

DA 16-0520

IN THE SUPREME COURT OF THE STATE OF MONTANA

2017 MT 146N

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DEAN WARD,

Plaintiff and Appellant,

v.

ENERGY WEST, INC., and DOES 1-4,

Defendants and Appellees.

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APPEAL FROM: District Court of the Eighth Judicial District,  
In and For the County of Cascade, Cause No. DDV 13-200(c)  
Honorable John A. Kutzman, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

John E. Seidlitz, Jr., Seidlitz Law Office, Great Falls, Montana

For Appellees:

Oliver H. Goe, Kimberly A. Beatty, Christy S. McCann, Browning,  
Kalecyzc, Berry & Hoven, P.C., Helena, Montana

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Submitted on Briefs: April 26, 2017

Decided: June 13, 2017

Filed:



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Clerk

Justice Beth Baker delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Dean Ward asserted several employment-related claims against Energy West Inc. Following our remand in *Ward v. Energy West, Inc.*, 2015 MT 234N, No. DA 14-0463, 2015 Mont. LEXIS 428, the District Court denied Ward's motion to amend his complaint and granted Energy West's motion to dismiss based on the doctrine of forum non conveniens. Ward contends that the District Court abused its discretion in denying him leave to amend his complaint and that it incorrectly dismissed the case under forum non conveniens.

¶3 This appeal concerns substantially similar facts and issues as *Harrington v. Energy West, Inc.*, 2017 MT 141, \_\_\_ Mont. \_\_\_, 356 P.3d \_\_\_. As in that case, we conclude here that the District Court did not abuse its discretion in denying Ward's motion to amend his complaint nor in granting Energy West's motion to dismiss based on forum non conveniens.

¶4 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the

Court, *Harrington* resolves the issues on appeal. The District Court's order denying Ward's motion to amend and granting Energy West's motion to dismiss based is affirmed.

/S/ BETH BAKER

We Concur:

/S/ MIKE McGRATH

/S/ LAURIE McKINNON

/S/ MICHAEL E WHEAT

/S/ JAMES JEREMIAH SHEA