

1 JOHN MEYER
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6 BEFORE THE COMMISSION ON PRACTICE OF THE
7 SUPREME COURT OF THE STATE OF MONTANA

8 * * * * *

9 IN THE MATTER OF JOHN P. MEYER,
10 An Attorney at Law,
11 Respondent.

} Supreme Court Cause No. _____
} ODC File No. 23-207
} **ANSWER**

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13
14 John P. Meyer, an attorney at law and Respondent in the above-captioned
15 action, hereby files an answer to the complaint dated February 9, 2026.

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17 As a preliminary matter, Respondent wishes to express his gratitude for the
18 opportunity to respond to the allegations and provide the Court and Office of
19 Disciplinary Counsel with a more complete view of the allegations and counts.

20 **General Allegations**

- 21
22 1. Admit.
23 2. Admit.
24 3. Admit.
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1 4. Admit that Respondent filed a personal injury lawsuit against Big Sky
2 Resort in December 2017 regarding a 2015 ski wreck. Admit that after the wreck,
3 the accident investigator for Big Sky Resort stopped working for the Resort and
4 became an expert for Respondent. Admit that the former accident investigator
5 testified that the area where Respondent's wreck occurred should have been marked,
6 but was not. Admit that the only witness that saw Respondent's wreck testified that
7 he was an excellent skier and was skiing in control at the time of the wreck. Admit
8 that Crowley Fleck, PLLP, on behalf of Big Sky Resort, filed a counter-claim
9 alleging Respondent abused the legal process by filing the lawsuit. Admit that the
10 district court granted Respondent Summary Judgment on Crowley Fleck/Big Sky
11 Resort's counterclaim. Admit that the order granting Respondent Summary
12 Judgment states Big Sky Resort's argument in support of its motion for summary
13 judgment "borders on frivolous." Admit that before the district court granted
14 Respondent Summary Judgment, Crowley Fleck/Big Sky Resort sought to depose
15 Respondent immediately before his wedding and said he could dismiss the complaint
16 if he did not want to be deposed. Admit that Crowley Fleck/Big Sky Resort offered
17 to dismiss its counterclaim if Respondent dismissed his complaint and paid the
18 Defendant \$50,000. Admit that Preamble 12 to the Montana Rules of Professional
19 Conduct states "the purpose of the Rules can be subverted when they are invoked by
20 opposing parties as procedural weapons." Admit that Crowley Fleck/Big Sky Resort
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1 invoked the Rules of Professional Conduct as a weapon by moving the district court
2 to dismiss Respondent's lawsuit by arguing he violated the Rules of Professional
3 Conduct. Admit that Respondent experienced suicidal ideation because of the stress
4 inflicted from Big Sky Resort's counterclaim. Dispute that Respondent's personal
5 injury lawsuit is relevant to any Clean Water Act litigation that Cottonwood filed
6 against Boyne USA, Inc. (Big Sky Resort). Admit that in 2020, Cottonwood filed a
7 Clean Water Act lawsuit against the Big Sky Water & Sewer District ("Sewer
8 District") and its manager. *Cottonwood Env'tl. L. Ctr., et. al. v. Edwards, et. al.*, 2:20-
9 cv-28-BMM. Admit that the district court ordered that the *Sewer District* was not
10 the proper Defendant for purposes of over-irrigation of the Meadow Village Golf
11 Course and ordered that Cottonwood could add Boyne USA (Big Sky Resort) as a
12 Defendant. Admit that Cottonwood then added Boyne as a Defendant. Admit that
13 the district court issued an order stating:
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16
17 *No dispute exists that water from the holding ponds, via leakage from the*
18 *wastewater holding ponds and irrigation on the golf course, enters the West*
19 *Fork of the Gallatin River, a navigable waterway.*

20 Doc. 89 at 11. Deny any suggestion that Respondent's personal injury lawsuit
21 against Big Sky Resort is relevant to Cottonwood's Clean Water Act litigation.
22 Respondent denies all other allegations contained within paragraph 4.

