

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
GREAT FALLS DIVISION

Scott and Pamela Bye; Korey and Wendy Fauque; Butch and Doreen
Gillespie; Wayne and Roxy Gillespie, and John Does 1, 2, 3, 4 v.
Somont Oil Company, Inc.

No. 25-CV-21-GF-BMM · No. No. 25-CV-21-GF-BMM · Decided November 25, 2025

SUMMARY

The United States District Court for the District of Montana grants plaintiffs’ motion for leave to file a third amended complaint and motion to join additional plaintiffs. The court concludes that amendment is timely, not futile or prejudicial, and that the additional plaintiffs’ claims concerning alleged produced-water discharges arise from the same series of transactions and share common questions of law and fact with the existing plaintiffs’ claims.

CASE DETAILS

COURT	United States District Court for the District of Montana, Great Falls Division
WRITING FOR THE COURT	Brian Morris
JURISDICTION	United States District Court for the District of Montana, Great Falls Division
DECIDED	November 25, 2025
DOCKET	No. 25-CV-21-GF-BMM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for leave to file a Third Amended Complaint and to join Randall J. Fauque and Gene and Kim Luckenbill as additional party plaintiffs. The defendant did not oppose either motion.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is governed by whether justice so requires, including considerations such as prejudice, bad faith, undue delay, and futility. Permissive joinder under Rule 20(a)(2) requires claims arising from the same transaction, occurrence, or series of transactions or occurrences and a common question of law or fact.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only.

PARTIES

Scott and Pamela Bye, Korey and Wendy Fauque, Butch and Doreen Gillespie, Wayne and Roxy Gillespie, John Does 1, 2, 3, 4 v. Somont Oil Company, Inc.

TOPICS

motion to amend

joinder

civil procedure

clean water act

injunctions

PRACTICE AREAS

Civil procedure

Environmental law

Remedies

QUESTIONS PRESENTED

1. Whether plaintiffs should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to file a Third Amended and Second Supplemental Complaint.
2. Whether Randall J. Fauque and Gene and Kim Luckenbill could permissively join as plaintiffs under Federal Rule of Civil Procedure 20(a)(2).

HOLDINGS

1. Leave to amend should be freely granted when justice so requires, and amendment was appropriate because it was timely, would not prejudice Somont, was not shown to be undertaken in bad faith or with undue delay, and was not futile at that stage.
2. Permissive joinder was proper because the additional plaintiffs' claims arose out of the same series of transactions or occurrences as the existing plaintiffs' claims and shared material questions of law and fact.

KEY QUOTATIONS

“The [C]ourt should freely give leave when justice so requires.” (Introduction)

“A person may join in one action as plaintiffs if they assert any right to relief “arising out of the same transaction, occurrence, or series of transactions or occurrences,” and “any question of law or fact common to all plaintiffs will arise.”” (Introduction)

FACTUAL BACKGROUND

Somont Oil Company operated under an MPDES discharge permit associated with the Swayze lease. The permit's outfall allegedly originated from, was located on, or ran onto and ponded on property owned by the proposed additional plaintiffs, and produced-water discharges allegedly damaged Gene and Kim Luckenbill's property by creating a salt flat. The existing and proposed plaintiffs alleged that the discharges violated the Clean Water Act.

PROCEDURAL HISTORY

Plaintiffs sought to amend and supplement their existing pleadings to clarify allegations concerning permanent injunctive relief and restoration damages and to add a nuisance count. They also sought permissive joinder of additional plaintiffs whose property allegedly was affected by discharges associated with Somont's Swayze lease. The district court granted both motions.

