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Attorney for Plaintiffs

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
YELLOWSTONE COUNTY**

JEFF ENGEL, BRANDON HURST,  
DENNIS COOK, and TOM ZURBUCHEN,

Plaintiff,

v.

COUNTY WATER DISTRICT OF  
BILLINGS HEIGHTS,

Defendant.

Cause No. **D V 2 1 - 0 1 4 9 4**

Judge: **GREGORY R. TODD**

SUMMONS

**THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE-NAMED  
DEFENDANT:**

**COUNTY WATER DISTRICT OF BILLINGS HEIGHTS  
DISTRICT MANAGER  
1540 Popelka Dr.  
Billings, MT 59105**

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this action which is filed in the office of the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Plaintiff's attorney within twenty-one (21) days after service of this Summons, exclusive of the date of service.

In case of your failure to appear or answer, judgment will be taken against you by default,

for the relief demanded in the Complaint.

WITNESS my Hand and Seal of said Court this 10 day of December, 2021.

Terry Halpin, Clerk of District Court

By: PAM OWENS  
Deputy Clerk

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CLERK OF THE  
DISTRICT COURT  
TERRY HALPIN  
2021 DEC 10 A 9:04  
FILED  
BY \_\_\_\_\_  
DEPUTY

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PLAINTIFFS' COMPLAINT  
JURY TRIAL DEMANDED

**General Allegations**

1. Plaintiffs Jeff Engel, Brandon Hurst, and Dennis Cook are board members for the Billings Heights Water District.
2. Plaintiff Tom Zurbuchen is a resident who receives services from the Billings Heights Water District.
3. Defendant County Water District of Billings Heights ("District") is a county water district located in Yellowstone County, Montana and is duly incorporated.
4. This Court has jurisdiction over this matter and venue is proper.

5. On November 29, 2021 the District held a meeting not in conformance with its operating rules and without providing proper notice.

6. Further the District failed to properly furnish an agenda to the public and to Tom Zurbuchen which would have enabled him to participate in the public meeting.

7. District's actions were made in violation of the provisions of Montana Code Annotated, Title 2, Chapter 3.

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**JURY TRIAL DEMANDED**

**Prayer for Relief**

**WHEREFORE**, Plaintiff prays for Judgment as follows:

1. Any actions taken by the District on November 29, 2021 be declared void;
2. For such costs of suit, fees, such other and further relief as the Court deems just in equity and law on the facts established in this cause;
3. Attorney's fees; and
4. For such other relief as the Court deems just and proper.

**DATED** this 9th day of December 2021.

**TOLLIVER LAW FIRM, P.C.  
P.O. Box 1913  
Billings, MT 59103-1913**

By: \_\_\_\_\_

  
Tyler T. Dugger  
Attorney for Plaintiff