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24 5. Respondent incorporates by reference the answer to allegation 4. Admit
25 that on December 15, 2017, Respondent filed a \$50 million personal injury lawsuit

1 against Big Sky Resort. Deny that Salewa was a named Defendant at the time the
2 original complaint was filed. Admit that the original complaint states a settlement or
3 jury verdict would be used to provide healthcare for Big Sky Resort's employees.
4 Admit that at the time the complaint was filed, Big Sky Resort was promoting in the
5 news a \$150 million dollar investment to install heated ski lifts, but the resort was
6 not providing its ski patrollers with health care. Respondent denies all other
7 allegations in paragraph 5.
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10 6. Deny that an unsigned copy of any settlement agreement has any effect in
11 this case. Admit that Big Sky Resort violated at least one Motion in Limine during
12 the trial before a Montana jury unanimously ruled against the Respondent.
13 Respondent denies all other allegations in paragraph 6.
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15 7. Admit that *Montana Rivers, Gallatin Wildlife Association and Cottonwood*
16 *Environmental Law Center* sued DEQ alleging it violated the Montana
17 Environmental Policy Act ("MEPA") by failing to supplement a 2007 environmental
18 impact statement ("EIS") that the agency had once prepared for a contemplated
19 rulemaking by the Board of Environmental Review. Admit the proposed rule would
20 have designated the Gallatin River as an Outstanding Resource Water. Admit the
21 proposed rule, if adopted, would have prevented the DEQ from issuing future
22 Montana Pollution Discharge Elimination System permits for the Gallatin River and
23 its tributaries. Respondent denies all other allegations in paragraph 7.
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1 8. Deny that Cottonwood was involved in the original rulemaking or any
2 subsequent extensions referenced in allegation 8. Admit that Cottonwood filed a new
3 petition in 2018 based on the impacts of pharmaceutical pollution, a newly emerging
4 class of pollutants that were not considered at the time of the original petition. Admit
5 that Montana DEQ and the U.S. EPA have issued reports and notices stating fish and
6 amphibians are changing sexes because of pharmaceuticals found in wastewater.
7 Admit the state and federal agencies have acknowledged pharmaceuticals in
8 wastewater that make their way to surface waters are having impacts on humans.
9 Admit technology exists to remove pharmaceuticals from wastewater. Admit that
10 other cities are using available technology to remove pharmaceuticals from
11 wastewater. Admit the Montana Constitution contains the strongest environmental
12 safeguards of any state constitution. Deny Montana DEQ has stringent permitting
13 standards in place to address pharmaceutical pollution. Respondent denies all other
14 allegations in paragraph 8.
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18 9. Admit.

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20 10. Respondent incorporates by reference the answer to Allegation 4, and all
21 other allegations above and below. Admit that Cottonwood, represented by
22 Respondent, filed a lawsuit in September 2020 against Big Sky District and its
23 general manager alleging Defendants were unlawfully discharging pollutants into
24 the West Fork of the Gallatin River, specifically alleging that lined holding ponds
25

1 used by the District to store treated wastewater, were leaking into the groundwater
2 and polluting the West Fork. Admit that the district court issued an order stating:

3 *No dispute exists that water from the holding ponds, via leakage from the*
4 *wastewater holding ponds and irrigation on the golf course, enters the West*
5 *Fork of the Gallatin River, a navigable waterway.*

6 Doc. 89 at 11. Respondent denies all remaining allegations in paragraph 10.

7 11. Respondent incorporates by reference the answer to allegation 4, and all
8 other allegations above and below. Admit that on March 23, 2021, the Court denied
9 Cottonwood’s motion for injunction, which sought to prevent Big Sky District from
10 accepting new sewer connections, and to stop irrigation with reclaimed water.
11 Respondent denies all remaining allegations in paragraph 11.

