Sarah McMillan,
Attorney at Law

P.O. Box 7435
Missoula, Montana 59807
Telephone: 406-728-5096
Facsimile: (406) 542-5031
mcmillan@centric.net

July 9, 2007

County Commissioners
James Rokosch
Kathleen Driscoll
Carlotta Grandstaff
215 South Fourth St., Ste A
Hamilton, Montana 59840

BY FAX 375- 6507

RECEIVED

JUL 09 2007

Ravalli County Commissioners

received 4:55 pm.

RE: Bitterrooters for Planning, Phillip Taylor v. Board of County Commissioners of Ravalli County Cause No. DV-07-285

Dear Chairman Rokosch, Commissioners Driscoll and Grandstaff,

I am serving a subpoena on each of you to compel your attendance at the July 16, 2007 hearing at 9 AM in Judge Langton's courtroom on the request for preliminary injunction in the above-captioned cause by mail and facsimile. I am serving your attorney Alan McCormick by hand delivery.

Thank you for your attention on this matter. Should you have any questions, please contact your attorney.

Very truly yours,

Sarah McMillan

Sarah McMillan

Per George
Serve + cc him

Sarah K. McMillan
Attorney at Law
PO Box 7435
Missoula, MT 59807
Telephone: (406) 728-5096
Facsimile: (406) 542-5031

Attorney for Plaintiffs

**MONTANA TWENTY- FIRST JUDICIAL DISTRICT COURT,
RAVALLI COUNTY**

BITTERROOTERS FOR PLANNING, PHILLIP TAYLOR, Plaintiffs; v. THE BOARD OF COUNTY COMMISSIONERS OF RAVALLI COUNTY, a body politic and political subdivision of the State of Montana, Defendant.	Cause No. DV-2007-285 SUBPOENA TO COMPEL ATTENDANCE AT HEARING

TO CARLOTTA GRANDSTAFF, in her official capacity as a Ravalli County Commissioner, 215 South 4th St., Ste A, Hamilton, MT 59840:

Pursuant to Montana Rule of Civil Procedure 45, you are commanded to attend the hearing in the above-captioned matter beginning July 16, 2007 at 9 AM at the Ravalli County Courthouse, Hamilton, Montana, and remaining at such hearing until it is concluded or you are otherwise released from this subpoena, for the purposes of providing testimony in such case.

Rule 45(c). Protection of persons subject to or affected by subpoenas. (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or

1 attorney in breach of this duty an appropriate sanction, which may include, but is not limited to,
2 lost earnings and a reasonable attorney's fee.
3 (2) (A) A person commanded to produce and permit inspection and copying of designated books,
4 papers, documents or tangible things, or inspection of premises need not appear in person at the
5 place of production or inspection unless commanded to appear for deposition, hearing or trial.
6 (B) Subject to subparagraph (d)(2) of this rule, a person commanded to produce and permit
7 inspection and copying, or any person affected thereby, may, within 14 days after service of the
8 subpoena or before the time specified for compliance if such time is less than 14 days after
9 service, serve upon the party or attorney designated in the subpoena written objection to
10 inspection or copying of any or all of the designated materials or of the premises. If objection is
11 made, the party serving the subpoena shall not be entitled to inspect and copy the materials or
12 inspect the premises except pursuant to an order of the court by which the subpoena was issued.
13 If objection has been made, the party serving the subpoena may, upon notice to the person
14 commanded to produce, and to any affected person who has served written objection, move at
15 any time for an order to compel the production. Such an order to compel production shall protect
16 any person who is not a party or an officer of a party from significant expense resulting from the
17 inspection and copying commanded. (3) (A) On timely motion, the court by which a subpoena
18 was issued shall quash or modify the subpoena if it
19 (I) fails to allow reasonable time for compliance; or
20 (ii) requires in the case of a deposition or production prior to hearing or trial, a person to
21 travel beyond the 100 mile radius provided in subparagraph (b)(2) of this rule; or
22 (iii) requires disclosure of privileged or other protected matter and no exception or waiver
23 applies; or
24 (iv) subjects a person to undue burden.
25 (B) If a subpoena
26 (I) requires disclosure of a trade secret or other confidential research, development, or
27 commercial information; or
28 SUBPOENA TO COMPEL ATTENDANCE AT HEARING

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

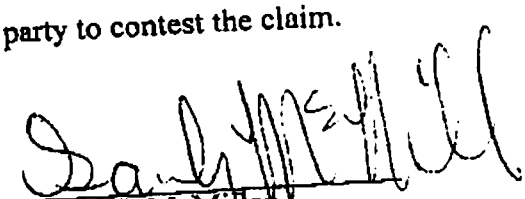
(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

Rule 45(d). Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

DATED this 9th day of July, 2007.



