


SETTLEMENT AGREEMENT

The parties in *Nakamura, Carty, and Waldorf v. Semerad and Sullivan*, Cause No. DV-24-916A, agree as follows:

1. There is a genuine dispute between the Petitioners and Respondents in this matter as to whether the Petition to Place the Bozeman Plastics Ordinance Initiative on the November 5, 2024 ballot requires signatures of 15% of the qualified electors pursuant to § 7-5-132(1), MCA, which is applicable to general elections, or 25% of the qualified electors pursuant to § 7-5-132(5), which is applicable to special elections.
2. Petitioners filed a Petition for Declaratory Ruling and Alternative Writ of Mandamus asking the Court to declare the Petition to Place the Bozeman Plastics Initiative on the Ballot required signatures of only 15% of the qualified electors pursuant to 7-5-132(1), MCA, and to order the Gallatin County Election Administrator, Eric Semerad, to place the initiative on the ballot.
3. It is uncertain how or when the Court may rule on this issue.
4. To prevent any delays in the printing and distribution of ballots, the Gallatin County Election Administrator, Eric Semerad, agrees to certify the Petition to Place the Bozeman Plastics Initiative as having verified signatures from at least 15% of the electorate.
5. In agreeing to place the Bozeman Plastics Initiative on the November 2024 ballot, neither Eric Semerad nor Greg Sullivan, Bozeman City Attorney, admit to any wrongdoing or any allegations in Petitioner's Petition for Declaratory Ruling and Alternative Writ of Mandate.
6. Eric Semerad and Greg Sullivan reserve the right to rely on any legal argument, including the applicability of 7-5-132(5), MCA, if the election on the Bozeman Plastics Ordinance Initiative is challenged in court either before or after the November 5, 2024, election.

7. In consideration of the foregoing, Petitioners agree to dismiss their Petition for Declaratory Ruling and Alternative Writ of Mandamus without prejudice, Cause No. DV-24-916A within three (3) days of all parties signing this Agreement, with all parties being responsible for their own fees and costs.



Greg Sullivan
Bozeman City Attorney

LeeAnn Certain

LeeAnn Certain
Chief Deputy Gallatin County Attorney
Attorney for Eric Semerad

John Meyer

John Meyer
Attorney for Petitioners