

Nancy Sweeney
Clerk of District Court

April 11, 2005 3:21 PM

Filed by _____
Deputy Clerk

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

JIM ELLIOTT
Petitioner

VS

THE MONTANA DEPARTMENT OF
REVENUE
Respondent

CDV 2004-777

MONTANA TAXPAYERS' ASSOCIATION
Intervener

This was the time set for the hearing on the Petitioner's motion to obtain public records from the Montana Department of Revenue. Present in Court were the Petitioner with counsel, Peter M. Meloy and Jennifer Hendricks, and Respondent's counsel, David Ohler; and the Intervener's counsel John Alke.

The Intervener's motion to amend response of the Montana Taxpayer's Association was presented with no objection. Court granted the motion.

Counsel moved to exclude witnesses from the Courtroom with the exception of Cindy Utterback and Donald Hoffman. There being no objection, the motion was granted.

Jim Elliott was sworn and testified. Petitioner's Exhibit 1 was offered and objected to, and admitted. Intervener moved the Court to put it under seal. Court will reserve it's ruling. Don Hoffman was duly sworn and testified. Department of Revenue's Exhibit R-10 was offered and admitted. Exhibit R-8 was offered and admitted. Exhibit R-8-11 was offered and admitted. Exhibits R-2, R-4, and R-3 were offered and admitted.

Following a short break, Dan Bucks was duly sworn and testified. Intervener's Exhibits MTA 13 through MTA 16 were offered, objected to and denied. Cindy Anderson Utterback was duly sworn and testified. Intervener's Exhibits MTA 1, MTA 2, MTA 3, were offered and admitted. Exhibit MTA 4 was offered, objected to and denied.

Brian Staley was duly sworn and testified. Intervener's Exhibits MTA 5 through MTA 12 were offered and admitted.

The Court gave the Petitioner's until December 8, 2004, to file opening briefs. Response briefs are due January 3, 2005, and reply briefs are due January 10, 2005.

Oral arguments were scheduled for January 28, 2005 at 9:00 a.m.

THOMAS C. HONZEL
PRESIDING JUDGE

AMENDED MINUTE ENTRY
November 23, 2004

VICKIE PRATT
COURT REPORTER

cc: Peter M Meloy, Esq. and Jennifer Hendricks, Esq.
David Ohler, Esq. Department of Revenue, PO Box 5805,
Helena, MT 59604-5805
John Alke, Esq.

Nancy Sweeney
Clerk of District Court

April 11, 2005 3:19 PM

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MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

JIM ELLIOTT
Petitioner

VS

THE MONTANA DEPARTMENT OF
REVENUE
Respondent

CDV 2004-777

MONTANA TAXPAYERS' ASSOCIATION
Intervener

Per the Honorable Thomas C. Honzel, Exhibit No. 1, Corporate License Tax
Return for 2003, is hereby sealed.

THOMAS C. HONZEL
PRESIDING JUDGE

MINUTE ENTRY
April 11, 2005

VICKIE PRATT
COURT REPORTER

cc: Peter M Meloy, Esq. and Jennifer Hendricks, Esq.
David Ohler, Esq. Department of Revenue, PO Box 5805,
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John Alke, Esq.