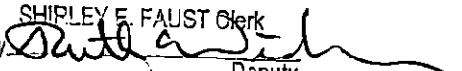


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FILED AUG 30 2016

By  SHIRLEY E. FAUST Clerk
Deputy

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

<p>PRESERVE HISTORIC MISSOULA, INC., a Montana non-profit corporation, and JOHN DOES I-XXX</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>THE MISSOULA CITY COUNCIL, the governing body of the City of Missoula, acting by and through BRYAN VON LOSSBERG, HEIDI WEST, JOHN DIBARI, JON WILKINS, JORDAN HESS, HARLAN WELLS, JULIE ARMSTRONG, ANNELISE HEDAHL, EMILY BENTLEY, GWEN JONES, MICHELLE CARES, MARILYN MARLER, and JOHN ENGEN; and JOHN DOES I-XXX</p> <p style="text-align: center;">Defendants.</p>	<p>Cause No. DV-16-749 DEPT. 2 Robert L. Deschamps, III</p> <p>PETITION FOR JUDICIAL REVIEW/APPEAL OF ADMINISTRATIVE DECISION</p>
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COMES NOW, the Plaintiff, PRESERVE HISTORIC MISSOULA, INC., a Montana non-profit corporation, and for its claim for relief against the Defendants, states as follows:

I. PARTIES AND GENERAL ALLEGATIONS

1. The Plaintiff PRESERVE HISTORIC MISSOULA, INC. is a Montana non-profit corporation dedicated to the preservation of historic buildings in and around Missoula, Montana.

2. Plaintiff(s) JOHN DOES I-XXX are unidentified parties who may be substituted as Plaintiffs in this cause of action once their identities are discovered.

3. Defendant THE MISSOULA CITY COUNCIL, the governing body of the City of Missoula, acting by and through BRYAN VON LOSSBERG, HEIDI WEST, JOHN DIBARI, JON WILKINS, JORDAN HESS, HARLAN WELLS, JULIE ARMSTRONG, ANNELISE HEDAHL, EMILY BENTLEY, GWEN JONES, MICHELLE CARES, MARILYN MARLER, and JOHN ENGEN is the governing body of the City of Missoula. Throughout this document, this Defendant is collectively referred to as the "Missoula City Council."

4. Defendant(s) JOHN DOES I-XXX are unidentified parties who may be substituted as Defendants in this cause of action once their identities are discovered.

5. On August 1, 2016, the Missoula City Council approved a partial demolition permit for the Missoula Mercantile building located on the corner of Higgins Ave. and Front Street in Missoula, Montana.

6. 20.85.100(J) of the Missoula Municipal Code allows an appeal of a final decision granting a partial demolition permit to district court to within 30 days of the decision.

7. Pursuant to 20.85.100(J), Missoula Municipal Code, the Plaintiff(s) hereby file this Petition for Judicial Review/Appeal of the Missoula City Council's decision to grant the Defendant a partial demolition permit of the Missoula Mercantile building.

8. The Missoula City Council's decision to approve the demolition of the Missoula Mercantile building was made arbitrarily, capriciously, and contrary to the regulations applicable to the Missoula City Council.

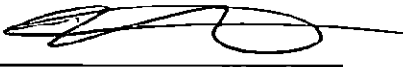
WHEREFORE, the Plaintiff requests the following relief

1. For a briefing schedule;
2. For an order staying the partial demolition of the Missoula Mercantile building pending the resolution of this matter;
3. For costs and attorneys fees; and

4. For such other and appropriate relief as the Court deems appropriate under the circumstances.

Dated this 30th day of August, 2016.

DOGGETT LAW OFFICES, P.L.L.C.

By: 

Michael C. Doggett
Attorney for Plaintiff