FILED
03/03/2025
Tammy Helmuth
CLERK
Dawson County District Court
STATE OF MONTANA
By: Tammera Helmuth
DV-11-2025-0000007-OC
Rieger, Olivia
3.00

John T. Hrubes
Attorney at Law
218 W. Bell Street, #209
Glendive, MT 59330
Glendive City Attorney

MONTANA SEVENTH JUDICIAL DISTRICT COURT
DAWSON COUNTY

TERESEA OLSON, Petitioner, And CITY OF GLENDIVE, Respondent.	**CAUSE NO. DV 11-2025-007-OC** *Hon. Olivia Rieger*

RESPONSE TO COMPLAINT TO ENFORCE CONSTITUTIONAL RIGHT TO KNOW

COMES NOW, the Respondent City of Glendive, by and through John T. Hrubes, Glendive City Attorney, and responds in opposition to Petitioner's Complaint as follows:

PARTIES AND JURISDICTIONAL STATEMENT

1. The Respondent admits Petitioner's statements as to who the parties are; that Jurisdiction exists; and that Venue is appropriate in this matter.

FACTUAL BACKGROUND

2. Respondent admits Petitioner's counsel sent a request for information in May of 2024, and that the information requested is the same that is listed on pages 2 through 6 of Petitioner's Complaint.

3. Respondent admits that that there was email correspondence between counsel for Petitioner and Mayor Deb Dion in regards to these requests, but denies that the examples listed in the Complaint are the entirety of the email communications between the two.

4. Requests were made by the City to counsel to clarify what specifically was being asked, as roughly 2.5 years of communications from multiple individuals and sources would be unduly burdensome to acquire for an office as small as the one at the City of Glendive. No specification has been given to the City of Glendive as of the date of this Response.

5. The City admits that the requested records have not been made available to Petitioner or her counsel as of the date of this Response.

6. The City has never made a statement of any kind that it was or would be denying the request made by Petitioner.

7. Pursuant to MCA § 2-6-1006(3)(c), the City was waiting for the specific clarification and narrowing of the unduly burdensome initial information request that was made.

8. There has been no known contact by Petitioner or her counsel with the City regarding this matter in any way, shape, or method since July 17, 2024.

9. The City does not have enough information to admit or deny the statements contained in sections 3.6 or 3.7 of the Complaint.

10. The City denies that it has denied Petitioner access to Glendive public records.

11. The City denies that it has not published procedures for processing a public records request, as even a cursory visit to the Forms section of the City of Glendive website clearly provides this information. The City instituted this section prior to the statutory deadline in November, 2024.

12. The City denies it has violated the constitution or open government statutes.

13. The City denies that it should be Ordered to make anything available, until Petitioner makes specific clarifications that render the requests not unduly burdensome on the City.

14. The City denies that it should be Ordered to pay any of Petitioner's attorney's fees or costs.

WHEREFORE, the Respondent respectfully requests:

1. That this Court deny all of Petitioner's claims for relief;

2. That Petitioner be Ordered to provide specific clarification to render her information requests not unduly burdensome on the City, so that the City may provide the appropriate information requested;

3. For such other and further relief as this Court deems just and proper.

STATE OF MONTANA)
)
COUNTY OF DAWSON)

I, **JOHN T. HRUBES**, Glendive City Attorney, being first duly sworn, upon oath, depose and state that the facts and matters contained therein are true, accurate, and complete to the best of my knowledge and belief.

DATED this 3rd day of March, 2025.

John T. Hrubes
Attorney for Respondent

SUBSCRIBED AND SWORN to before me this 3rd day of March, 2025.

DALLAS MITCHELL
NOTARY PUBLIC for the
State of Montana
Residing at Glendive, Montana
Commission #: 20220573
My Commission Expires
March 30, 2026

(SEAL)

Dallas Mitchell
Notary Public for the State of Montana
Printed: Dallas Mitchell

CERTIFICATE OF SERVICE

I, John T. Hrubes, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Response First Appearance to the following on 03-03-2025:

Joan K. Mell (Attorney)
P.O. Box. 576
Hamilton MT 59840
Representing: TERESEA L OLSON
Service Method: eService

Electronically Signed By: John T. Hrubes
Dated: 03-03-2025