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5 COUNSEL FOR STATE OF MONTANA

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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF MONTANA NATIONAL CLEARING HOUSE
FOR LEGAL SERVICES, INC.

10 HELENA DIVISION

11	SHIRLEY SMALL, et al.,)	
12)	Cause No. CV-96-49-i4-CCL
13	Plaintiffs,)	
14	v.)	DEFENDANTS' MOTION FOR
15	STATE OF MONTANA, et al.,)	PARTIAL JUDGMENT ON
16	Defendants.)	THE PLEADINGS

17 Defendants hereby move this Court for partial judgment on
18 the pleadings pursuant to Fed. R. Civ. P. 12(c). This motion
19 is made because there is no genuine issue of material fact with
20 respect to the matters at issue in this motion as they are set
21 out in the pleadings.

22 The Defendants request partial judgment on the pleadings
23 and ask this Court to specifically declare that Plaintiffs are
24 not and will not be entitled to an order of this Court: (1)
25 declaring unlawful the issuance of bonds and the mortgage loan
26 transaction between Defendants to finance the reconstruction of
27 Montana State Hospital (MSH); (2) enjoining the Montana Health

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1 facility Authority (MHFA) from issuing bonds to finance the
2 reconstruction of MSH; (3) enjoining MHFA and the Department of
3 Public Health and Human Services (DPHHS) from entering into a
4 mortgage loan agreement to finance the reconstruction of MSH;
5 or (4) directing DPHHS to make any modification in its existing
6 system of mental health services that would constitute a
7 fundamental alteration of the nature of the service, program,
8 or activity provided.

9 DATED this 20th day of August, 1996.

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COUNSEL FOR STATE DEFENDANTS

BY:


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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the **foregoing** Defendants' Motion for Partial Judgment on the Pleadings to be mailed to:

Lonnie J. Olson, Esq.
Allen Smith, Jr., Esq.
Kaire Gallagher, Esq.
C.J. Lassila, Esq.
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DATED: August 20, 1996 Leulbey D. Hadeeg