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Attorneys for Respondent

BEFORE THE MONTANA DEPARTMENT
OF LABOR AND INDUSTRY

IN THE MATTER OF HUMAN RIGHTS BUREAU CASE NO. 0151017246:

JOE STONE,

Charging Party,

v.

RUN WILD MISSOULA,

Respondent.

Case No. 33-2016

JUDGMENT

Pursuant to Montana Rule of Civil Procedure 68, Respondent Run Wild Missoula ("RWM") served an Offer of Judgment on Charging Party on December 8, 2015, which was accepted by Charging Party on December 22, 2015. Pursuant to Montana Rule of Civil Procedure 68, entry of Judgment is appropriate.

Accordingly, it is hereby

ORDERED, ADJUDGED AND DECREED

That:

1. The use of hand cycles and wheelchairs will be allowed in the full marathon at the Missoula Marathon.
2. RWM is enjoined from placing the following rules on the use of hand cycles and racing wheelchairs:
 - a. 12 mph speed limit for the last 11 miles of the full marathon;
 - b. A requirement that hand cycle and racing wheelchair users always yield the right of way to foot runners;
 - c. A requirement that only hand cycle and racing wheelchair users check in with officials 15 minutes before the race; and,
 - d. A requirement that only hand cycle and racing wheelchair users are prohibited from passing on the paved trail under Reserve St.
3. RWM will pay Stone a total amount of \$13,000, including therein all costs and attorney fees accrued to date. This sum is inclusive of any and all interest, costs or fees that are accrued or may be recoverable in this litigation. That is, to the extent Stone may be entitled to recover costs or fees, the sum of \$13,000 includes those sums, and additional money above those amounts may not be recovered.
4. RWM will comply with reasonable affirmative relief required by the Montana Human Rights Bureau.

Dated this 22nd day of January, 2016.

By: 

David A. Scrimm, Hearing Officer
Office of Administrative Hearings

c: Beth Brenneman
Kathryn S. Mahe