

Hon. Shane A. Vannatta
District Court Judge, Dept. 5
Missoula County Courthouse
200 W Broadway St
Missoula, MT 59802-4292
(406) 258-4765

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

SARA BERNDT and BRYAN
BERNDT, on behalf of their child,
M.B.,

Plaintiffs/Petitioners,

vs.

THE MONTANA DEPARTMENT OF
JUSTICE, MOTOR VEHICLE
DIVISION, DRIVER SERVICES
BUREAU; REBECCA CONNORS,
individually and in her capacity as the
Bureau Chief of the Montana Motor
Vehicle Division; and LAURIE
BAKRI, individually and in her
capacity as Administrator of the
Montana Motor Vehicle Division;
AMY L.N.U., individually and in her
capacity as an employee of the
Missoula Branch of the Montana Motor
Vehicles Division; MARK L.N.U.,
individually and in his capacity as the
supervisor of the Missoula Branch of
the Montana Motor Vehicles Division,

Defendants/Respondents.

Dept. 5

Cause No.: DV-32-2024-637

ORDER & RATIONALE GRANTING
PETITIONERS' ATTORNEYS' FEES
AND COSTS

This matter comes before the Court upon *Petition for Attorney Fees and
Costs* ("Petition") (Dkt # 47) filed December 15, 2025, and the *Addendum to*

Petition for Attorney Fees and Costs (“Addendum”) (Dkt # 56) filed on February 19, 2026. Respondents identified in the caption (collectively “DOJ”) filed a Response on March 10, 2026. (Dkt # 58). On March 12, 2026, Petitioners, identified in the caption, filed a Reply and Notice of Issue. (Dkt # 59).

The Court has considered the record before it, deems the matter submitted for ruling, and enters the following Order.

ORDER

Based upon the Rationale below, IT IS HEREBY ORDERED that the Petition and Addendum are GRANTED; pursuant to [Mont. Code Ann. § 49-2-505\(8\)](#), the DOJ SHALL PROMPTLY PAY to Petitioners \$73,371.13 (\$65,721.13 + \$7,650) in attorney fees and costs.

RATIONALE

It is within this Court’s discretion to allow reasonable attorney fees and costs to the party prevailing in a Human Rights Bureau contested case. [Mont. Code Ann. § 49-2-505\(8\)](#). “[T]he Montana Human Rights Act is closely modeled after Title VII, and reference to pertinent federal case law is both useful and appropriate.” [Laudert v. Richland Cnty. Sheriff’s Dep’t, 2000 MT 218, ¶ 49, 301 Mont. 114, 127-28, 7 P.3d 386, 395](#) (citation omitted). In construing Mont. Code Ann. § 49-2-505, the Montana Supreme Court referred to federal decisions interpreting 42 U.S.C. § 1988 for guidance. *Id.* Under that law, “a prevailing plaintiff should ordinarily recover an attorney’s fee ‘unless special circumstances would render such an award unjust.’” *Id.* (citation omitted). The policy underlying

the award for attorney fees in Mont. Code Ann. § 49-2-505 “is to encourage the filing of ‘meritorious civil rights litigation.’” [Id.](#), ¶ 56 (citation omitted).

The Montana Supreme Court has approved the lodestar approach to determine a reasonable attorney fee in human rights actions. [Edwards v. Cascade Cnty.](#), 2009 MT 229, ¶ 18, 351 Mont. 360, 364, 212 P.3d 289, 293. “The lodestar fee amount is calculated by taking the number of hours reasonably expended and multiplying it by a reasonable hourly rate.” [Id.](#) “When the loadstar approach is appropriate to determine a reasonable fee in a human rights action, there is a strong presumption that the lodestar figure represents a reasonable fee.” [Id.](#), ¶ 22.

Petitioners provide affidavits to support the \$65,721.13 requested in the Petition. Exhibit 1 shows the time expended and the hourly rates for a total of \$41,656.13 for A&M Law. Exhibit 2 shows the time expended and the hourly rate for a total of \$19,565 for ACLU of Montana. Exhibit 3 shows the time expended and the hourly rate for a total of \$4,500 for Lone Peak Law Group. Petitioners provide the table in the Addendum (Dkt # 56) to support the \$7,650 of additional fees incurred. The table shows the time expended and the hourly rates for a total of \$7,650.

The DOJ states that it does not contest the hourly rates or time entries of counsel for Petitioners including the final amount asserted for attorney fees. (Dkt # 58).

Petitioners have prevailed in their contested Human Rights Bureau case against the DOJ and there are no special circumstances that would render an award

of attorney fees unjust. The total requested attorney fees and costs of \$73,371.13 (\$65,721.13 + \$7,650) is reasonable.

ELECTRONICALLY SIGNED AND DATED BELOW.

c: Misty D. Gaubatz
Alexander H. Rate
Marthe Y. VanSickle
Austin M. Knudsen/Alwin T. Lansing/Michael D. Russel/Thane P. Johnson/Michael Noonan