

**COLA, MIDDLE CROW WING LAKE ASSOCIATION AND ED MUTSCH v.
HUBBARD COUNTY AND REHKAMPS**

The Defendants (the County and Rehkamps) each filed a motion for a summary judgment which alleges that the facts support their argument that everything was done correctly, there is no basis for our claims in the lawsuit and that the lawsuit should be dismissed. We filed documents with the Court opposing the Defendants' motions and argued that the reverse is true—that the facts do not support their claims, the facts support our claims, and that judgment should be rendered in our favor.

On Thursday, January 13th, the attorneys for each of the parties in the lawsuit presented oral arguments before Judge Rasmussen regarding each party's motion for a summary judgment. The Judge indicated at the time of the hearing that there were a number of unique issues in the case, he needed additional time to review all the documents submitted by the parties, and he would render his decision at a later date. He is required to decide the matter within 90 days; however, we believe that he will probably render his decision in the next few weeks.

If the Judge decides that no party is entitled to summary judgment, then the matter was scheduled for a trial on February 14th; however, the Judge just advised us that he believes that he will be granting summary judgment to one of the parties and that it will not be necessary to have a trial. We believe that the Judge provided this information because he feels that all of the facts and legal arguments necessary to decide the case have been presented to him.

We believe the hearing went very well and we look forward to the Judge's decision. The Judge has given no indication of how he will decide the case.

HUBBARD COUNTY COLA

Dan Kittilson
President