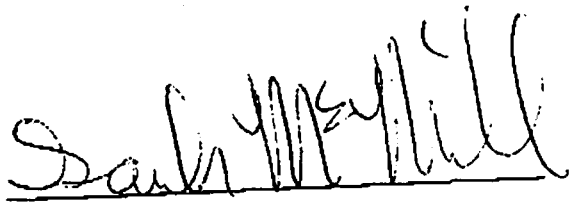
Sarah K. McMillan
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the following document has been served on both Carlotta Grandstaff by fax and mail and hand-delivered to the office of the attorney representing the Board of County Commissioners this 9th day of July, 2007 upon the following by first class mail postage prepaid:

Carlotta Grandstaff
BY FAX:(406) 375-6507
215 South 4th St., Ste A,
Hamilton, MT 59840

Alan F. McCormick
GARLINGTON, LOHN & ROBINSON, PLLP
199 West Pine
Missoula, MT
59802



Sarah K. McMillan
Attorney at Law
PO Box 7435
Missoula, MT 59807
Telephone: (406) 728-5096
Facsimile: (406) 542-5031

Attorney for Plaintiffs

MONTANA TWENTY- FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

BITTERROOTERS FOR PLANNING, PHILLIP TAYLOR, Plaintiffs; v. THE BOARD OF COUNTY COMMISSIONERS OF RAVALLI COUNTY, a body politic and political subdivision of the State of Montana, Defendant.	Cause No. DV-2007-285 SUBPOENA TO COMPEL ATTENDANCE AT HEARING

TO KATHLEEN DRISCOLL, in her official capacity as a Ravalli County Commissioner, 215 South 4th St., Ste A, Hamilton, MT 59840:

Pursuant to Montana Rule of Civil Procedure 45, you are commanded to attend the hearing in the above-captioned matter beginning July 16, 2007 at 9 AM at the Ravalli County Courthouse, Hamilton, Montana, and remaining at such hearing until it is concluded or you are otherwise released from this subpoena, for the purposes of providing testimony in such case.

Rule 45(c). Protection of persons subject to or affected by subpoenas. (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or

1 attorney in breach of this duty an appropriate sanction, which may include, but is not limited to,
2 lost earnings and a reasonable attorney's fee.
3 (2) (A) A person commanded to produce and permit inspection and copying of designated books,
4 papers, documents or tangible things, or inspection of premises need not appear in person at the
5 place of production or inspection unless commanded to appear for deposition, hearing or trial.
6 (B) Subject to subparagraph (d)(2) of this rule, a person commanded to produce and permit
7 inspection and copying, or any person affected thereby, may, within 14 days after service of the
8 subpoena or before the time specified for compliance if such time is less than 14 days after
9 service, serve upon the party or attorney designated in the subpoena written objection to
10 inspection or copying of any or all of the designated materials or of the premises. If objection is
11 made, the party serving the subpoena shall not be entitled to inspect and copy the materials or
12 inspect the premises except pursuant to an order of the court by which the subpoena was issued.
13 If objection has been made, the party serving the subpoena may, upon notice to the person
14 commanded to produce, and to any affected person who has served written objection, move at
15 any time for an order to compel the production. Such an order to compel production shall protect
16 any person who is not a party or an officer of a party from significant expense resulting from the
17 inspection and copying commanded. (3) (A) On timely motion, the court by which a subpoena
18 was issued shall quash or modify the subpoena if it
19 (I) fails to allow reasonable time for compliance; or
20 (ii) requires in the case of a deposition or production prior to hearing or trial, a person to
21 travel beyond the 100 mile radius provided in subparagraph (b)(2) of this rule; or
22 (iii) requires disclosure of privileged or other protected matter and no exception or waiver
23 applies; or
24 (iv) subjects a person to undue burden.
25 (B) If a subpoena
26 (I) requires disclosure of a trade secret or other confidential research, development, or
27 commercial information; or
28 SUBPOENA TO COMPEL ATTENDANCE AT HEARING

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

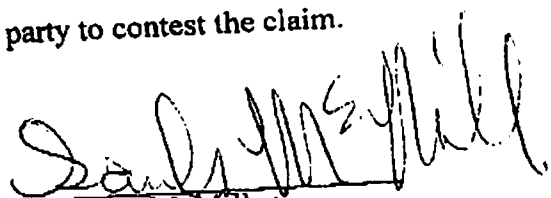
(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

Rule 45(d). Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

DATED this 9th day of July, 2007.



