

**BEFORE THE MONTANA BOARD OF LIVESTOCK**

<p>IN THE MATTER OF:</p> <p><b>DILLON LIVESTOCK AUCTION, LLC</b></p> <p>Livestock Market License No. D0000M2 Proposed Change in Operations.</p>	<p><b>NOTICE OF PUBLIC CONTESTED CASE HEARING</b></p>
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The Montana Board of Livestock (Board) hereby gives notice of a public contested case hearing on the matter of the proposed change in operations for Dillon Livestock Auction, LLC (Dillon), a Montana limited liability company and licensed livestock market.

1. **ISSUE.** The issue in this case is whether the Board should approve Dillon’s request, made pursuant to Admin. R. Mont. 32.15.104, to add four additional sale dates at its livestock market located at 5747 Highway 91 S., Dillon, MT 59725. Currently, Dillon holds weekly sales on Thursdays. Dillon proposes to add the following sale dates:

- October 13, 2025 feeder sale
- November 10, 2025 feeder sale
- December 8, 2025 feeder sale
- December 15, 2025 bred cow sale

2. **TIME AND LOCATION OF HEARING.** A hearing will be held on **Tuesday, May 27, 2025 at 1:30 p.m. at the Copper King Convention Center, 4655 Harrison Ave, Butte, Montana 59701.**

Please refer to Paragraph 7 for information regarding public participation.

3. **HEARING AUTHORITY.** The Board determined at its April 24, 2025 meeting that a public hearing on Dillon’s proposed change was in the interest of the livestock industry

and ordered a hearing pursuant to Admin. R. Mont. 32.15.104(4). The Board's authority to conduct the hearing as a Montana Administrative Procedure Act contested case hearing is Admin. R. Mont. 32.15.105(4).

4. **ASSIGNMENT OF HEARING ASSISTANT.** The Board will hear and decide the case, and the Chair of the Board will act as the presiding officer at the hearing. The Board has appointed its legal counsel, Lindsey Simon, to act as the Hearing Assistant in this matter. Subject to override by the Chair, the Hearing Assistant shall direct the procedure of the hearing and shall make evidentiary rulings. All pre-hearing questions regarding this proceeding shall be directed to the Hearing Assistant. The Hearing Assistant may be reached at (406) 444-7631 or [lindsey.simon3@mt.gov](mailto:lindsey.simon3@mt.gov) during normal business hours.

5. **PARTIES.** This matter came before the Board on April 24, 2025, after prior notice was provided to all persons who are entitled to receive notice under Mont. Code Ann. § 81-8-252(1). An opportunity for written comment and public comment at the Board meeting was provided. Headwaters Livestock Auction (Headwaters), assumed business name of Valley View LLC, a Montana limited liability company, was the only person to lodge an objection to Dillon's proposed change in operations. **According, the sole parties to this contested case hearing shall be petitioner Dillon and objector Headwaters.**

6. **APPEARANCES.** All parties to this hearing are limited liability companies. The Department of Livestock (Department) has adopted Admin. R. Mont. 1.3.231(2), which states that a corporation appearing before the Department may not appear on its own behalf or through an agent other than an attorney. *See* Admin. R. Mont. 32.2.101(1). This restriction also applies to limited liability companies. *Sagorin v. Sunrise Heating & Cooling, LLC*, 2022 MT 58, ¶ 11, 408 Mont. 119, 506 P.3d 1028 (holding that LLCs may not appear *pro se* or through a non-attorney

member in court); *Ioerger v. Reiner*, 2005 MT 155, ¶ 20, 327 Mont. 424, 114 P.3d 1028 (holding that an LLC is a legal entity distinct from its members); *see also* Mont. Code Ann. § 37-61-201.

Both parties have the right to be represented at the hearing by counsel licensed to practice law in the State of Montana, should they elect to retain counsel at their own expense. Admin. R. Mont. 1.3.231(1). Alternatively, either party may participate in the hearing without retaining counsel, but such participation shall be limited to narrative testimony from non-attorney representatives and other supporting witnesses. **The parties must be represented by counsel at the hearing if they wish to do any of the following:**

- a. Submit pre-hearing filings;
- b. Conduct a direct examination of witnesses;
- c. Conduct a cross-examination of witnesses;
- d. Make evidentiary objections; or
- e. Present legal argument.

**Counsel for parties shall file a Notice of Appearance no later than 5 p.m. on May 22, 2025, in accordance with the filing directives set forth in Paragraph 10.**

7. **WITNESSES.** All witnesses shall testify under oath or affirmation and shall be subject to cross-examination by parties' counsel and examination by the Board. Witnesses shall have the option of providing testimony in person or virtually via Zoom. In person witnesses shall be present and prepared to testify at 1:30 p.m. on May 27, 2025. Any witness wishing to appear via Zoom must contact the Hearing Assistant for log-in information no later than 5 p.m. on May 22, 2025. The Hearing Assistant may be reached at the contact information set forth in Paragraph 4.

Non-party members of the public shall be provided an opportunity to give narrative testimony at the hearing, regardless of whether they are called as a witness by a party; provided, however, that the Board reserves the right to limit or refuse testimony by non-party witnesses.

