

Stephen R. Brown  
Brian J. Smith  
Elena J. Zlatnik  
GARLINGTON, LOHN & ROBINSON, PLLP  
350 Ryman Street • P.O. Box 7909  
Missoula, MT 59807-7909  
Telephone: (406) 523-2500  
Telefax: (406) 523-2595  
srbrown@garlington.com; bjsmith@garlington.com;  
ejzlatnik@garlington.com

Attorneys for Imperial Oil Resources Ventures Limited

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

COUNTY OF MISSOULA, NATIONAL  
WILDLIFE FEDERATION, MONTANA  
ENVIRONMENTAL INFORMATION  
CENTER, MONTANA CHAPTER OF  
THE SIERRA CLUB,

Plaintiffs,

v.

MONTANA DEPARTMENT OF  
TRANSPORTATION, an agency of the  
State of Montana, and JIM LYNCH, in  
his capacity as Director of Montana  
Department of Transportation,

Defendants,

IMPERIAL OIL RESOURCES  
VENTURES LIMITED,

Defendant-Intervenor.

Cause No. DV-11-424

Hon. Ray J. Dayton

**DEFENDANT-INTERVENOR  
IMPERIAL OIL'S MOTION TO  
DISMISS**

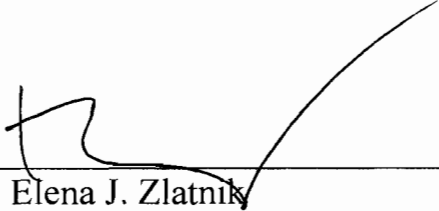
Defendant-Intervenor Imperial Oil Resources Ventures Limited (“Imperial”) moves the Court for its order dismissing this action for the reason that the Plaintiffs do not have standing to assert their claims and their Complaint fails to state claims upon which relief can be granted. The grounds for dismissal are set forth in Imperial’s Brief in Support filed concurrently. Pursuant to Local Rule 3(G)(2), Imperial’s counsel certifies that they have contacted all counsel and they oppose this motion.

DATED this 9<sup>th</sup> day of May, 2011.

Attorneys for Imperial Oil Resources Ventures Limited:

GARLINGTON, LOHN & ROBINSON, PLLP  
350 Ryman Street • P.O. Box 7909  
Missoula, MT 59807-7909  
Telephone: (406) 523-2500  
Telefax: (406) 523-2595

By



Elena J. Zlatnik

## CERTIFICATE OF SERVICE

I, the undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Imperial Oil Resources Ventures Limited, hereby certify that on this 9th day of May, 2011, a copy of the foregoing document was served on the following persons by the following means:

\_\_\_\_\_ Hand Delivery  
\_\_\_\_\_ 1-9 Mail  
\_\_\_\_\_ Overnight Delivery  
\_\_\_\_\_ Fax  
\_\_\_\_\_ E-mail

1. Fred Van Valkenburg  
Missoula County Attorney  
D. James McCubbin, Deputy  
200 W. Broadway  
Missoula, MT 59802  
jmccubbin@co.missoula.mt.us

Attorneys for Missoula County

3. Robert Gentry  
Robert Gentry Law, PLLC  
114 W. Pine  
Missoula, MT 59802  
Robert@robertgentrylaw.com

Attorneys for Montana Environmental  
Information Center and Sierra Club

5. Summer Nelson  
Summer Nelson Law Office, PLLC  
114 W. Pine  
Missoula, MT 59802  
summer@summernelsonlaw.com

Attorneys for Montana Environmental  
Information Center and Sierra Club

2. Thomas France  
National Wildlife Federation  
240 North Higgins, Suite 2  
Missoula, MT 59802  
france@nwf.org

Attorneys for National Wildlife  
Federation

4. Sarah K. McMillan  
Western Environmental Law Center  
P.O. Box 7435  
Missoula, MT 59807-7435  
mcmillan@westernlaw.org

Attorneys for Montana Environmental  
Information Center and Sierra Club

6. David L. Ohler  
Valerie Wilson  
Legal Services  
MT Department of Transportation  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620-1001  
dohler@mt.gov; valwilson@mt.gov

Attorneys for Montana Department of  
Transportation and Jim Lynch

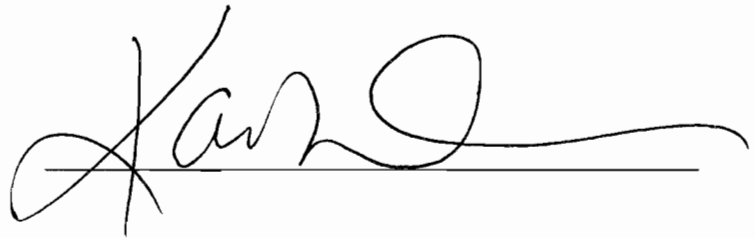
7. Ryan W. Sudbury  
Sudbury Law Office, PLLC  
405 S. 1st St. W.  
Missoula, MT 59801  
sudburylawoffice@gmail.com

Attorneys for Amicus Curiae Applicant  
Nez Perce Tribe

8. Ranald McDonald, Managing Attorney  
John Harrison, Staff Attorney  
Tribal Legal Department  
Confederated Salish and Kootenai  
Tribes of the Flathead Reservation  
P.O. Box 278  
Pablo, MT 59855

Attorneys for Amicus Curiae  
Applicant Confederated Salish and  
Kootenai Tribes of the Flathead  
Reservation

9. Honorable Ray J. Dayton  
800 S. Main St.  
Anaconda, MT 59711  
rdayton@mt.gov

A handwritten signature in black ink, appearing to read "Ray J. Dayton", is written over a horizontal line. The signature is cursive and stylized.