

No. 83-545

IN THE SUPREME COURT OF THE STATE OF MONTANA

1984

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LELAND GROUND, et al.,

Plaintiffs and Appellants,

-vs-

THE DEPARTMENT OF HIGHWAYS, et al.,

Defendants and Respondents.

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APPEAL FROM: District Court of the First Judicial District,  
In and for the County of Lewis & Clark,  
The Honorable Henry Loble, Judge presiding.

COUNSEL OF RECORD:

For Appellants:

Cannon & Sheehy, Helena, Montana

For Respondents:

Hon. Mike Greely, Attorney General, Helena, Montana  
Chris Tweeten, Asst. Atty. General, Helena, Montana  
Bruce McGinnis, Dept. of Revenue, Helena, Montana  
Wm. Hutchinson, Dept. of Highways, Helena, Montana

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Submitted on Briefs: March 15, 1984

Decided: July 10, 1984

Filed:

JUL 13 1984

*Ethel M. Harrison*

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Clerk

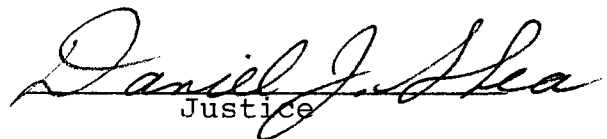
Mr. Justice Daniel J. Shea delivered the Opinion of the Court.

Plaintiff Leland Ground filed an interlocutory appeal from an order of the Lewis and Clark County District Court denying Ground's motion to certify his case as a class action pursuant to Rule 23, M.R.Civ.P. We dismiss his appeal as moot.

On August 25, 1983, Ground filed a complaint on his own behalf and on behalf of all enrolled members of the Blackfeet Tribe for declaratory, injunctive and monetary relief from the imposition of a sales tax on new motor vehicles against members of the Blackfeet Tribe residing on the Tribal Reservation.

Ground contends that he is entitled to be the representative party for purposes of a class action. However, Ground is not so entitled because he has no claim. The Department of Highways is refunding all taxes imposed on reservation Indians after April 1, 1983.

Therefore, the appeal is dismissed.

  
Justice

We Concur:

  
Chief Justice





  
Justices