

No. 13457

IN THE SUPREME COURT OF THE STATE OF MONTANA

1976

THOR MYHRE,

Petitioner,

-vs-

ERIC MYHRE, individually and as Director
and President of Myhre Advertising; TED T. JAMES
and BRUCE A. MacKENZIE, as Directors of MYHRE
Advertising, a Montana corporation,

Defendants.

Original Proceeding:

Counsel of Record:

For Petitioner:

Anderson, Symmes, Forbes, Peete & Brown, Billings,
Montana
Raymond K. Peete argued, Billings, Montana

For Defendants:

James, Sogard and Fopp, Great Falls, Montana
Bruce MacKenzie and Ted James argued, Great Falls,
Montana
Robert W. Gabriel, Great Falls, Montana
Hutton, Sheehy and Cromley, Billings, Montana

Submitted: August 10, 1976

Decided: SEP 1 1976

Filed: SEP 1 1976

Thomas J. MacKenzie

Clerk

Honorable Gordon Bennett, District Judge, sitting in place of Mr. Justice John Conway Harrison delivered the Opinion of the Court.

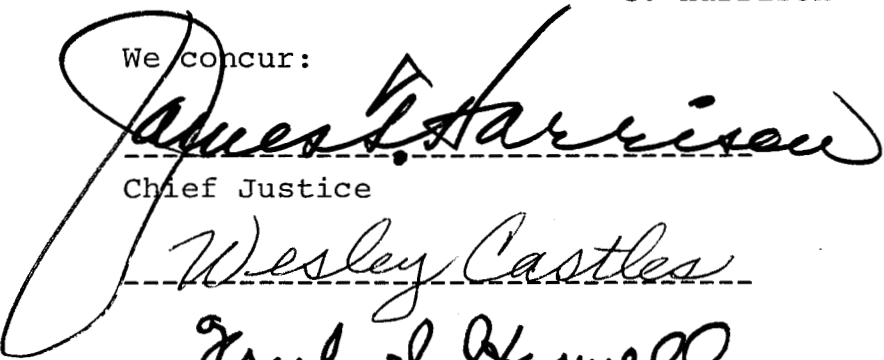
This cause is a companion to Cause No. 13291, Eric Myhre, Plaintiff, vs. Thor Myhre and Gertrude Myhre, Defendants, decided today, and arises from it. Petitioner asked that the defendants be enjoined from amending the by-laws of the corporation until this Court issued its decision in the other cause. This Court, having heard petitioner ex parte, directed that any proceedings by defendants aimed at amending the corporation's by-laws in regard to the proposed employment and retirement plan for Thor Myhre (see our opinion in Cause No. 13291) be stayed until further order of this Court. Defendants thereafter asked for clarification of this Court's order, particularly in regard to whether the order affirmed the district court's judgment in regard to the employment and retirement plan; if it did, what duties the board should assign Thor Myhre.

As this Court has found the proposed employment and retirement plan was invalid and unenforceable, both of defendants' questions are answered and the temporary stay should be, and is hereby revoked.



Hon. Gordon Bennett, District Judge,
sitting in place of Mr. Justice John
C. Harrison

We concur:



James S. Harrison

Chief Justice

Wesley Castles

Frank J. Haswell

Justices