

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

FILED

NOV 30 2015

Clerk, U.S. District Court
District Of Montana
Helena

AARON FRANK,

Plaintiff,

No. CV 15-26-BU-SEH

vs.

ORDER

TOWN OF WEST YELLOWSTONE,
MONTANA; COLE PARKER, in his
individual and official capacity; JOHN
COSTELLO, in his individual and
official capacity; GREG FORSYTHE,
in his individual and official capacity;
and BRAD SCHMIER, in his
individual and official capacity,

Defendants.

On the record made in open court on November 30, 2015,

ORDERED:

1. Defendants Paker's, Costello's, Forsythe's, and Schmier's Motion to

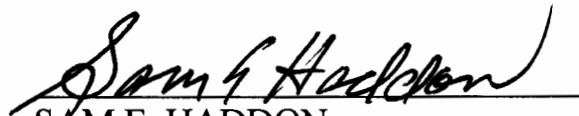
Dismiss¹ all claims made against them in their individual or official capacity are GRANTED.

2. Defendant Town of West Yellowstone's Partial Motion to Dismiss² is GRANTED in part as follows:

Counts I, II, III, IV, V, VI, and IX are DISMISSED.

3. At the request of Plaintiff, the Court has determined that the issue of whether Plaintiff's capacity to seek recovery for alleged wrongful or constructive discharge is governed by the terms of the Collective Bargaining Agreement of February 17, 2009, between the Town of West Yellowstone and the West Yellowstone Police Protective Unit. Parties shall file briefs concerning this issue on or before December 4, 2015.

DATED this 30th day of November, 2015.


SAM E. HADDON
United States District Judge

¹ Doc. 5.

² Doc. 5.