
REGISTER OF ACTION

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case Number: 12309, 12310 (consolidated under 12309)

Title of Case:

12309

THE STATE OF MONTANA ex rel. WILLIAM CASHMORE, M.D., Relator,

v.

FORREST H. ANDERSON, as Governor of the State of Montana, Respondent.

12310

THE STATE OF MONTANA ex rel. STANLEY C. BURGER, Petitioner,

v.

FORREST H. ANDERSON, as Governor of the State of Montana, Respondent.

<u>DATE</u>	<u>REGISTER OF ACTION</u>
06/20/1972	Application for Declaratory Judgment, Alternate Writ of Injunction, Alternate Writ of Prohibition, and Order to Show Cause. (12309)
06/20/1972	Application for Declaratory Judgment, Alternate Writ of Injunction, Alternate Writ of Prohibition, and Order to Show Cause. (12310)
06/20/1972	Ex parte matter heard in open court - oral argument presented by Paul T. Keller Esq., and the matter was taken under advisement. (12309)
06/20/1972	Ex parte matter heard in open court - oral argument presented by Edmund P. Sedivy, Esq., and the matter was taken under advisement. (12310)
06/22/1972	Order: causes 12309 and 12310 are consolidated under 12309; adversary hearing set for 07/17/1972; further Respondent shall file answer to petitions to be filed three (3) days before date set for hearing; application to appear amicus curiae should be addressed to Chief Justice and file within ten (10) days of this order; Briefs of all parties may be in typewritten form and filed with Clerk three days before date of argument.
06/27/1972	Order: Joseph P. Monaghan, Esq. may file amicus curiae brief.
06/28/1972	Amicus Brief filed – Joseph P. Monaghan, Esq.

06/28/1972 **Application** to intervene – D. Manning, C. Hawks, C. Smith, W. Hope, J. Blankenship, and H. Klindt.

06/28/1972 **Order:** leave is given to intervene, and counsel may argue matter orally as Court may direct. (Manning, et al)

06/28/1972 **Answer** of Respondent Governor Anderson, and Brief.

06/29/1972 **Affidavit** of Paul Keller, Esq. showing service for Relator Cashmore.

06/30/1972 **Motion** to appear amicus curiae – M. Candee, Esq.

06/30/1972 **Order:** M. Candee may appear amicus curiae and file brief.

06/30/1972 **Application** to appear as amicus curiae – A. W. Scribner, Esq.

06/30/1972 **Application** to intervene – Robert Woodahl, Montana Attorney General.

06/30/1972 **Order:** leave is given to intervene, and counsel may argue matter orally as Court may direct. (Attorney General Woodahl)

06/30/1972 **Petition** to intervene – L. Graybill, Jr., et al (Constitutional Convention delegates).

06/30/1972 **Petition** to intervene – A.F.L.-C.I.O.

06/30/1972 **Petition** to file amicus curiae brief – League of Women Voters.

06/30/1972 **Petition** to file amicus curiae brief – Montana Farmers Union.

06/30/1972 **Petition** to file amicus curiae brief – Montana Student President's Association.

07/03/1972 **Petition** to file amicus curiae brief – Gerald J. Neely.

07/03/1972 **Petition** to appear as intervenor or amicus curiae – Robert L. Kelleher.

07/03/1972 **Motion** to file amicus curiae brief – North American Indian Alliance–Butte, and A.I.D.

07/05/1972 **Order:** Gerald Neely may file amicus curiae brief.

07/05/1972 **Application** to file amicus curiae brief and appear for oral argument – F. S. Longan.

07/05/1972 **Order:** F. Longan may file amicus curiae brief.

07/05/1972 **Application** to file amicus curiae brief – Montana Citizens Committee on the State Legislature.

07/05/1972 **Order:** Montana Citizens Committee on the State Legislature may file amicus

curiae brief.

- 07/05/1972 **Order:** North American Indian Alliance-Butte, and A.I.D. may file amicus curiae brief.
- 07/05/1972 **Order:** Montana Student President's Association may file amicus curiae brief.
- 07/05/1972 **Order:** A.F.L.-C.I.O. may file amicus curiae brief.
- 07/05/1972 **Motion** to file amicus curiae brief – William F. Meisburger, Esq.
- 07/05/1972 **Order:** William F. Meisburger, Esq. may file amicus curiae brief.
- 07/05/1972 **Order:** League of Women Voters may file amicus curiae brief.
- 07/05/1972 **Order:** A. W. Scribner, Esq. may file amicus curiae brief.
- 07/05/1972 **Order:** Montana Farmers Union may file amicus curiae brief.
- 07/05/1972 **Order:** Robert L. Kelleher, Esq. is permitted to intervene, file a brief, and orally argue.
- 07/05/1972 **Order:** Leo Graybill, Jr. et al, are permitted to intervene, file a brief, and orally argue.
- 07/05/1972 **Motion** to file amicus brief – Common Cause.
- 07/05/1972 **Order:** Common Cause may file amicus curiae brief.
- 07/05/1972 **Brief:** Amicus – Meisburger.
- 07/06/1972 **Brief:** Intervenor – Kelleher.
- 07/07/1972 **Motion** for oral argument – Montana Citizens Committee on the State Legislature.
- 07/07/1972 **Order:** Montana Citizens Committee on the State Legislature is granted the right to participate in oral argument.
- 07/07/1972 **Application** to file amicus curiae brief – City of Billings.
- 07/07/1972 **Order:** City of Billings may file amicus curiae brief.
- 07/10/1972 **Brief:** Amicus – M. Candee.
- 07/11/1972 **Complaint** in Intervention -- D. Manning, C. Hawks, C. Smith, W. Hope, J. Blankenship, and H. Klindt. (includes affidavit of R. W. Harris)
- 07/11/1972 **Brief:** Petitioner Stanley C. Burger.

