

No. DA 23-0125

2023 MT 207N

Jada Ku

v.

Great Falls College Montana State University

In the Supreme Court of the State of Montana, Honorable Judges, Ingrid Gustafson, Mike McGrath, Beth Baker, James Jeremiah Shea, and Dirk M. Sandefur.

APPENDIX

Jada Ku

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Date: December 18, 2023
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Jada Ku - Petitioner

v.

Great Falls College Montana State University

Appendix Sequence	Filed	Text	<u>Judge</u>
A	02/03/2023	Order to Dismiss The Montana Eighth Judicial District Court, Cascade County.	John Parker
B	10/31/2023	Final Judgment of the Supreme Court of the State of Montana.	Ingrid Gustafson, Mike McGrath, Beth Baker, James Jeremiah Shea, Dirk M. Sandefur
C	11/16/2023	Notice of Filing Remittitur	The Supreme Court of the State of Montana

*Jada Ku - Plaintiff/Appellant, Great Falls College Montana State University
School - Defendant/Appellee.

Appendix A

MONTANA EIGHTH JUDICIAL DISTRICT, CASCADE COUNTY

JADA KU)	CASE NO. ADV 20-0380 (D)
Plaintiff,)	
)	
v.)	ORDER TO DISMISS
)	
)	
GREAT FALLS COLLEGE)	
MONTANA STATE UNIVERSITY)	
Defendant.)	
_____)	

Defendant, Great Falls College, moved to dismiss Plaintiff Jada Ku's Amended Complaint for discrimination, harassment, intimidation and breach of confidence in Case No. ADV 20-0380 for lack of subject matter jurisdiction under Rule 12(b)(1), M. R. of Civ. P. and for failure to state a claim under Rule 12(b)(6), M. R. of Civ. P. For the reasons set forth below, Defendant's motion is hereby GRANTED and Plaintiff's Amended Complaint is dismissed with prejudice.

I. PLAINTIFF FAILS TO STATE A CLAIM AGAINST DEFENDANT AND THIS COURT LACKS SUBJECT-MATTER JURISDICTION TO HEAR PLAINTIFF'S CLAIMS

a. Standard of Review

When considering a Rule 12(b)(6) motion to dismiss, the Court should construe Plaintiff's Complaint in the light most favorable to plaintiff and all allegations of fact should be taken as true. *See Pederson v. Rocky Mountain Bank*, 2012 MT 48, ¶ 8, 364 Mont. 258, 272 P.3d 663 (citation omitted). A motion to

dismiss for failure to state a claim is appropriate "if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief." *Id.* The sufficiency of the complaint governs this Court's analysis of the instant motion. *Cowan v. Cowan*, 2004 MT 97, ¶ 10, 321 Mont. 13, 89 P.3d 6. The sufficiency of the complaint presents a legal question for the Court. *Id.*; *Jones v. Montana Univ. Sys.*, 2007 MT 82, ¶ 15, 337 Mont. 1, 7, 155 P.3d 1247, 1252. "The liberal notice pleading requirements of M. R. Civ. P. 8(a) and 12(b)(6) do 'not go so far to excuse omission of that which is material and necessary in order to entitle relief,' and the 'complaint must state something more than facts which, at most, would breed only a suspicion' that the claimant may be entitled to relief." *Puryer*, ¶ 12 (quoting *Jones v. Mont. Univ. Sys.*, 2007 MT 82, ¶42).

Similarly, Rule 12(b)(1), M.R.Civ.P., allows for dismissal when the Court lacks subject-matter jurisdiction. When reviewing such a claim, the court takes all allegations of fact by the nonmoving party as true. *Kingston v. Ameritrade, Inc.*, 2000 MT 269, ¶ 9, 302 Mont. 90, 12 P.3d 929 (citation omitted). Whether a court has jurisdiction over a case is a conclusion of law. *Id.*

Whether a complaint states a claim in light of an expired statute of limitations presents a question of law. *Williams v. Zortman Min., Inc.*, 275 Mont.

