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CROWLEY FLECK PLLP IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 07-0356

FILED

DEC 31 2008

OMIMEX CANADA. LTD.,

Plaintiff and Appellant,

v.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

STATE OF MONTANA, DEPARTMENT OF REVENUE,

Defendant and Appellee.

Before this Court are the motions of MEA-MFT and the Montana School Board Association and affiliated organizations, Roosevelt County and the Assiniboine and Sioux tribes, and MACo (Movants) for leave to file amicus curiae briefs in support of the petition for rehearing filed by the Montana Department of Revenue (DOR). Omimex Canada, Ltd. (Omimex) opposes the motions, arguing that Movants' grounds for seeking participation are political rather than legal in nature, and that any interest that Movants may have in this matter is already adequately represented by DOR. We agree with Omimex. Accordingly,

IT IS HEREBY ORDERED that the motions of Movants to participate as amici in the rehearing stage of this matter are DENIED.

IT IS FURTHER ORDERED that the Clerk of this Court serve a copy of this Order upon all counsel of record and upon counsel for the respective Movants.

DATED this 31st day of December, 2008.

Karla M. How
Chief Justice
Patricia Carter

John Warner
W. William Reuther
Jim Rice
Justices

Judge Joe L. Hegel, sitting for Justice James C. Nelson, and Judge Robert L. Deschamps, III, sitting for Justice Brian Morris, concur with this Order.