07/11/1972 **Notice to Counsel** re. assignments of position for argument and time allotted.

07/12/1972 **Brief:** Amicus – City of Billings.

07/12/1972 **Answer** of Attorney General.

07/12/1979 **Memorandum in Support** of Application for Declaratory Judgment – Petitioner Cashmore.

07/13/1972 **Brief:** Amicus – Gerald J. Neely.

07/13/1972 **Brief:** Amicus – Montana Farmers Union.

07/13/1972 **Brief:** Intervenors – D. Manning, C. Hawks, C. Smith, W. Hope, J. Blankenship, and H. Klindt.

07/13/1972 **Brief:** Amicus – North American Indian Alliance-Butte, and A.I.D.

07/13/1972 **Brief:** Amicus – A. W. Scribner.

07/13/1972 **Brief:** Supplemental Amicus – Joseph P. Monaghan.

07/13/1972 **Brief:** Intervenors Leo Graybill, Jr., et al

07/13/1972 **Brief:** Amicus – League of Women Voters.

07/13/1972 **Brief:** Amicus – Montana Student Presidents' Association.

07/13/1972 **Brief:** Amicus – A.F.L.-C.I.O.

07/14/1972 **Answer of Intervenors** Leo Graybill, Jr., et al, to Application of Relators and Complaint of Intervention.

07/14/1972 **Brief:** Amicus – Montana Citizens Committee on the State Legislature.

07/14/1972 **Answer** to Intervenors' Complaint, and **Brief** of Attorney General.

07/14/1972 **Brief:** Amicus – Common Cause.

07/17/1972 **Brief:** Amicus – Franklin S. Longan.

07/17/1972 **Affidavit** of Governor Forrest H. Anderson, Secretary of State Frank Murray, and State Treasurer Alex Stephenson.

07/17/1972 **Letter** of Joseph P. Monaghan.

07/17/1972 **Argued and Submitted:** oral argument presented by Paul T. Keller and Edmund P. Sedivy for Relators; Douglas Freeman and R. F. Hibbs for Intervenor Relators; Charles C. Lovell and William Jensen for Respondent; Eugene H. Mahoney, Randall

Swanberg, and James E. Murphy for Intervenor Respondents; John A. Layne III for amicus curiae.

- 07/18/1972 **Affidavit** of Service by John P. Connor, Jr., for Forrest H. Anderson, Frank Murray, and Alex Stephenson affidavit dated 7/17/1972.
- 08/18/1972 **Opinion:** We hold that the proposed 1972 Constitution was approved by the required majority and the Governor's proclamation thereof was correct. Associate Justice Frank I. Haswell, concurred in by Associate Justices John Conway Harrison and Gene B. Daly. Chief Justice James T. Harrison and Associate Justice Wesley Castles dissented.
- 08/22/1972 **Order:** Petitioner Burger granted until September 7, 1972, to file Petition for Rehearing.
- 08/23/1972 **Petition** for additional time in which to petition for rehearing. (Relator William F. Cashmore, M.D.)
- 08/23/1972 **Order:** granting Relators an additional 10 days to file Petition for Rehearing.
- 09/05/1972 **Petition** for rehearing w/ affidavits. (Petitioner Stanley C. Burger)
- 09/05/1972 **Petition** for rehearing. (Relator William F. Cashmore, M.D.)
- 09/11/1972 **Objections** to Petitions for Rehearing, and **Memorandum** in Support. (Attorney General Woodahl)
- 09/15/1972 **Memorandum** of Amicus Curiae Candee on Petitions for Rehearing.
- 09/18/1972 **Addendum** to Petition for Rehearing. (Petitioner Stanley C. Burger)
- 09/18/1972 **Brief:** Joseph P. Monaghan.
- 09/21/1972 **Addendum** to Memorandum in Support of Objections to Petitions. (Attorney General Woodahl)
- 09/25/1972 **Brief:** Reply Brief of Joseph P. Monaghan.
- 09/25/1972 **Order:** Petition for Rehearing is denied.
- 11/29/1972 Request to forward Supreme Court file to Clerk of US Supreme Court by Petitioner Stanley C. Burger.
- 11/30/1972 Complete Supreme Court file sent to Clerk of US Supreme Court.
- 02/27/1973 Certified copy of Order of US Supreme Court denying petition for writ of certiorari.
- 06/22/1976 Complete Supreme Court file returned.

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