

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Case No. DA 15-0140

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ASSOCIATION OF MONTANA RETIRED  
PUBLIC EMPLOYEES, RUSSELL WRIGG,  
MARLYS HURLBERT, CAROLE CAREY,  
I. EDWARD SONDENNO,

Plaintiffs and Appellees/Cross-Appellants,

v.

STATE OF MONTANA, MONTANA PUBLIC  
EMPLOYEE RETIREMENT  
ADMINISTRATION, PUBLIC EMPLOYEE  
RETIREMENT BOARD, GOVERNOR  
STEVE BULLOCK, in his official capacity,

Defendants and Appellants/Cross-Appellees.

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**STIPULATION TO DISMISS APPEALS**

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WHEREAS Defendants and Appellants/Cross-Appellees (Defendants) have filed a notice of appeal in this action, and whereas Plaintiffs and Appellees/Cross-Appellants(Plaintiffs) have filed a notice of cross-appeal, and whereas the Parties agree that settlement of these appeals is in the Parties' interest and an appropriate way to resolve the dispute, the Parties hereby

**AGREE AND STIPULATE AS FOLLOWS:**

1. Defendants shall dismiss their appeal and Plaintiffs shall dismiss their cross-appeal;

2. The Order on Motion for Summary Judgment (Order), entered March 4, 2015 by Judge Reynolds in this matter, granting a permanent injunction in favor of the Plaintiffs shall remain in effect and is limited to the constitutionality of section 5 of House Bill 454, 2013 Mont. Laws Ch. 390 (amending Mont. Code Ann. § 19-3-1605);

3. As a specific condition of this Agreement, the Order shall have no collateral estoppel effect in any litigation regarding changes made to the State Public Employees' Retirement System in the future;

4. The parties shall jointly move the Court to clarify that the scope of its Order is limited to those public employees that were hired prior to July 1, 2013, the effective date of House Bill 454, 2013 Mont. Laws Ch. 390; that the Order's permanent injunction therefore does not apply to public employees hired on or after July 1, 2013; and

5. Each party shall bear their own costs and attorney fees.

**IT IS SO AGREED**



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Marlys Hurlbert

MARLYS HURLBERT

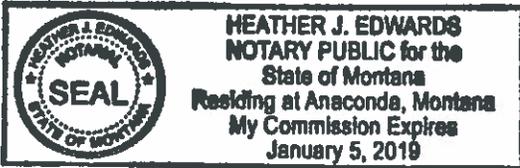
Plaintiff

Date: July 10, 2015

STATE OF MONTANA )

County of DEER LODGE ) :SS

This instrument was acknowledged before me on July 10, 2015,  
2015, by Marlys Hurlbert.



Heather J. Edwards

Notary Public for the State of Montana

HEATHER J. EDWARDS

(printed name)

Residing at ANACONDA

My Commission expires JAN. 5, 2019

Carole Carey  
CAROLE CAREY  
Plaintiff

Date: July 15, 2015

STATE OF MONTANA )

County of Custer :SS

This instrument was acknowledged before me on July 15<sup>th</sup>,  
2015, by Carole Carey.

Loraine J. Walker  
Notary Public for the State of Montana  
Tracey Walker, Clerk of Court  
(printed name)  
Residing at Enlaka, MT 59324  
My Commission expires 12/31/2016

*I. Edward Sondeno*

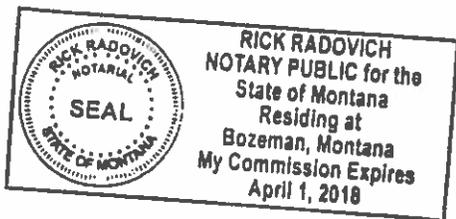
I. EDWARD SONDENO  
Plaintiff

Date: 07 JULY 2015

STATE OF MONTANA )

County of Gallatin ) :SS

This instrument was acknowledged before me on July 7,  
2015, by I. Edward Sondeno.



*Rick Radovich*

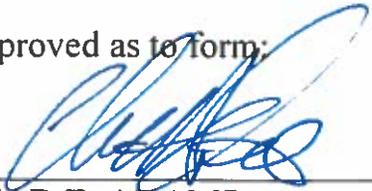
Notary Public for the State of Montana

(printed name)

Residing at \_\_\_\_\_

My Commission expires \_\_\_\_\_

Approved as to form:



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CHAD E. ADAMS  
Attorney for Plaintiffs



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J. STUART SEGREST  
Attorney for Defendants