510, 512, 914 P.2d 971, 973 (1996). In these analyses, the allegations of the complaint at issue are taken as true. *Id.*

b. Plaintiff's Amended Complaint

Plaintiff filed her Amended Complaint against Defendant on December 1, 2020. Plaintiff's Amended Complaint states four causes of action against Defendant including "1. Breach of Confidence;" "2. Discrimination of my mental Disability;" "3. Intimidation;" and "4. Harassment." (Amended Complaint pp. 1-2.) For relief, Plaintiff requests to be heard in person by this Court and "to see Great Falls College to pay for all my mental, physical and financial damages." (*Id.* p. 2.) She also asks that 18 individuals whom she identifies as employees of Defendant be "dismissed/fired" and requests a public apology. (Remedy Requested attached to Amended Complaint pp. 1-2.) Incorporated with her Amended Complaint in alleged substantiation of her causes of action are 13 handwritten pages of an Amended Complaint Affidavit.

The crux of Plaintiff's allegations against Defendant appears to be that Plaintiff believes that Defendant's employees allegedly discriminated against her between March and May 2019 because of her claimed mental disability by disrupting her diary writing when they made noise near her or observed her with a "weird face," attempted to help Plaintiff without her request or else failed to

help her, spoke to Plaintiff in a "harsh" or "mean" voice, and by copying her high school transcript. (Amended Complaint pp. 1-2, Affidavit pp. 3-13.) These same allegations are repeated in support of Plaintiff's claims for intimidation and harassment (Amended Complaint pp. 1-2, Affidavit pp. 4-13.) Plaintiff further alleges that Defendant's employees and other individuals intimidated or harassed her by purportedly stalking her when they walked to the women's restroom, areas in the library, or else the parking garage at the same time as her. (Affidavit pp. 5-7, 9-12.) Plaintiff further stated in her Affidavit that many of these actions were "because of" or related to her disability. (Affidavit, pp. 7, 12, 13.)

Plaintiff's Amended Complaint cites the entirety of her Affidavit in support of her "breach of confidence" claim. After reviewing the Affidavit, however, only two allegations appear to pertain to this claim. The first is Plaintiff's allegation that she believed that Defendant's employees "had a meeting because of me/my disability" when she saw a man standing in a group near her talking when she was "studying on my work at the desk at the lounge." (Affidavit p. 7.) The second instance is Plaintiff's allegation that she believed that an employee called the Great Falls College security desk when Plaintiff was standing there and "talked things to this lady about me/my disability." (Affidavit p. 13.)

Plaintiff's Amended Complaint makes no reference of any claim filed with the Human Rights Bureau of the Department of Labor and Industry, or that she filed a claim with the Montana Department of Administration, prerequisites prior to filing the instant lawsuit.

c. Plaintiff Failed to Comply with the MHRA.

Plaintiff premises her claims for discrimination, intimidation, harassment and breach of confidence on the same alleged conduct that she contends was discriminatory or that was because of or related to her disability. For example, Plaintiff alleged that Defendant's employees discriminated against her on the basis of her mental disability by observing her with a "weird face," disrupting her diary writing by making noise near her, speaking to her with a "harsh, mean" or "firm" voice, helping her without asking or not helping her when she asked, and copying her high school transcript. (Affidavit pp. 3-4.) Similarly, Plaintiff alleges that Defendant's employees intimidated her based on these exact same actions (e.g., observing her with a "weird face," disrupting her by making noise near her, speaking to her with a harsh or mean voice, and either helping or not helping her). (Affidavit pp. 5-8.) Plaintiff further alleges that Defendant's employees intimidated her by having meetings about her where they observed her or disrupted her "because of me/my disability." (Affidavit p. 7.)

These same allegations are repeated in support of Plaintiff's harassment claim, where she alleges that Defendant's employees observed her with a "weird face," disrupted her by making noise near her, spoke to her with a harsh or firm voice, helped her without asking or failed to help her when she requested, and by copying her high school transcript. (Affidavit pp. 8-13.) Plaintiff also alleged that Defendant's employees engaged in some of these actions "because of me/my disability" and spoke "about me/my disability." (Affidavit pp. 12-13.)

Likewise, Plaintiff points to the entirety of the allegations in her Affidavit as the basis for her breach of confidence claim. (Affidavit, pp. 1-2.) However, the only two allegations that could even arguably relate to Plaintiff's breach of confidence claim are that she believed that Defendant's employees "had a meeting because of me/my disability" when she saw a man standing in a group near her talking when she was studying or that an employee called the Great Falls College security desk when she was standing there and "talked things to this lady about me/my disability." (Affidavit pp. 7, 13.) As a result, the gravamen of Plaintiff's Amended Complaint falls squarely within the Montana Human Rights Act ("MHRA") and the Governmental Code of Fair Practices, Title 49, CH. 3, MCA.