12 Respondent denies all remaining allegations in paragraph 11.

13 12. Respondent incorporates by reference the answer to allegation 4, and all
14 other allegations above and below. Admit that the claims were bifurcated, with the
15 first claims going to trial on April 25 and 26, 2022. Admit one of the central issues
16 was the volume of leakage from the holding ponds. Admit the Sewer District told
17 the jury the holding ponds only leaked 270,000 gallons in 2020. Admit the Montana
18 DEQ investigated before the trial and asked the Sewer District for its data from 2019,
19 2020, and 2021. Admit the Sewer District provided the DEQ with the data and Terry
20 Campbell, a veteran engineer with the DEQ, then sent a colleague at DEQ
21 enforcement an email titled, “Quick Overview: What the Big Sky Data Tells Me.”
22 Admit the data indicates the holding ponds were leaking in excess of the state water
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1 quality limits. Admit Cottonwood asked DEQ about the status of the investigation
2 consistently from the beginning of 2022 until the week before the April 2022 trial.
3 Admit the DEQ closed the investigation the week before trial and stated it could not
4 determine whether the Sewer District's ponds were experiencing "gross leakage" in
5 violation of state law. Admit Cottonwood has asked the district court to compel DEQ
6 to produce the email titled, "Quick Overview: the Big Sky Data Tells Me." as part
7 of a constitutional Right to Know Lawsuit. Admit the district court has not ruled on
8 the motion. Admit that Terry Campbell stated during a 30(b)(6) deposition that
9 leakage can be determined using a mass balance equation. Admit DEQ has known
10 the Sewer District's holding ponds have been leaking in excess of state standards for
11 years and continues to look the other way. Admit EPA investigated after the DEQ
12 closed its complaint and concluded it could not determine whether the holding ponds
13 were leaking in violation of the law. Admit the Sewer District told the EPA the
14 holding ponds only leaked 270,000 gallons in 2020. Admit the EPA did not accept
15 that the Sewer District's holding ponds only leaked 270,000 gallons in 2020. Admit
16 the EPA used the calculation the Sewer District's holding ponds leaked 7.2 million
17 gallons in 2020.

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22 Admit the Sewer District provided Cottonwood with an Excel
23 Spreadsheet from February 2021 in response to a discovery request that contained
24 exports to Spanish Peaks and Yellowstone Club during the year 2020. Admit the
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1 Sewer District had a pump station it referred to as YC Pump Station 2 that
2 automatically recorded the volume of treated sewage that was sent to Spanish Peaks
3 and Yellowstone Club on an IO card. Admit the February Spreadsheet shows the
4 Sewer District stopped exporting to Spanish Peaks and Yellowstone Club on
5 November 4, 2020. Admit that the February Spreadsheet shows exports to Spanish
6 Peaks and Yellowstone Club in 2020 were done being recorded on November 4,
7 2020 because the Sewer District recorded exports to the resorts in January 2021.
8 Admit the district court would not admit the February Spreadsheet as a trial exhibit
9 because the Sewer District provided spreadsheets from July and October 2021 that
10 purported to be updates. Admit the February, July, and October Spreadsheets break
11 out exports to Spanish Peaks and Yellowstone Club during the irrigation and non-
12 irrigation season and puts the exports on different tabs.
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16 Admit that Ron Edwards, manager for the Sewer District and Jon
17 Rauchway, attorney for the Sewer District, told the jury that Cottonwood's expert's
18 leakage calculations missed the tab on an Excel spreadsheet that shows the Sewer
19 District exported treated sewage to Spanish Peaks and Yellowstone Club during the
20 non-irrigation season between between November 4, 2020 and December 31, 2020.
21 Admit this data was not included in the February Spreadsheet that was provided to
22 Cottonwood. Admit this tab was "hidden" in the October 2021 Spreadsheet that the
23 Sewer District provided Cottonwood in response to discovery. Admit the Sewer
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1 District backfilled the November through December 31, 2020 export data sometime
2 after it had provided Cottonwood with its February 2021 spreadsheet. Admit
3 Cottonwood never knew the spreadsheet tab existed until the Sewer District
4 provided directions on how to unhide the tab in a sur-reply brief.
5