Testimony by non-party witnesses shall be limited to no more than ten (10) minutes each, exclusive of cross-examination by parties' counsel. This time limitation shall not apply to witnesses called by either party. Each non-party witness shall identify whether they are providing comment in support of Dillon's proposed change, in opposition to Dillon's proposed change, or as a neutral informational witness.

8. **EXHIBITS.** Each party shall bring at least nine copies of all exhibits they intend to introduce into the hearing records—one of each of the seven Board members, one for the Hearing Assistant, and one for the opposing party. Party witnesses may request during their testimony, and without the assistance of counsel, that exhibits be admitted into the hearing record. Admission will be determined based on the Montana Rules of Evidence. Only parties' counsel may present legal argument in favor of admission.

With the exception of Department staff providing informational testimony, non-party witnesses may not request that exhibits be admitted into the hearing record.

9. **HEARING PROCEDURE.** This hearing and all prehearing matters will be conducted pursuant to the Montana Administrative Procedure Act, Title 2, chapter 4, part 6 of the Montana Code Annotated, the Montana Rules of Evidence, and the Attorney General's Model Rules found in Subchapter 1.3.2 of the Administrative Rules of Montana (adopted by the Department via Admin. R. Mont. 32.2.101(1)).

The Board will record the hearing, and either party has the right to arrange for the services of a court reporter to prepare a written transcript at the party's own expense. Mont. Code Ann. § 2-4-614(2).

The hearing shall proceed in the following order:

- a. Opening statement by counsel for the parties, if any

- b. Testimony from Dillon witnesses
- c. Testimony from Headwater witnesses
- d. Testimony from non-party witnesses
- e. Rebuttal testimony from Dillon witnesses
- f. Rebuttal testimony from Headwater witnesses
- g. Closing statement by counsel for the parties, if any

10. **FILING SUBMISSIONS.** All documents submitted for filing must be directed to Hearing Assistant Lindsey Simon at the Department of Livestock, P.O. Box 202001, Helena, Montana 59620-2001. Documents may be submitted electronically in portable data format (PDF) to [lindsey.simon3@mt.gov](mailto:lindsey.simon3@mt.gov). Any party who files a document via electronic mail shall be deemed to consent to electronic service at the email address used to submit the filing. Copies of all documents filed must be served upon the opposing party no later than the date on which they are filed and must include a certificate of service indicating whether service was by hand delivery, mail, or electronic mail. If a party is represented by counsel, service must be directed to the attorney(s) listed in any Notice of Appearance filed in accordance with the filing directives set forth in Paragraphs 6 and 10.

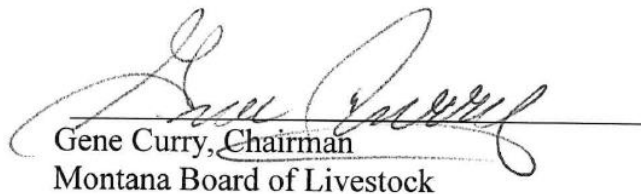
11. **EX PARTE COMMUNICATIONS.** Mont. Code Ann. § 2-4-613 and Admin. R. Mont. 1.3.222 (adopted by the Department via Admin. R. Mont. 32.2.101(1)) prohibit *ex parte* communication between a party and the presiding officer or any person authorized to participate in the decision of the contested case. Accordingly, from the date this Notice is issued until date a Final Order is issued, no party or witness may communicate with a Board member regarding this matter unless all parties are present. This ensures all parties that there is no unknown communication of any kind between a Board member and a party or witness. This includes email, telephone, letter or in-person communication.

Parties and witnesses may communicate with the Hearing Assistant for purely procedural purposes. For example, a party may call or email the Hearing Assistant to ask a question about how to file something, to confirm receipt of a filing, or to ask other procedural questions. The Hearing Assistant cannot and will not discuss the substance of any matter or provide any legal advice to any person.

12. **REASONABLE ACCOMMODATION.** Individuals with disabilities requiring accommodations in order to participate in the hearing should contact the Hearing Assistant as soon as possible to document the requested accommodation permit sufficient time to arrange for the requested accommodation. The Hearing Assistant may be reached at the contact information set forth in Paragraph 4.

13. **RIGHT TO OBJECT.** Either party has the right to lodge objections to the contents of this *Notice of Public Contested Case Hearing* through counsel. Objections must be submitted to the Hearing Assistant in accordance with the filing directives set forth in Paragraph 10 no later than 5 p.m. on May 22, 2025. Failure to submit objections will be deemed as a waiver.

DATED this 13th day of May, 2025.

  
Gene Curry, Chairman  
Montana Board of Livestock

**CERTIFICATE OF SERVICE**

I certify I served a true and accurate copy of the foregoing *Notice of Public Contested Case Hearing* by sending it U.S. mail, addressed to the following:

Dillon Livestock Auction, LLC  
5747 Hwy 91 S.  
Dillon, MT 59725

Headwaters Livestock Auction  
P.O. Box 929  
Three Forks, MT 59752

DATED this 13th day of May, 2025.

A handwritten signature in black ink, reading "Lindsey R. Simon". The signature is written in a cursive, flowing style.

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Lindsey R. Simon  
Montana Department of Livestock