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

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

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.

STIPULATION TO DISMISS APPEALS

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

FOR DEFENDANTS/APPELLANTS STATE OF MONTANA, MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION, PUBLIC EMPLOYEE RETIREMENT BOARD, GOVERNOR STEVE BULLOCK

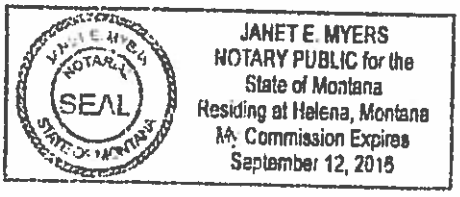
J. STUART SEGREST
Assistant Montana Attorney General
215 N. Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: _____
J. STUART SEGREST
Attorney for Defendants/Appellants

Date: 7/21/15

STATE OF MONTANA)
:ss
County of Lewis & Clark)

This instrument was acknowledged before me on July 21, 2015, 2015, by J. Stuart Segrest.



Janet E. Myers
Notary Public for the State of Montana

_____
(printed name)
Residing at_____
My Commission expires_____

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ASSOCIATION OF MONTANA
RETIRED PUBLIC EMPLOYEES

By: Cathy Kendall
Chairperson

Date: 7.14.2015

STATE OF MONTANA)
:ss
County of Lewis & Clark)

This instrument was acknowledged before me on July 14, 2015, by Cathy Kendall, Chairperson of Association of Montana Retired Public Employees.

Sandra R. Davis
Notary Public for the State of Montana
Sandra R. Davis
(printed name)
Residing at Helena Montana
My Commission expires February 12, 2019

SANDRA R. DAVIS NOTARIAL SEAL STATE OF MONTANA
SANDRA R. DAVIS
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
February 12, 2019

RUSSELL E. WRIGG
Plaintiff

Date: July 14, 2015

STATE OF MONTANA)
:ss
County of Lewis+Clark)

This instrument was acknowledged before me on July 14, 2015, by Russell Wrigg.

Notary Public for the State of Montana
Sandra R. Davis
(printed name)
Residing at Helena Montana
My Commission expires February 12, 2019

SANDRA R. DAVIS
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
February 12, 2019

Marlys Hurlbert

MARLYS HURLBERT
Plaintiff

Date: July 10, 2015

STATE OF MONTANA)
:ss
County of DEER LODGE)

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

HEATHER J. EDWARDS
NOTARY PUBLIC for the
State of Montana
Residing at Anaconda, Montana
My Commission Expires
January 5, 2019

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)
:ss
County of Carter)

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

Tracey Walker
Notary Public for the State of Montana
Tracey Walker, Clerk of Court
(printed name)
Residing at Ekalaka, Mt 59324
My Commission expires 12/31/2016

I. EDWARD SONDENO
Plaintiff

Date: 07 JULY 2015

STATE OF MONTANA)
:ss
County of Gallatin)

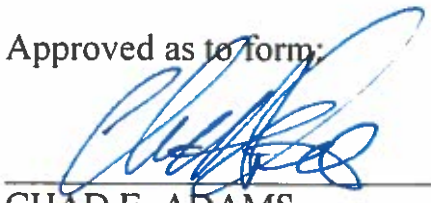
This instrument was acknowledged before me on July 7, 2015, by I. Edward Sondeno.

RICK RADOVICH NOTARIAL SEAL STATE OF MONTANA
RICK RADOVICH
NOTARY PUBLIC for the
State of Montana
Residing at
Bozeman, Montana
My Commission Expires
April 1, 2018

Notary Public for the State of Montana

(printed name)
Residing at
My Commission expires

Approved as to form:



CHAD E. ADAMS
Attorney for Plaintiffs

J. STUART SEGREST
Attorney for Defendants