6 Admit the Sewer District provided DEQ investigators with the
7 irrigation and non-irrigation season exports on a single tab for the DEQ. Admit the
8 Sewer District never provided Cottonwood with a single spreadsheet that showed all
9 exports during the irrigation and non-irrigation season. Admit the DEQ stated during
10 a 30(b)(6) deposition that it would make no sense for the irrigation and non-irrigation
11 season exports to be recorded on different tabs.
12

13 Admit the district court ruled the Sewer District's underdrain "pipe"
14 was not a "point source" for purposes of the Clean Water Act. Admit the Clean
15 Water Act defines "point source" as any "pipe." Admit Cottonwood appealed the
16 issue of whether the Sewer District's underdrain "pipe" was a "point source" for
17 purposes of the Clean Water Act. Admit Cottonwood did not appeal the issue of
18 whether the Sewer District provided falsified data to the jury in its Ninth Circuit
19 appeal. Admit that after the Ninth Circuit decided the appeal, the EPA issued a report
20 that did not accept the Sewer District's leakage calculations. Admit that Cottonwood
21 asked the district court to vacate the 2022 verdict based on the fact that the EPA did
22 not accept the Sewer District's calculations. Admit that the 2025 district court order
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1 sanctioning Cottonwood \$7500 for filing the motion to vacate the 2022 verdict does
2 not address the fact that the EPA could have accepted the Sewer District's
3 calculations that the holding ponds only leaked 270,000 gallons, but instead used the
4 calculation 7.2 million gallons. Respondent denies all other allegations in paragraph
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6 12/

7 13. Deny. Respondent is unaware of how much money tax payers have spent
8 defending the Sewer District's fraudulent data.

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10 14. Deny. Respondent incorporates by reference the answer to allegation 12,
11 and all other allegations above and below. The issue of whether the Sewer District
12 provided the jury with false data is currently on appeal. Respondent admits the Ninth
13 Circuit previously reversed the district court and Respondent is asking the Ninth
14 Circuit to reverse the district court again on the allegations in paragraph 14.

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16 15. Deny. Respondent incorporates by reference the answer to allegation 12,
17 and all other allegations above and below. This issue is on appeal in the Ninth
18 Circuit. Respondent admits the Ninth Circuit previously reversed the district court
19 and Respondent is asking the Ninth Circuit to reverse the district court on the
20 allegations contained in paragraph 15.

21
22 16. Deny. Respondent incorporates by reference the answer to allegation 12,
23 and all other allegations above and below. This issue is on appeal in the Ninth
24 Circuit. Respondent admits the Ninth Circuit previously reversed the district court
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1 and Respondent is asking the Ninth Circuit to reverse the district court on the
2 allegations contained in paragraph 16.

3 17. Admit that Cottonwood has appealed the verdict to the Ninth Circuit Court
4 of Appeals. Respondent denies all other allegations in paragraph 17.
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6 18. Deny the Sewer District has won four judgments in litigation against
7 Cottonwood. Deny all remaining allegations in paragraph 18.

8 19. Admit Cottonwood filed a Clean Water Act lawsuit against Spanish Peaks
9 and Yellowstone Club in 2021. *Cottonwood Environmental Law Center, et al., v.*
10 *Yellowstone Mountain Club LLC; Spanish Peaks Mountain Resort*, Cause No.
11 *CV-21-93*, United States District Court, Butte Division. (“*Spanish Peaks.*”).
12

13 Admit the December 9, 2021, action alleged both Defendants had unlawfully
14 discharged treated sewage water into the West Fork of the Gallatin River. Admit the
15 complaint contains photos of the liner of the Spanish Peaks’ treated sewage holding
16 pond torn and leaking. Admit Spanish Peaks did not place any signs or fencing
17 around the sewage pond alerting its members that the pond contained treated sewage.
18

19 Admit that a Spanish Peaks’ member unknowingly allowed her daughter and dogs
20 to swim in the treated sewage pond. Admit the treated sewage contained nitrogen
21 far-exceeding the human health limit. Admit that the Spanish Peaks’ member signed
22 a declaration asking the District Court to enjoin sewer connections at the Big Sky
23 Water & Sewer District. Admit Cottonwood settled the lawsuit with Spanish Peaks.
24
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1 Deny that the district court dismissed Yellowstone Club from the lawsuit with
2 prejudice. Deny all other allegations contained in paragraph 19.

