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Attorneys for Defendant City of Whitefish

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

JEFF BECK, individually; ROBERT  
ODENWELLER, individually; TERRI  
ODENWELLER, individually; AMY  
WEINBERG, individually, ZAC WEINBERG,  
individually, ALTA VIEWS, LLC;  
RIVERVIEW COMPANY, LLC; and on  
behalf of a class similarly situated persons or  
entities,

Plaintiffs,

-vs-

CITY OF WHITEFISH, a Montana  
municipality, and DOES 1-50.

Defendants.

Cause No. CV-22-44-M-DLC-  
KLD

**DEFENDANT'S MOTION  
FOR JUDGMENT ON THE  
PLEADINGS**

COMES NOW Defendant City of Whitefish (“City”) and, pursuant to Fed. R. Civ. P. 12(b)(6), (c), and (h)(2), files this Motion for Judgment on the Pleadings. The Court should issue judgment in the City’s favor on Plaintiffs’ First Cause of Action, for alleged deprivation of constitutional rights under 42 U.S.C. § 1983, because they have failed to state a valid takings claim. Moreover, the Court should dismiss Plaintiffs’ Complaint in its entirety because, absent a valid takings claim, the Court lacks subject matter jurisdiction over any of Plaintiffs’ claims. Pursuant to Local Rule 7.1, Plaintiffs’ counsel has been contacted and Plaintiffs oppose this motion.

A supporting brief is filed contemporaneously herewith.

Dated this 25<sup>th</sup> day of July, 2022.

HAMMER, QUINN & SHAW PLLC

/s/ Marcel A. Quinn

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