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**In The Matter Of:**  
*Kleinhans Farms Estates, LLC v.*  
*Flathead County*

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*Kirsten Holland*  
*September 24, 2009*  
*DV 08-614(B)*

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## **Attorney Notes**



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1 IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT  
 2 OF THE STATE OF MONTANA  
 3 IN AND FOR THE COUNTY OF FLATHEAD  
 4  
 5 KLEINHANS FARMS ESTATES, LLC  
 6 Montana Limited Liability Company,  
 7 Plaintiff, ) No. DV-08-614(B)  
 8 vs.  
 9 FLATHEAD COUNTY,  
 10 Defendant.  
 11  
 12  
 13  
 14 DEPOSITION OF  
 15 KIRSTEN HOLLAND  
 16  
 17  
 18 On September 24, 2009, beginning at 1:52 p.m.,  
 19 the deposition of KIRSTEN HOLLAND, appearing at the  
 20 insistence of Defendant, was taken at the Earl Bennett  
 21 Building, 1035 First Avenue West, Kalispell, Montana,  
 22 pursuant to the Montana Rules of Civil Procedure, before  
 23 Bambi A. Goodman, Registered Professional Reporter,  
 24 Certified Realtime Reporter, Notary Public.  
 25

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1  
 2 A P P E A R A N C E S  
 3  
 4  
 5 Terance P. Perry, Esq.  
 6 DATSOPOULOS, MACDONALD & LIND, P.C.  
 7 201 West Main Street, Suite 201  
 8 Missoula, MT 59802  
 9 406-728-0810  
 10 appeared on behalf of the Plaintiff.  
 11  
 12 Alan F. McCormick, Esq.  
 13 GARLINGTON, LOHN & ROBINSON  
 14 199 West Pine  
 15 Missoula, MT 59802  
 16 406-523-2500  
 17 appeared on behalf of the Defendant.  
 18  
 19 Also Present: Keith Simon, Sean Averill  
 20  
 21  
 22  
 23  
 24  
 25

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1  
 2 I N D E X  
 3 WITNESS: PAGE:  
 4 KIRSTEN HOLLAND,  
 5 Examination By Mr. Perry 4  
 6  
 7  
 8  
 9 EXHIBITS:  
 10 None  
 11  
 12  
 13  
 14  
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 16 Reporter's Certificate 21  
 17  
 18  
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 20  
 21 \* Denotes phonetic spelling  
 22  
 23  
 24  
 25

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1 KIRSTEN HOLLAND,  
 2 having been first duly sworn to testify to the truth,  
 3 the whole truth and nothing but the truth, testified  
 4 upon her oath as follows:  
 5 EXAMINATION  
 6 BY MR. PERRY:  
 7 Q Good afternoon, ma'am. My name is Terance  
 8 Perry. I represent Kleinhans Farms, LLC in regard to  
 9 the North Shore Ranch project. I think you're familiar  
 10 with that one.  
 11 A I am.  
 12 Q I'm here to ask you a few questions today about  
 13 your involvement in the projects. And just a couple of  
 14 ground rules. If you don't understand my question, just  
 15 tell me and I'll be happy to rephrase it. If you need  
 16 to take a break at any point in time, to use the ladies'  
 17 room or anything like that, just tell me. Always happy  
 18 to accommodate such a request, as long as there isn't a  
 19 question in front of you at the time.  
 20 A Sure.  
 21 Q The court reporter has difficulty taking down  
 22 head nods, shakes of the head. You have to verbalize  
 23 your answer so we have a clear transcript; okay?  
 24 A Okay.  
 25 Q All right.

