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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 25th day of July, 2022.

HAMMER, QUINN & SHAW PLLC

/s/ Marcel A. Quinn

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