

December 31 2012

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

1 Richard A. Reep, Esq.
2 REEP, BELL & LAIRD, P.C.
3 2955 Stockyard Road
4 P.O. Box 16960
5 Missoula, Montana 59808-6960
6 Telephone: (406) 541-4100
7 Facsimile: (406) 541-4101
8 Attorneys for Appellant

FILED

DEC 31 2012

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

8 IN THE SUPREME COURT OF THE STATE OF MONTANA
9 Supreme Court Cause No. DA-12-0484

10 LARRY COLEMAN,)
11 Appellant,) **RESPONSE TO MOTION TO STRIKE**
12 vs.)
13 THE STATE OF MONTANA, acting by and)
14 through THE MONTANA DEPARTMENT)
15 OF TRANSPORTATION,)
16 Appellee.)

15 COMES NOW, Appellant and for his response to Appellee's Motion to
16 Strike states as follows:
17

18 While not pertinent to the decision before this Court, it is the
19 recollection of Larry Coleman, Appellant herein, that the testimony at the
20 time of hearing included the facts specified in Footnote No. 1.

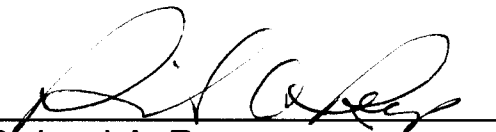
21 Nevertheless, with no record, those facts appear to be in dispute.

22 However, a proper decision in this case does not hinge upon the nature of
23 the modification to the feed truck but rather the timing of the modifications.
24

1 It appears to clearly be the position of Appellee that modification or not,
2 only the original design is considered.

3 DATED this 27th day of December, 2012.

4 REEP, BELL & LAIRD, P.C.

5
6 By: 
7 Richard A. Reep
8 Attorneys for Appellant

9 CERTIFICATE OF SERVICE

10 I, the undersigned, do hereby certify that on the 27th day of December, 2012, a
11 true and correct copy of the foregoing was served upon the following as indicated:

12 <input checked="" type="checkbox"/> U.S. Mail	Eli Z. Clarkson
<input type="checkbox"/> Hand Delivery	Special Assistant Attorney General
<input type="checkbox"/> Federal Express	Montana Department of Transportation
<input type="checkbox"/> Facsimile	P.O. Box 201001
<input type="checkbox"/> Certified Mail, Return Receipt Requested	Helena, Montana 59620-1001

15
16 