The MHRA explicitly concerns the "right to be free from discrimination because of race, creed, religion, color, sex, physical or mental disability, age, or

national origin” and also explicitly pertains to the exercise of those rights in “the full enjoyment of any of the accommodation facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.” § 49-1-102(1), MCA. The MHRA also specifically prohibits discrimination in public accommodations, such as be refusing or denying services or facilities because of physical or mental disability. § 49-2-304, MCA. “Public accommodations” mean “a place that caters or offers it services, goods, or facilities to the general public subject only to the conditions and limitations established by law and applicable to all persons.” § 49-2-101(20)(a), MCA.

The MHRA specifically provides that:

The provisions of this chapter establish the exclusive remedy for acts constituting an alleged violation of chapter 3 or this chapter, including acts that may otherwise also constitute a violation of the discrimination provisions of Article II, section 4, of the Montana constitution or 49-1-102. A claim or request for relief based upon the acts may not be entertained by a district court other than by the procedures specified in this chapter.

§ 49-2-512(1), MCA. Where a claim falls within the operation of the MHRA, the MHRA prohibits this Court from entertaining claims for relief based upon the MHRA unless the plaintiff first complied with the administrative procedures of the MHRA. *Id.* A plaintiff complies with the administrative requirements of the MHRA by first

filing a claim with the Montana Human Rights Bureau (“HRB”) within 180 days of the alleged unlawful conduct. § 49-2-501, MCA; *see also Borges v. Missoula Cty. Sheriff's Office*, 2018 MT 14, ¶¶ 19-20, 390 Mont. 161, 166–67, 415 P.3d 976, 981. “The statutory language of §§ 49–2–504,–511 and–512, MCA, is unambiguous. The statutes permit a party to take a case to district court for a trial on the merits once the action is dismissed from the HRB.” *Griffith v. Butte Sch. Dist. No. 1*, 2010 MT 246, ¶ 36, 358 Mont. 193, 205, 244 P.3d 321, 331. Therefore, if the complaint falls within the ambit of the MHRA, this Court may not hear the complaint unless the Plaintiff has complied with the MHRA by first filing the claim with the HRB.

Defendant inarguably constitutes a public accommodation as a public agency and facility of higher education and the Plaintiff’s Complaint unquestionably alleges discrimination in the provision of Defendant’s services based upon a disability. As a result, the MHRA clearly encompasses the claims in Plaintiff’s Complaint. *Lay v. State Dep't of Military Affairs, Disaster & Emergency Servs. Div.*, 2015 MT 158, ¶ 15, 379 Mont. 365, 369, 351 P.3d 672, 675 (providing that Montana courts look to the gravamen of a party’s complaint, focusing on the nature of the alleged conduct, to determine if a plaintiff is improperly seeking to circumvent the MHRA). Plaintiff’s allegations of discrimination due to her disability amount to admissions to the applicability of the MHRA’s provisions. *Id.*, ¶ 17.

Plaintiff's claims are unquestionably subject to the MHRA. Because the MHRA provides *the* exclusive remedy for Plaintiff, she was required to comply with the MHRA's procedural requirements. *Borges*, ¶ 19. Nowhere in Plaintiff's Amended Complaint does she allege that she filed a complaint with the HRB and complied with the mandatory HRB investigatory process. Nor does Plaintiff allege that the HRB engaged in a formal investigation or issued a final investigation report. See 24.8.207, 24.8.212, 24.8.220, Mont.Admin.R.; *see also* § 49-2-504, MCA. Of course, a "no reasonable cause" finding in a final investigative report, a notice of dismissal and a right to sue letter are prerequisites to filing a claim in state district court. See 24.8.220, 24.8.410, Mont.Admin.R.; § 49-2-504(7), MCA; § 49-2-511, MCA. None of those administrative prerequisites occurred here. Plaintiff's failure to exhaust her administrative remedies before the HRB precludes her claims here. *Id.*; *see also Jones*, ¶ 39; *Shields v. Helena Sch. Dist. No. 1*, 284 Mont. 138, 148, 943 P.2d 999, 1005 (1997). Accordingly, Plaintiff's claim must be dismissed as a matter of law pursuant to Rule 12(b)(1) and (6) for failure to comply with the mandatory procedural requirements of the MHRA.

