

Exhibit

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FILED

MAY 15 2014

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MARK WANDERING MEDICINE,
HUGH CLUB FOOT, CHARLES BEAR
COMES OUT, WINFIELD RUSSELL,
JAMES DAY CHILD, WOODROW
BRIEN, SARAH STRAY CALF,
MARTY OTHER BULL, NEWLYN
LITTLE OWL, DONOVAN
ARCHAMBAULT, ED MOORE, PATTY
QUISNO, and MICHAEL D. FOX,

Plaintiffs,

vs.

LINDA MCCULLOCH in her official
capacity as Montana Secretary of State,
GERALDINE CUSTER, in her official
capacity of Rosebud County Clerk and
Recorder, Rosebud County, ROBERT E.
LEE, DOUGLAS D. MARTENS, and ED
JOINDER, in their official capacity as
members of the County Board of
Commissioners for Rosebud County,
Montana, SANDRA L. BOARDMAN, in
her official capacity of Blaine County
Clerk and Recorder, Blaine County,
CHARLIE KULBECK, M. DELORES
PLUMMAGE and FRANK DEPRIEST in
their official capacity as members of the
County Board of Commissioners for
Blaine, County, Montana, DULCE BEAR

CV 12-135-BLG-DWM

ORDER

DON'T WALK, in her official capacity of Big Horn County Election Administrator, Big Horn County, SIDNEY FITZPATRICK, JR., CHAD FENNER, JOHN PRETTY ON TOP, in their official capacity as members of the County Board of Commissioners for Big Horn County, Montana and KIMBERLY YARLOTT, in her official capacity of Big Horn County Clerk and Recorder, Big Horn County,

Defendants.

The Court finds that there are factual issues the prevent summary disposition of this matter. Specifically, the parties dispute whether Plaintiffs have less opportunity to elect candidates of their choice, the impact travel distance has on voting, the Defendants' responsiveness to the needs of Plaintiffs, and the basis for County Defendants' denial of the requested relief. These factual disputes implicate the totality of the circumstances analysis the Court must perform under the Voting Rights Act, as well as Defendants' alleged discriminatory intent and justification for their conduct under the Equal Protection Clause. In light of these factual disputes, both parties' motions (Docs. 159 and 163) are denied as they relate to Plaintiffs' substantive claims. The parties may, if appropriate, raise brief objections on the grounds discussed in their respective briefs at trial, as the Court is familiar with the arguments and the case law.

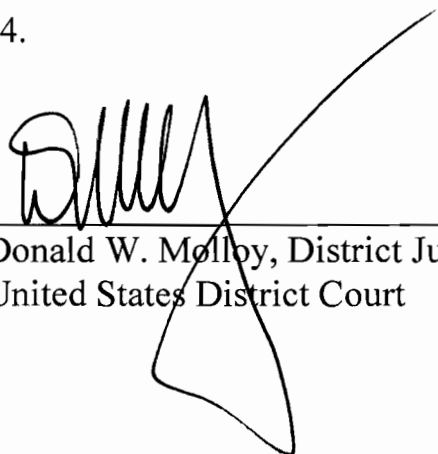
Plaintiffs have sufficiently alleged standing on their claim for late registration, therefore, County Defendants' motion for summary judgment as to those claims is also denied.

Finally, Defendant Kimberly Yarlott will be dismissed from this action as she has no election authority or responsibility and Plaintiffs do not object. (Pls.' Resp., Doc. 199 at 30.)

Accordingly, IT IS ORDERED that Plaintiffs' motion for summary judgment (Doc. 159) is DENIED.

IT IS FURTHER ORDERED that County Defendants' motion for summary judgment (Doc. 163) is GRANTED IN PART and DENIED IN PART. It is GRANTED to the extent that Defendant Yarlott is dismissed from this action. It is DENIED in all other respects. The caption going forward shall reflect this change.

Dated this 15th day of May, 2014.



Donald W. Molloy, District Judge
United States District Court