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MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

RONALD ALLEN SMITH and WILLIAM GOLLEHON,	)))	
Plaintiffs,	)))	No. BDV-2008-303
-vs-	)))	**MOTION FOR SUMMARY JUDGMENT**
STATE OF MONTANA, DEPARTMENT OF CORRECTIONS; DIRECTOR MIKE BATISTA WARDEN LEROY KIRKEGARD; and JOHN DOES 1-20,	))))))	
Defendants.	))	

Plaintiffs Ronald Allen Smith and William J. Gollehon, by and through their attorneys of record, move the Court pursuant to Rule 56 of the Montana Rules of Civil Procedure for an order granting Summary Judgment in their favor as to their claim that pentobarbital is not an ultra-fast acting barbiturate, as more particularly set forth in the supporting brief of Plaintiffs. Plaintiffs further request that upon granting the Plaintiffs summary judgment, this Court's Preliminary Injunction of November 10, 2010, become permanent, and the State of Montana be permanently enjoined from enforcing the death penalty under MCA §49-19-103.

Dated this 9TH day of March, 2015.

Gough, Shanahan, Johnson & Waterman, PLLP

By: _____ for

Ronald F. Waterman
Attorneys for Plaintiff

Jim Taylor
ACLU of Montana Foundation

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within and foregoing was mailed, postage fully prepaid, on the 9th day of March, 2015, and directed to the following:

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