d. Plaintiff's Claims Are Time-Barred Under the MHRA

While Plaintiff's claims must be dismissed as a matter of law due to her failure to first file with the HRB, Plaintiff's claims must also be dismissed with

prejudice because they are time-barred under the MHRA. The MHRA clearly requires that claims be made to the HRB within 180 days of the alleged unlawful discrimination. § 49-2-501(4)(a), MCA. The date stated in a complaint as the “date of the most recent or continuing act” of discrimination controls the analysis of whether a complainant complied with the time limitations in the MHRA. See *Skites v. Blue Cross Blue Shield of Montana*, 1999 MT 301, ¶¶ 11-18, 297 Mont. 156, 160, 991 P.2d 955, 958. Here, the latest allegation against Defendant in Plaintiff’s Amended Complaint concerns incidents that occurred between March and May 2019. This date is controlling. *Id.* The Plaintiff’s original Complaint was filed on July 17, 2020 and her Amended Complaint on December 1, 2020. Both of these dates are more than 180 days after the last date of the alleged discriminatory conduct. There is no dispute that Plaintiff’s Amended Complaint fails, as a matter of law, to comply with the 180-day time limitation in the MHRA. Therefore, in addition to the above, Plaintiff’s claims against Defendant are time-barred and must be dismissed with prejudice.

**e. Plaintiff’s Personal Injury Claims Are Barred For Failure To
Comply With the MTCA**

Plaintiff’s claims for harassment, intimidation and breach of confidence are also barred for failure to comply with the Montana Tort Claims Act (“MTCA”), Title

2, Ch.9. The MTCA defines a claim under the Act as "any claim against a governmental entity, for money damages only, that any person is legally entitled to recover as damages because of personal injury or property damage caused by a negligent or wrongful act or omission committed by any employee of the governmental entity while acting within the scope of employment..." MTCA, section 2-9-101. Here, Plaintiff's claims meet the definition of a claim subject to the MTCA because she is claiming money damages and claims personal injury related to acts committed by employees of Defendant, a governmental entity. (Amended Complaint p. 2; see Section 20-25-201, MCA.).

Section 2-9-301(1), MCA, states: "All claims against the state arising under the provisions of...this chapter must be presented in writing to the department of administration." The MTCA further provides that a "complaint based on a claim subject to [these] provisions...may not be filed in district court unless the claimant has first presented the claim to the department of administration and the department has finally denied the claim." Section 2-9-301(2), MCA; see also *Cottonwood Hills v. Department of Labor & Indus.*, 238 Mont. 404, 407, 777 P.2d 1301, 1303 (1989) (Court lacked jurisdiction where plaintiff failed to first file a claim with the Department of Administration). Accord, *Stenstrom v. Child Support Enforcement Div.*, 280 Mont. 321, 329, 930 P.2d 650, 655 (1996).

Here, Plaintiff does not allege that she complied with the MTCA by first filing a claim with the Department of Administration, a prerequisite to filing suit in court. Because Plaintiff did not first file a claim with the Department of Administration, this Court lacks jurisdiction to proceed. Accordingly, Plaintiff's claims must be dismissed.

f. Plaintiff's Claim For Breach of Confidence Fails to State a Claim

Plaintiff's claim for breach of confidence also fails to provide sufficient facts to state a claim. "A claim is subject to dismissal under Rule 12(b)(6), M.R. Civ. P., if it "fails to state a cognizable legal theory for relief or states an otherwise valid legal claim but fails to state sufficient facts that, if true, would entitle the claimant to relief under that claim." *Puryer v. HSBC Bank USA, N.A.*, 2018 MT 124, ¶ 12, 391 Mont. 361, 419 P.3d 105 (citing *Anderson v. ReconTrust Co., N.A.*, 2017 MT 313, ¶ 8, 390 Mont. 12, 407 P.3d 692). "The liberal notice pleading requirements of M.R. Civ. P. 8(a) and 12(b)(6) do 'not go so far to excuse omission of that which is material and necessary in order to entitle relief,' and the 'complaint must state something more than facts which, at most, would breed only a suspicion' that the claimant may be entitled to relief." *Puryer*, ¶ 12 (quoting *Jones v. Mont. Univ. Sys.*, 2007 MT 82, ¶ 42).