3 20. Admit that the Spanish Peaks' member that originally alerted
4 Cottonwood of the leaking holding pond also sent Cottonwood video of Spanish
5 Peaks draining the same pond by spraying the treated sewage directly towards a
6 tributary of the West Fork of the Gallatin River. Admit Spanish Peaks was spraying
7 so much treated sewage on a hillside above the tributary that it was documented
8 running down the middle of a road. Admit Spanish Peaks placed a sign at a bridge
9 where it was spraying warning the public not to drink the stream water because it was
10 treated sewage. Admit that Spanish Peaks completed these activities before the
11 district court had signed the consent decree. Deny that Cottonwood could have
12 challenged these activities in the first lawsuit because they did not take place until
13 after the lawsuit was filed and a 60 Day Notice of Intent to Sue was necessary before
14 filing suit. Admit that Cottonwood filed a second Notice of Intent to Sue challenging
15 activities that did not transpire until after the first lawsuit was filed. Respondent
16 denies all others allegations in paragraph 20.

17 21. Admit that Cottonwood filed a lawsuit on behalf of its members and
18 members of Gallatin Wildlife Association challenging the DEQ decision to issue
19 Yellowstone Club a Clean Water Act permit to make snow using treated sewage.
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1 *Gallatin Wildlife and Cottonwood v. DEQ and Yellowstone Mountain Club*, Cause
2 No. DV-2021-833, Gallatin County District Court. (“*DEQ Yellowstone.*”).

3 22. Admit.

4 23. Admit Montana DEQ and U.S. EPA have issued notices stating
5 pharmaceutical pollution in wastewater is causing fish and amphibians to change
6 sexes. Admit the district court denied Cottonwood’s motions for injunctive relief.
7 Respondent denies all other allegations in paragraph 23.

8
9 24. Admit.

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11 25. Admit the Montana Supreme Court issued an unpublished decision that
12 affirmed the permit and explicitly states its opinion is not precedential regarding
13 future snow-making using treated sewage. Respondent denies all other allegations
14 in paragraph 25.

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16 26. Respondent incorporates by reference the answer to paragraph 12. The
17 district court has not issued final judgment in the case and Respondent denies all
18 remaining allegations in paragraph 26.

19
20 27. Deny. Respondent incorporates by reference the answers to paragraphs 12
21 and 26.

22 28. Deny. Respondent incorporates by reference the answers to paragraphs 12,
23 26 and 27.

24
25 29. Respondent incorporates by reference the answer to paragraphs 12. Admit

1 EPA investigated after DEQ closed its complaint and did not accept the Sewer
2 District's calculations that the holding ponds only leaked 270,000 gallons in 2020.
3 Admit the EPA investigators used the calculation the holding ponds leaked 7.2
4 Million gallons in 2020. Admit 7.2 million gallons of leakage exceeds DEQ
5 standards. Admit EPA averaged imports/exports over a six year period. Admit the
6 Sewer District's data shows it exported nearly 40 million gallons of treated sewage
7 more than came into the plant. Admit it was impossible for the Sewer District to
8 export 40 million gallons of treated sewage that never came into the plant. Admit the
9 federal district court never discussed this fact in its order dismissing the RICO
10 complaint even though it was discussed during the motion to dismiss hearing.
11 *Cameron v. CrossHarbor Capital Partners, et. al*, 2:25-cv-33-BMM. Respondent
12 denies all other allegations in paragraph 29.