DISPOSITION

other

CASES CITED

- Rose v. Montana, No. 10-cv-2, 2010 WL 3724824, at *13 (D. Mont. July 14, 2010)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA GREAT FALLS DIVISION SCOTT AND PAMELA BYE; KOREY No. 25-CV-21-GF-BMM AND WENDY FAUQUE; BUTCH AND DOREEN GILLESPIE; WAYNE AND ROXY GILLESPIE, and JOHN ORDER ON MOTION TO FILE DOES 1, 2, 3, 4, THIRD AMENDED COMPLAINT AND MOTION TO JOIN PARTY Plaintiffs, PLAINTIFFS vs. SOMONT OIL COMPANY, INC., Defendant.

INTRODUCTION Plaintiffs Scott and Pamela Bye, Korey and Wendy Fauque, Butch and Doreen Gillespie, Wayne and Roxy Gillespie, and John Does 1, 2, 3, 4 (collectively “Ranchers”), have filed a motion to amend/correct their Second Amended and First Supplemental Complaint. (Doc. 57.) Ranchers have also filed a motion to join Randall J. Fauque, and Gene and Kim Luckenbill, as additional plaintiffs to this lawsuit (collectively “additional Plaintiffs”).

(Doc. 58.) Defendant Somont Oil Company (“Somont”) does not oppose either motion. (Doc. 60 and Doc. 61.) Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that “[t]he [C]ourt should freely give leave when justice so requires.” Ranchers seek to amend their complaint by supplementing and clarifying factual allegations concerning their requests for permanent injunctive relief and restoration damages.

(Doc. 57 at 2.) Plaintiffs seek to add new count for nuisance to their Third Amended Complaint. (Id. at 3.) The Court finds that the proposed Third Amended and Second Supplemental Complaint will not prejudice Somont as discovery has just begun.

The Court further finds that Ranchers have not filed this motion to amend in bad faith or with undue delay. Amendment does not prove futile at this stage. Ranchers’ motion to amend pleadings is timely as it was made within the deadline provided in the Court’s scheduling order. (Doc. 48.) A person may join in one action as plaintiffs if they assert any right to relief “arising out of the same

transaction, occurrence, or series of transactions or occurrences,” and “any question of law or fact common to all plaintiffs will arise.” Fed.

R. Civ. Proc. 20(a)(2). Rule 20 allows for “fairness and judicial economy” and “[t]he purpose of the [permissive joinder] rule is to promote trial convenience and expedite the final determination of disputes, thereby preventing multiple lawsuits.” *Rose v. Montana*, No. 10-cv-2, 2010 WL 3724824, at *13 (D. Mont. July 14, 2010); see 7 Charles Alan Wright, Arthur R. Miller, & Mary Kay Kane, *Federal Practice and Procedure* § 1652 (3d ed.

Nov. 2019 Update). Rather than apply a rigid test, courts determine on a case-by-case basis whether a particular scenario satisfies Rule 20’s requirement for a single transaction or occurrence. See *Rose*, 2010 WL 3724824, at *13. Somont has a MPDES discharge permit called the Swayze lease, that “originates from, is located on, or runs onto and ponds on property owned by additional Plaintiffs.” (Doc.

58 at 2.) Randall Fauque is the legal owner of the land where the Swayze lease’s outfall empties. (Id.) Gene and Kim Luckenbill’s property allegedly has been damaged by the salt flat created by the Swayze outfall. (Id.) Additional Plaintiffs’ allege that Somont’s discharges of produced water onto additional Plaintiffs’ lands associated with the Swayze lease further violates the Clean Water Act.

(Id.) The Court finds that additional Plaintiffs’ claims arise out of the same series of transactions or occurrences as those of Ranchers. The Court additionally finds that additional Plaintiffs’ claims against Somont share material questions of law and fact with Ranchers. ORDER Accordingly, IT IS ORDERED that: • The Court GRANTS Plaintiffs’ Motion for Leave to File Third Amended Complaint (Doc.

57). The Clerk of Court’s Office will file the Third Amended Complaint, Doc. 57-1 on the docket. • The Court GRANTS Plaintiffs’ Motion to Join Party Plaintiffs (Doc. 58). DATED this 25th day of November, 2025. Brian Morris, Chief District Judge United States District Court