ravalli County Commissioners*  
**Court:** Montana Twenty-First Judicial District Court, Ravalli County  
**Status:** Declaratory Judgment action seeking to have the Board of County Commissioners' decision to approve Legacy Ranch Subdivision nullified. Case at issue; trial date not yet set.  
**Potential Liability:** For plaintiff's attorney fees if plaintiff is successful. Fees could exceed \$50,000.
7. **Case Name:** *Mather vs. Pease*  
**Court:** U.S. District Court, District of Montana, Missoula Division  
**Status:** Complaint against former Sheriff Deputy, Pease, alleging excessive use of force and other claims. Case at issue; trial date not yet set.  
**Potential Liability:** Plaintiff seeks approximately \$400,000 damages. County has defenses.
8. **Case Name:** *Monroe vs. Ravalli County, et al.*  
**Court:** U.S. District Court, District of Montana, Missoula Division  
**Status:** Former Ravalli County Detention Center inmate filed complaint alleging violation of constitutional rights. Case at issue; trial date not yet set.  
**Potential Liability:** Plaintiff seeks \$1 million damages. County has defenses.

In addition to the foregoing list, there may be other matters handled entirely by our insurance carrier, such as automobile liability claims. While there may be deductible amounts for which Ravalli County could be liable, Ravalli County is unaware of any significant liability with regard to such claims. You may request further information regarding any such cases from Dennis Jupka regarding matters covered by our current policy with MACo-JPIA. Dennis Jupka may be reached at (888) 442-8552.

The foregoing list includes all civil litigation and claims which I have been able to identify, including those resolved during the fiscal year. The County will supplement this information if additional information is obtained concerning suits or potential claims materially affecting the fiscal year ended June 30, 2013. If you have any questions regarding the above information, please let me know.

March 14, 2013

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Sincerely,

A handwritten signature in black ink, appearing to read "Howard F. Recht". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Howard F. Recht,  
Deputy Attorney

cc: Ravalli County Commissioners  
Klarryse L. Murphy, Chief Financial Officer  
Dennis Jupka, MACo Claims Manager