In her Amended Complaint, Plaintiff alleges “staff shared [her] information” and references the 13-page Affidavit that she attached to her Amended Complaint. (Amended Complaint p. 1, Affidavit pp. 1-2.) Reading through the Affidavit, however, Plaintiff only makes two allegations that could arguably be read as applying to her claim. The first is Plaintiff’s allegation that she believed that Defendant’s employees “had a meeting because of me/my disability” when she saw a man standing and talking in a group near her when she was “studying on my work at the desk at the lounge.” (Affidavit p. 7.) The second instance is Plaintiff’s allegation that she believed that an employee called the Great Falls College security desk when Plaintiff was standing there and “talked things to this lady about me/my disability.” (Affidavit p. 13.) Nowhere does Plaintiff allege what information she claims was supposedly shared about her or that she even heard anyone sharing information about her. Instead, Plaintiff alleges that she believes that Defendant’s employees shared some information about her because people were either talking in a group or on the phone when she was near. These facts are not sufficient to state a claim so as to enable Defendant to prepare a responsive pleading. Accordingly, Plaintiff’s claim for breach of confidence fails to state a claim upon which relief may be granted.

//

Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's Amended Complaint against Defendant is hereby **DISMISSED with prejudice**. Judgment shall be entered in favor of Defendant.

DATED this 3rd day of February, 2023.

A handwritten signature in black ink, appearing to read "John Parker", is written over a horizontal line.

Hon. John Parker
DISTRICT COURT JUDGE

cc: Plaintiff/ Jada Ku, pro se
Defendant/ - c/o Counsel B. Jennifer Glad

Appendix B

FILED

10/31/2023

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 23-0125

DA 23-0125

IN THE SUPREME COURT OF THE STATE OF MONTANA

2023 MT 207N

JADA KU,

Plaintiff and Appellant,

v.

GREAT FALLS COLLEGE MONTANA STATE UNIVERSITY,

Defendant and Appellee.

APPEAL FROM: District Court of the Eighth Judicial District,
In and For the County of Cascade, Cause No. ADV 20-0380(D)
Honorable John W. Parker, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Jada Ku, Self-represented, Great Falls, Montana

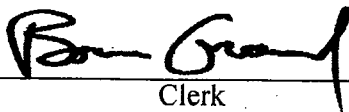
For Appellee:

B. Jennifer Glad, Montana State University, Bozeman, Montana

Submitted on Briefs: August 23, 2023

Decided: October 31, 2023

Filed:


Clerk

Justice Ingrid Gustafson delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Jada Ku appeals from the February 3, 2023 Order to Dismiss issued by the Eighth Judicial District Court, Cascade County. The District Court's order dismissed Ku's Amended Complaint for both lack of subject matter jurisdiction under M. R. Civ. P. 12(b)(1) and for failure to state a claim upon which relief can be granted under M. R. Civ. P. 12(b)(6). We affirm.

¶3 On December 1, 2020, Ku filed her Amended Complaint, which alleged she was subjected to discrimination, harassment, intimidation, and breach of confidence by Great Falls College Montana State University (Great Falls College). Ku's amended complaint requested financial damages, the dismissal of certain Great Falls College employees, and a public apology. Great Falls College moved to dismiss the amended complaint for lack of subject matter jurisdiction under Rule 12(b)(1), asserting Ku's claims were barred under the Montana Human Rights Act (MHRA) because she did not file a claim with the Human Rights Bureau within the statute of limitations and were also barred because she did not file a claim with the Department of Administration under the Montana Tort Claims Act (MTCA) prior to filing suit in the District Court. Great Falls College further asserted Ku's amended complaint failed to state a claim under Rule 12(b)(6) as it failed to allege

sufficient facts to allow Great Falls College to prepare a responsive pleading. The District Court granted Great Falls College's motion to dismiss, finding Ku failed to comply with both the MHRA and MTCA and that her pleading failed to put forth sufficient facts to state a claim.

¶4 In her briefing on appeal, Ku generally asserts she suffered discrimination at Great Falls College due to her mental disability and is owed compensation. Ku also notes she did not follow the MHRA or MTCA because she is not a lawyer and did not know the rules or how to proceed. Ku's briefing contains no citations to any legal authorities.

