

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 06-0634

MONTANANS FOR JUSTICE: VOTE NO ON
CI-98; NOT IN MONTANA: CITIZENS AGAINST
CI-97 AND PROPERTY OWNERS AGAINST I-154,

Plaintiffs,

v.

STATE OF MONTANA by and through BRAD
JOHNSON in his capacity as Secretary of State;
MONTANANS IN ACTION, a Montana Corporation,
CITIZENS RIGHT TO RECALL MONTANA,
PROTECT OUR HOMES MONTANA, STOP
OVER SPENDING MONTANA, Political Ballot
Committees, and TREVIS BUTCHER,

Defendants,

KENDALL COX, ERVIN J. HANKS, and
ROBERT G. COOPER, Individually,

Intervenors.

FILED

OCT 02 2006

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

On September 15, 2006, we issued our Order setting forth an expedited briefing schedule in this cause number. Appellants timely filed their opening brief on appeal on September 25, 2006. Respondents timely filed their answer brief on September 29, 2006.

On September 29, 2006, Respondents also moved this Court to supplement the record or, in the alternative, to take judicial notice of a "retabulation" prepared by the Secretary of State during the pendency of this appeal. Respondents' answer brief contains the information on which the motion to supplement or to take judicial notice is based. Appellants filed an objection to the motion on the same day; the objection

contains arguments in opposition to the motion and also an argument that, if this Court allows Respondents to supplement the record, Appellants be allowed to do the same.

~~The Court having considered the matter fully,~~

IT IS ORDERED that the motion to supplement or, in the alternative, to take judicial notice is DENIED;

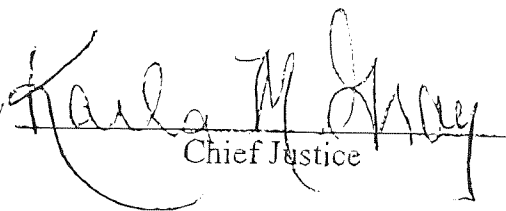
IT IS FURTHER ORDERED that, no time being available for a motion to strike and the Court having determined that, having denied the motion, it will not consider the matters inappropriately included in Respondents' brief, Appellants shall not respond to the matters inappropriately included in Respondents' answer brief; and

IT IS FURTHER ORDERED that the parties shall refrain from filing any motion not critical to a prompt consideration and determination by this Court of the expedited appeal, and the Court will not consider any motion not accompanied by a proposed order.

The Clerk is directed to give immediate electronic notice of this Order to all counsel of record, followed by notice by mail.

DATED this 2nd day of October, 2006.

For the Court,

By 
Chief Justice