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16 30. Admit Respondent filed *Cottonwood v. Yellowstone Club*, Cause No.
17 CV-23-26, U.S. District Court, Butte Division. ("*Cottonwood Yellowstone.*") Admit
18 the complaint alleges the Yellowstone Club violated the Clean Water Act, and
19 Montana's civil and criminal nuisance laws via its irrigation practices. Deny that the
20 U.S. District Court had previously denied those claims. Admit that Cottonwood filed
21 a Rule 41 motion to voluntary dismiss the previous lawsuit against Yellowstone Club
22 after it found more instances of Clean Water Act violations and it needed to provide
23 60 Days Notice before prosecuting those claims. Admit Yellowstone Club was not
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1 prejudiced in any way by the original case being dismissed and the second case being
2 filed after the second 60 Day Notice of Intent to Sue had expired because
3 Cottonwood ultimately moved forward with all claims in the second lawsuit until it
4 could no longer. Respondent denies all other allegations in paragraph 30.

5
6 31. Deny.

7 32. Admit that Cottonwood's Clean Water Act claim, including allegations
8 similar to those Cottonwood voluntarily dismissed in its first lawsuit, survived.
9 Admit Montana law allows private individuals to bring criminal claims against
10 private parties such as Yellowstone Club. Admit the district court held it did not have
11 jurisdiction to hear Cottonwood's criminal claims. Admit Yellowstone Club
12 filed a Motion for an Order to Restrict Extrajudicial Statements. . Respondent denies
13 all other allegations in paragraph 32.
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16 33. Admit the district court issued an order prohibiting not only Respondent
17 and Cottonwood, but also Yellowstone Club and its counsel, from making
18 extrajudicial statements. *Cottonwood Env'tl. L. Ctr. v. Yellowstone Mountain Club*,
19 2:23-cv-26-BMM (Doc. 69 at 12). Respondent denies all other allegations contained
20 in paragraph 33.
21

22 34. Admit the district court denied Cottonwood's second motion for
23 injunctive relief. Admit Yellowstone filed a motion to enforce the district court's
24 previous order re: social media. Admit Cottonwood told the Court it believed a
25

1 RICO complaint that it had filed since the district court issued its social media order
2 contained the allegations within the social media posts in question. Admit the
3 district court still ordered Cottonwood to remove several social media posts within
4 seven days or face a \$500/day fine. Admit Cottonwood removed all the specific
5 social media posts identified by the Court within seven days and all other posts it
6 found that it believed could violate the order. Respondent denies all other allegations
7 in the paragraph 34.
8

9 35. Admit that Yellowstone Club filed another motion to enforce the Court's
10 social media order without conferring with Cottonwood before filing the motion.
11 Admit the district court issued an order regarding Cottonwood's social media posts
12 stating, "Yellowstone also did not meet and confer with Cottonwood to explain what
13 social media posts Yellowstone believed did not comply with the Court's order.
14 Yellowstone could have resolved some of the disputes quickly by replying to
15 Cottonwood on what social media posts it believed violated the Court's order."
16
17 *Cottonwood Envtl. L. Ctr. v. Yellowstone Mountain Club*, 2:23-cv-26-BMM (Doc.
18 117 at 15. Respondent denies all further allegations in paragraph 35.
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21 36. Admit a jury found in favor of Yellowstone Club. Admit Cottonwood
22 objected to Yellowstone Club's Bill of Costs because of misconduct by Yellowstone
23 Club before and after the trial. Doc. 209. Admit that Yellowstone Club withheld
24 relevant discovery until after the close of discovery. Admit that Yellowstone
25