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1 Can you please state your full name for the  
2 record.  
3 A Kirsten Holland.  
4 Q And how do spell your first and last name?  
5 A K-i-r-s-t-e-n H-o-l-l-a-n-d.  
6 Q And where do you live?  
7 A Eureka, Montana.  
8 Q And can you tell me your residential address.  
9 A Yes; 708 Highway 37, Eureka.  
10 Q And your date of birth.  
11 A 11/17/68.  
12 Q And a little bit about your educational  
13 background starting with high school. Where'd you  
14 attend high school?  
15 A Southern California; Fallbrook High School in  
16 San Diego County. Went to San Diego State University.  
17 I got a degree in international studies, then went to  
18 San Francisco State University and received a degree in  
19 urban studies. Went to a year of law school at USF,  
20 University of San Francisco. Decided it wasn't for me,  
21 and then worked in various community development and  
22 nonprofit organizations in San Francisco, the San  
23 Francisco Foundation, East Bay Community Law Center, and  
24 then went to the San Francisco SPCA where I started  
25 working with animals.

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1 Moved to Montana in 2004. Worked for Flathead  
2 County; started in March, March 15th, 2004. And I've  
3 worked for the county, in one capacity or another, ever  
4 since.  
5 Q So you would have started work with the county  
6 about the same time that Mr. Grieve did?  
7 A I did, except when I started, I started, I  
8 think, two weeks or a month later than he did. I  
9 started as the county grant writer, working for the  
10 commissioners directly. And then in July, I think it  
11 was July 5th, I started at the county planning office as  
12 a planner one. So I transitioned, after about three  
13 months, from grant writing to planning.  
14 Q And with respect to planning before July 5 of  
15 2004, did you have any experience as a planner or  
16 anything like that?  
17 A My experience with land use planning was  
18 directly with the San Francisco Foundation. I worked on  
19 a six-million-dollar neighborhood improvement initiative  
20 for the William and Flora Hewlett Foundation. So my  
21 work in land use planning was as a representative of the  
22 community groups. I didn't work as a land use planner.  
23 I worked more as one of the people representing the  
24 people in the community that was being redeveloped. So  
25 although I worked with the City of Oakland and the City

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1 of San Francisco and Alameda County, I didn't work as a  
2 government official. So I didn't do subdivisions and  
3 things like that. I did neighborhood improvement,  
4 neighborhood development, community development.  
5 Q When did you first meet Keith Simon?  
6 A I don't remember. It must have been sometime  
7 either just before the application was submitted or  
8 maybe right after; I don't recall.  
9 Q It would have been after you became employed  
10 with Flathead County, though.  
11 A Yes; absolutely.  
12 Q You'd never met Keith before that.  
13 A No, not that I know of.  
14 Q And would you have met Sean Averill about the  
15 same time that you first met Keith Simon?  
16 A If I ever met Sean Averill before that, it  
17 wasn't a formal introduction. I might have just known  
18 of him because of his long history in the valley and his  
19 family.  
20 Q At some point in time, do you recall meeting  
21 with Keith Simon and/or Sean Averill during the course  
22 of which meeting Mr. Simon described his vision, so to  
23 speak, for the North Shore Ranch property?  
24 A Yes.  
25 Q What do you recall about that conversation?

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1 A Not a lot. The last two years I've been  
2 running the county animal shelter, and it's a very  
3 different game, so to speak. So I don't -- I mean, I've  
4 gone from one job to another. So my memory is pretty  
5 foggy.  
6 But I do know that when Mr. Simon and I spoke  
7 about North Shore Ranch, we discovered that we both had  
8 in common the fact that we were from California. And he  
9 asked me if I was familiar with a project he'd worked on  
10 there called Pajaro Dunes in the Monterey Bay peninsula,  
11 I think, is where it's located, sort of around there.  
12 Q Uh-huh.  
13 A And I remember him describing his desire to do  
14 something similar in Flathead County in terms of the  
15 environmental footprint, if you will; something that  
16 preserved the integrity of the area.  
17 Q Do you recall anything else about that meeting?  
18 A Not off the top of my head. I'm sure there's  
19 plenty more, but that's all I recall in specifics.  
20 Q Do you recall how long a meeting it was when  
21 you first met Keith Simon?  
22 A No.  
23 Q Was the meeting here at the Flathead County  
24 complex, so to speak?  
25 A I believe it was.