¶5 "[A] district court's decision is presumed correct and it is the appellant who bears the burden of establishing error by that court." *In re Marriage of McMahon*, 2002 MT 198, ¶ 7, 311 Mont. 175, 53 P.3d 1266. An appellant's brief on appeal must raise legal errors with the district court's order and contain citations to legal authorities in support of the appellant's contentions. *See* M. R. App. P. 12(1)(g). "It is not this Court's obligation to formulate arguments or locate authorities for the parties in support of their positions on appeal." *State v. Blackcrow*, 1999 MT 44, ¶ 33, 293 Mont. 374, 975 P.2d 1253 (collecting cases). Ku has failed to articulate a legal error with the District Court's order or cite to any legal authority in support of her contentions.¹ "While dismissal is a harsh result, it is nonetheless necessary when the utter failure to comply with the rules of appellate procedure

¹ This Court has, on more than one occasion, informed Ku of her requirement as the appellant to present a legal argument which articulates a legal error by the District Court and is supported by citations to legal authorities. *Ku v. Great Falls Pub. Library*, No. DA 21-0111, 2021 MT 273N, ¶ 4, 2021 Mont. LEXIS 841; *Ku v. Great Falls Pub. Schs.*, No. DA 21-0095, 2021 MT 274N, ¶ 4, 2021 Mont. LEXIS 842.

results in an appellate filing that can neither be comprehended by this Court or realistically responded to by the opposing party.” *In re Marriage of McMahon*, ¶ 6. Ku has failed to meet her burden of establishing error by the District Court and we affirm the court’s order of dismissal.

¶6 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review.

¶7 Affirmed.

/S/ INGRID GUSTAFSON

We concur:

/S/ MIKE McGRATH
/S/ BETH BAKER
/S/ JAMES JEREMIAH SHEA
/S/ DIRK M. SANDEFUR

Appendix C

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TINA HENRY
Clerk of District Court

11/21/2023 9:04 AM

Filed By: Elizabeth Sweeney

MONTANA 8 JUDICIAL DISTRICT COURT, CASCADE COUNTY

Jada Ku,

Plaintiff/ Petitioner,

vs.

Great Falls College Montana State University,

Defendant/ Respondent

Dept. No. D

Case No: DV-7-2020-0000380-OC

**NOTICE OF FILING
REMITTITUR**

To: Jada Ku/Pro Se

Jennifer Glad, Attorney for Defendant

NOTICE IS HEREBY GIVEN OF THE RECEIPT OF Remittitur from the Supreme Court of the State of Montana of the above-entitled case.

DATED this 21st day of November 2023.

CERTIFICATE OF MAILING

This is to certify that the foregoing was
duly served by mail upon counsel of
record at their address this _____
day of 11/21/2023, 20

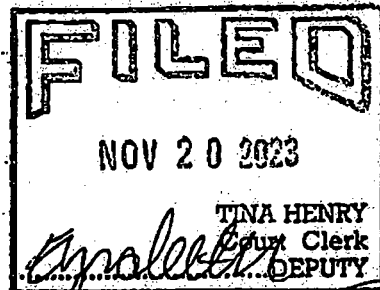
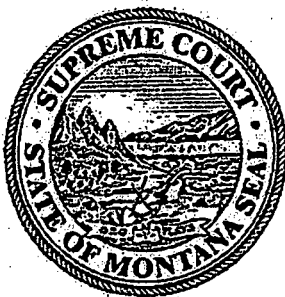
TINA HENRY, CLERK OF COURT
By Elizabeth Sweeney DEPUTY



TINA HENRY, CLERK OF COURT

BY Elizabeth Sweeney
Deputy

54



IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003

November 16, 2023

REMITTITUR

Supreme Court Case No. DA 23-0125
District Court Case No. ADV 20-0380(D)

JADA KU,

Plaintiff and Appellant,

v.

GREAT FALLS COLLEGE
MONTANA STATE UNIVERSITY,

Defendant and Appellee.

This case was a review of the order/judgment of the District Court.

IT IS ORDERED by the Supreme Court in an opinion, that the decision of the District Court is Affirmed.

No appeal record is returned to the Clerk of District Court of Cascade County.

I certify that the attached is a true and correct copy of the opinion filed by the Supreme Court on October 31, 2023.

Sincerely,

A handwritten signature in cursive, appearing to read "Bowen Greenwood", is written over a faint circular stamp.

Bowen Greenwood
Clerk of the Supreme Court