1 withheld relevant discovery until after the deadline for filing motions for summary
2 judgment. Admit Yellowstone Club purposefully obstructed Rule 34 investigations
3 designed to determine whether Yellowstone Club was violating the Clean Water Act.
4 Admit the district court issued an order allowing Cottonwood to place a tracer dye
5 in Yellowstone Club's treated sewage holding pond to determine whether the pond
6 was leaking and whether the treated sewage being used to irrigate the golf course
7 was being sprayed into navigable waters in violation of the Clean Water Act. Admit
8 Yellowstone Club did not irrigate its golf course for 15 days—during the middle of
9 August. Admit Yellowstone Club did not tell its experts that it had not irrigated
10 during the 15 days. Admit Yellowstone Club's expert filed reports and testified
11 during trial that the lack of dye in the navigable waters proved Yellowstone Club
12 was not over-irrigating its property. Admit Yellowstone Club prevented Cottonwood
13 from inspecting areas of its property that the Court authorized Cottonwood to see.
14 Admit that the district court allowed Cottonwood to revisit, but the area was buried
15 in snow and Cottonwood was forced to abandon some of its Clean Water Act claims
16 as a result of its inability to secure necessary on the ground information. Admit the
17 Montana DEQ never took any water samples when it investigated. Admit Montana
18 DEQ's investigation report does not discuss any of the data the agency requested
19 from Yellowstone Club. Admit Yellowstone Club irrigated its golf course with
20 treated sewage that contained e. coli at 6,000 CFU. Admit the standard is 2.2 CFU.
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1 Admit Yellowstone Club had Respondent arrested for criminal trespass—hiking
2 below the high water in the South Fork of the Gallatin River with a Cottonwood
3 employee that took water samples coming off Yellowstone Club property that show
4 the private resort is polluting the Gallatin River. Admit that a former employee of
5 the Yellowstone Club contacted Respondent after the criminal charges were dropped
6 and told him the Yellowstone Club was polluting the South Fork of the Gallatin
7 River. Admit that the whistleblower gave an interview to a magazine about the
8 Yellowstone Club’s activities. Admit that after the whistleblower gave the interview,
9 he later told Respondent that he did not want to be a part of the lawsuit because the
10 Yellowstone Club threatened to make his life harder than it needed to be. Respondent
11 denies all other allegations in paragraph 36.

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14 37. Respondent incorporates by reference all previous answers to all
15 paragraphs, including but not limited to paragraphs 19 and 20. Respondent denies
16 all remaining allegations in paragraph 37.

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18 38. Admit that as part of the Consent Decree, Spanish Peaks was required to
19 provide Cottonwood with the Nutrient Management Plan for the golf course in
20 question within 14 days. Admit that the irrigation in question in Cottonwood’s
21 second lawsuit was authorized under a separate DEQ approval that was not part of
22 Cottonwood’s first lawsuit against Spanish Peaks and not referenced in the consent
23 decree. Admit the district court denied Cottonwood’s motions for injunctive relief
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1 against Spanish Peaks. Deny the Court dismissed the claims. Deny the DEQ
2 authorized Spanish Peaks to spray so much treated sewage on its slopes that it ran
3 down the road. Deny the DEQ authorized Spanish Peaks to spray treated sewage into
4 the West Fork of the Gallatin River or its tributaries during the summer. Admit that
5 Cottonwood's expert, a University of Maryland research professor with a Ph.D. from
6 Harvard University, worked with UC-Davis to complete isotope analysis and
7 determined the algae below where Spanish Peaks was spraying contains treated
8 sewage. Respondent denies all remaining allegations in paragraph 38.
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11 39. Deny. Respondent incorporates by reference all previous answers to all
12 paragraphs, including but not limited to paragraph 12. Admit MT DEQ has withheld
13 relevant email communications regarding leakage from the Big Sky Water and
14 Sewer District that are the subject of pending constitutional right to know litigation.
15 Admit the Meadow Village Golf Course did not irrigate the day the DEQ
16 investigated, despite it being sunny with no rain. Admit the Meadow Village Golf
17 Course used treated sewage from the Sewer District that Cottonwood had dyed with
18 a fluorescein tracer. Admit the tracer was found in surface water. Admit that the
19 attorney for Big Sky Resort stated during trial that the wind may have blown the
20 tracer into surface water. Admit that spraying the treated sewage into surface water
21 is a violation of the Clean Water Act. Admit the district court issued an order stating:
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25 *No dispute exists that water from the holding ponds, via leakage from*

1 *the wastewater holding ponds and irrigation on the golf course, enters the*
2 *West Fork of the Gallatin River, a navigable waterway.*

3 *Cottonwood Env'tl. L. Ctr. v. Edwards, et. al.*, 2:20-cv-28-BMM (Doc. 89 at 11).

