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WC-0001-C-2021

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Montana Water Court

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ATTORNEYS FOR OBJECTORS
WILLIAM SEGO AND BILL & IRENE, LLC,
AND GRACE SLACK

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES –
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

**REQUEST FOR ORAL ARGUMENT ON BEHALF OF OBJECTORS
WILLIAM SEGO, BILL & IRENE LLC, AND GRACE SLACK**

Objectors William Sego and Bill & Irene, LLC and Grace Slack (together with Sego, the “Sego/Slack Objectors”) submit their request for oral argument pursuant to this Court’s Order dated September 24, 2024, Mont. R. Civ. Pro. 56(c)(2)(A)-(B), and Mont. U. D. C. R. 2(d), as follows:

I. INTRODUCTION

By Order dated September 24, 2024, the Court set a deadline of October 4, 2024 for parties to request oral argument on pending motions. Court Minutes and Order Modifying Briefing Schedule, September 24, 2024, at 2. The Order also states that the Court may identify parties and issues for oral argument independent of any requests for oral argument filed. *Id.* Under Mont. R. Civ. Pro. 56(c)(2)(A), “the right to a hearing is waived unless a party requests a hearing within 14 days after the time for filing a reply brief has expired.” The Court may also order a hearing under Rule 56 upon its own motion. Mont. R. Civ. Pro. 56(c)(2)(B). Under Mont. U. D. C. R. 2(d), “the court may order oral argument sua sponte or upon application of a party for good cause shown.”

II. ARGUMENT

Request for Hearing: The time to request a hearing under Mont. R. Civ. Pro. 56(c)(2)(A) has not yet elapsed. Reply briefs have not been filed, so Sego/Slack Objectors have not waived their right to request a hearing under Rule 56. Additionally, good cause exists for oral argument under Mont. U. D. C. R. 2(d) because Sego/Slack Objectors have raised constitutional issues arising under both federal and Montana law, demonstrating that the Compact will have serious and far-reaching impacts. Further, holding a hearing and providing parties the opportunity for oral argument would help clarify the issues for presentation to and decision by the Court. Specifically, oral argument would demonstrate for the Court the issues of disputed fact which preclude summary judgment under Mont. R. Civ. Pro. 56, as well as provide the opportunity to resolve the legal issues currently presented to the Court and the ultimate determination of whether a trial is necessary to resolve the issues raised in the numerous and substantiated objections to the preliminary decree.

Accordingly, Sego/Slack Objectors request oral argument on the issues below.

Topics for Oral Argument at Hearing: As set out in their Motion and Brief in Support of Motion for Entry of Summary Judgment on Legal Issues dated July 10, 2024, Sego/Slack Objectors request oral argument on these issues:

1. The Compact does not adequately quantify the CSKT's water rights.
2. The Compact violates the Objectors' due process rights.
3. The Compact unconstitutionally strips the Montana state courts of jurisdiction.
4. The State Legislature did not have the authority to create a Board that is not accountable to Montana's Executive Branch.
5. The Compact improperly adopts a special or local act.
6. The implementation of the Compact results in uncompensated takings of Montana citizens' property interests in their water rights, in violation of the Fifth Amendment to the United States Constitution.

Timing/Order of Issues for Presentation on November 14 and 15, 2024:

Additionally, Sego/Slack Objectors inform the Court that one of the attorneys representing the Sego/Slack Objectors, Murray Feldman, is available for oral argument only on Thursday, November 14, 2024. Mr. Feldman planned to argue part of the argument related to items 4 and 5, above ("The State Legislature did not have the authority to create a Board that is not accountable to Montana's Executive Branch" and "The Compact improperly adopts a special or local act"), at the hearing. Thus, to the extent that the Court determines to hear argument on these issues, Sego/Slack Objectors respectfully request that the Court hear argument on these issues on November 14.

III. CONCLUSION

WHEREFORE, for the reasons stated herein, Sego/Slack Objectors ask that their request for oral argument be granted.

Dated this 2nd day of October, 2024.

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CERTIFICATE OF SERVICE

This is to certify that the foregoing was served to the following persons as noted below, on the date herein.

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Dated this 2nd day of October, 2024.

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