Sarah K. McMillan
Counsel for Plaintiffs

1 CERTIFICATE OF SERVICE

2

3 I hereby certify that a true and correct copy of the following document has been served on both Kathleen Driscoll by fax and mail and hand-delivered to the office of the attorney representing the Board of County Commissioners this 9th day of July, 2007 upon the
4 following by first class mail postage prepaid:

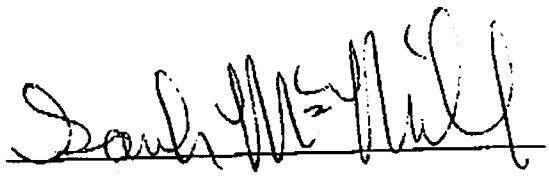
5

6 Kathleen Driscoll
BY FAX:(406) 375-6507
215 South 4th St., Ste A,
7 Hamilton, MT 59840

8

9 Alan F. McCormick
GARLINGTON, LOHN & ROBINSON, PLLP
199 West Pine
10 Missoula, MT
59802

11

12 

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Sarah K. McMillan
Attorney at Law
PO Box 7435
Missoula, MT 59807
Telephone: (406) 728-5096
Facsimile: (406) 542-5031

Attorney for Plaintiffs

MONTANA TWENTY- FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

BITTERROOTERS FOR PLANNING, PHILLIP TAYLOR, Plaintiffs; v. THE BOARD OF COUNTY COMMISSIONERS OF RAVALLI COUNTY, a body politic and political subdivision of the State of Montana, Defendant.	Cause No. DV-2007-285 SUBPOENA TO COMPEL ATTENDANCE AT HEARING AND TO PRODUCE DOCUMENTS FOR INSPECTION RELATING TO ANY DISCUSSIONS AND/OR MEETINGS OF THE COMMISSIONERS' ADDRESSING THE SETTLEMENT AGREEMENT

TO JAMES ROKOSCH, in his official capacity as a Ravalli County Commissioner, 215 South 4th St., Ste A, Hamilton, MT 59840:

Pursuant to Montana Rule of Civil Procedure 45, you are commanded to attend the hearing in the above-captioned matter beginning July 16, 2007 at 9 AM at the Ravalli County Courthouse, Hamilton, Montana, and remaining at such hearing until it is concluded or you are otherwise released from this subpoena, for the purposes of providing testimony in such case. In addition, you are commanded to bring any email or other communication and meeting minutes or other documentation of all Commissioners' discussions regarding the Lords settlement agreement at issue in this litigation.

Rule 45(c). Protection of persons subject to or affected by subpoenas. (1) A party or an

1 attorney responsible for the issuance and service of a subpoena shall take reasonable steps to
2 avoid imposing undue burden or expense on a person subject to that subpoena. The court on
3 behalf of which the subpoena was issued shall enforce this duty and impose upon the party or
4 attorney in breach of this duty an appropriate sanction, which may include, but is not limited to,
5 lost earnings and a reasonable attorney's fee.
6 (2) (A) A person commanded to produce and permit inspection and copying of designated books,
7 papers, documents or tangible things, or inspection of premises need not appear in person at the
8 place of production or inspection unless commanded to appear for deposition, hearing or trial.
9 (B) Subject to subparagraph (d)(2) of this rule, a person commanded to produce and permit
10 inspection and copying, or any person affected thereby, may, within 14 days after service of the
11 subpoena or before the time specified for compliance if such time is less than 14 days after
12 service, serve upon the party or attorney designated in the subpoena written objection to
13 inspection or copying of any or all of the designated materials or of the premises. If objection is
14 made, the party serving the subpoena shall not be entitled to inspect and copy the materials or
15 inspect the premises except pursuant to an order of the court by which the subpoena was issued.
16 If objection has been made, the party serving the subpoena may, upon notice to the person
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23 (ii) requires in the case of a deposition or production prior to hearing or trial, a person to
24 travel beyond the 100 mile radius provided in subparagraph (b)(2) of this rule; or
25 (iii) requires disclosure of privileged or other protected matter and no exception or waiver
26 applies; or
27 (iv) subjects a person to undue burden.
28 SUBPOENA TO COMPEL ATTENDANCE AT HEARING and produce Documents

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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DATED this 9th day of July, 2007.

Sarah K. McMillan
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

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James Rokosch
BY FAX:(406) 375-6507
215 South 4th St., Ste A,
Hamilton, MT 59840

Alan F. McCormick
GARLINGTON, LOHN & ROBINSON, PLLP
199 West Pine
Missoula, MT
59802

Sarah McMillan