4 Admit that Cottonwood has appealed the judgment. Respondent denies all remaining
5 allegations in paragraph 39.

6 40. Admit Montana DEQ drove around Yellowstone Club's golf course
7 during the day when irrigation was not happening and reported that it did not
8 document any violations of the Clean Water Act. Admit Montana DEQ did not take
9 any water samples from Yellowstone Club's golf course or analyze any of the
10 Yellowstone Club's irrigation data that shows it was irrigating with treated effluent
11 that did not meet DEQ standards. Respondent denies all remaining allegations in
12 paragraph 40.

13 41. Admit.

14 42. Admit that the district court's order dismissing the RICO action did not
15 address the fact that the EPA did not accept the Sewer District's contention that its
16 holding ponds only leaked 270,000 gallons. Admit that before Cottonwood filed its
17 lawsuit against the DEQ, the agency closed its complaint and stated it could not
18 determine whether the Sewer District's holding ponds were leaking in excess of
19 DEQ standards. Admit the district court was skeptical and asked why the DEQ had
20 withheld relevant internal communications regarding the volume of leakage.
21 Respondent denies all other allegations in paragraph 42.

1 43. ODC realleges and incorporates previous allegations to which no answer
2 is required. To the extent an answer is required, Respondent incorporates all answers
3 to all previous allegations and denies all allegations that have not been answered.

4 44. Deny.

5 45. Deny.

6 46. Deny.

7 47. Deny.

8 48. Deny.

9 49. Deny.

10 50. Deny.

11 51. Deny.

12 52. Deny.

13 53. ODC realleges and incorporates previous allegations to which no answer
14 is required. To the extent an answer is required, Respondent incorporates all answers
15 to all previous allegations and denies all allegations that have not been answered.
16

17 54. Deny.

18 55. Deny.

19 56. Deny.

20 57. Deny.

21 58. Deny.

1 59. Deny.

2 60. ODC realleges and incorporates previous allegations to which no answer
3 is required. To the extent an answer is required, Respondent incorporates all answers
4 to all previous allegations and denies all allegations that have not been answered.
5

6 61. Deny.

7 62. Deny.

8 63. Deny.

9 64. Deny.
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11 65. ODC realleges and incorporates previous allegations to which no answer
12 is required. To the extent an answer is required, Respondent incorporates all answers
13 to all previous allegations and denies all allegations that have not been answered.
14

15 66. Deny.

16 67. Deny.

17 68. Deny.

18 69. Deny.
19

20 70. ODC realleges and incorporates previous allegations to which no answer
21 is required. To the extent an answer is required, Respondent incorporates all answers
22 to all previous allegations and denies all allegations that have not been answered.
23

24 71. Deny.

25 72. Deny.

1 73. Deny.

2 74. Deny.

3 75. Deny.

4 76. Deny.

5 ODC has included a prayer for relief, for which no response is required. To
6 the extent a response is required, Respondent has not violated the Model Rules
7 of Professional Conduct. The complaint should be stayed given the pending
8 litigation that may moot the claims and/or prejudice Respondent's clients in
9 the pending litigation.
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13 Respectfully submitted this 4th day of March, 2026.

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15 /s/ John Meyer, Respondent.
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CERTIFICATE OF SERVICE

I, John Phillip Meyer, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Other to the following on 03-04-2026:

Pamela D. Bucy (Attorney)
P.O. Box 1099
Helena MT 59624
Representing: Office of Disciplinary Counsel
Service Method: eService

Commission on Practice (Other)
Dia Lang, Office Administrator
P.O. Box 203005
Helena MT 59620-3005
Service Method: Conventional

Electronically Signed By: John Phillip Meyer
Dated: 03-04-2026