



Independent Record

Women, LGBTQ+ people celebrate representation at Red Ants Pants Music Festival

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Trump to hold Bozeman rally in support of Tim Sheehy's US Senate bid

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Thursday, August 1, 2024

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'IT'S BEEN AN HONOR'



THOM BRIDGE, INDEPENDENT RECORD

John Cech is the 18th president of Carroll College.

Carroll College President John Cech announces he's retiring in June 2025

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Carroll College President John Cech announced his retirement from the college and said he was grateful to the faculty, staff and students he has worked with during his tenure.

Cech has 40 years of higher education experience from around Montana, but said it was time to have someone new come in to run the private Catholic college.

"It's been an honor to serve in this position and help Carroll advance and move forward," Cech, 62, said. "I think now is a really good time for the next person to come in and take it to the next level."

His last day with the college will be June 30, 2025.

Cech attended Catholic schools in Butte and graduated from Billings Central High

Please see **CECH**, Page A2

Fish, Wildlife Service may delist grizzly bears by '25

Federal agency to propose new Endangered Species Act status, official says

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MISSOULA — The U.S. Fish and Wildlife Service appears poised to revise or remove Endangered Species Act protections from grizzly bears in the Lower 48 states by January 2025, according to court documents filed on Friday.

FWS Mountain-Prairie Regional Director Matt Hogan's response to a lawsuit between the state of Wyoming and the U.S. Interior Department noted the service had planned to complete a 12-month review of grizzly protection status by Wednesday, July 31, 2024.

But because of several other legal developments, Hogan wrote the service had changed course. It now expects to release a combined decision on the federal status of the two biggest grizzly recovery ecosystems — and propose a new ESA status for grizzly bears — "no later than January 31, 2025," according to Hogan's declaration.

However, the wording of Hogan's statement leaves room for multiple options. He told the court "the Service currently intends to finalize all three of these documents — the GYE (Greater

Please see **GRIZZLIES**, Page A8

SUPREME COURT

Justices uphold dismissal of one claim by Weiner against hospital

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The Montana Supreme Court has upheld the decision of a Lewis and Clark County judge to dismiss a case of an oncologist who sued St. Peter's Health for firing him, but not for the rationale used by the district court.

The ruling is in regard to one of two lawsuits filed against St. Peter's by Dr. Thomas Weiner over claims of wrongful termination.



Weiner

Please see **DR. WEINER**, Page A2

75TH ANNIVERSARY

Helena to honor 13 who died in Mann Gulch fire

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This weekend, Helena is honoring the 13 people who died in the infamous Mann Gulch fire 75 years ago.

The fire was Aug. 5, 1949, just 20 miles north of Helena in the Gates of the Mountain Wilderness, after a lightning strike.

It was a hot and windy day,

and the fire was crawling in the steep rocks. Roadless terrain meant smokejumpers, specially trained wildland firefighters who could parachute into a fire, needed to be called in.

A crew from Missoula responded, and although the response looked routine,

Please see **MANN GULCH FIRE**, Page A3



An August 1949 photo shows the scope of the Mann Gulch fire near Helena, which took the lives of 12 smokejumpers and a forest ranger when a wall of flame raced up a steep hillside. The lightning-caused blaze burned more than 3,000 acres and controlling it required the efforts of more than 400 firefighters.

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WEATHER TRIVIA

August, on average, is Helena's third-wettest month (after June and May). One August in three will bring an inch of rain, and one in 10 will top 2 inches. The rainiest (1974) brought 4.23 inches.

CORRECTIONS

If you see something incorrect in the Independent Record's news coverage, please call 447-4074. Written requests for corrections may be sent to Corrections, P.O. Box 4249, Helena, MT 59604 or editor@helenair.com.

Cech

From A1

School. He has a bachelor's degree in business administration and computer information systems, a master's degree in nonprofit management and a doctorate in higher education leadership.

Cech's experience spans back to 1984, when he joined Rocky Mountain College in Billings as a faculty member. He left in 2002 as a dean.

He went on to become dean and CEO of MSU-Billings' College of Technology from 2002-2010 and served as the deputy commissioner for the Montana University System from 2010 to 2018.

His retirement announcement was filled with gratitude for his team and students he met throughout his time, and cited donors who contributed to his goals he set during his inauguration in 2018.

Some of those goals he mentioned during his inauguration speech were a health professions initiative and infrastructure initiative.

Throughout his time at Carroll, he has been a part of the creation, implementation and development of its accelerated nursing program, master of social work program, the construction of the Wiegand Simulation Center and Montana's second physician's assistant program.

Over the last 10 years Carroll has sent 161 students to medical school, according to Cech, which he said is "unbelievable" considering the size of the school.

"I often say we're a gift to the state of Montana because we're producing amazing graduates who



THOM BRIDGE, INDEPENDENT RECORD

Montana State University President Waded Cruzado, left, and Carroll College President John Cech laugh at a joke during inauguration ceremony on April 26, 2019.

go to work in Montana and we are not requiring any state taxpayer dollars," Cech said.

His infrastructure goal involved the construction of the Perkins Call Canine Center and Simperman Learning Commons, a revamp of the campus center and dining facilities, Founder's Corner and Valley Bank Field at Nelson Stadium, and the development of the school's Catholic studies program.

Cech mentioned the school has nearly completed the fundraising portion for a new facilities building, which he hopes to have completed by his final day at the school.

He thanked donors who contributed to events, building projects and the school in general, including Dr. Earl Heller, the Simperman family and Ray Kuntz.

Cech talked about Kuntz in high esteem for his generosity over the years to the college and its stu-

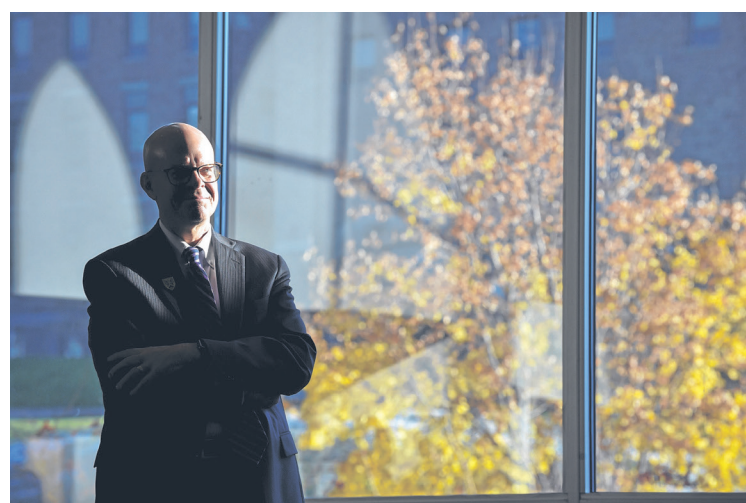
dents, with an example involving the college's Global Student Refugee initiative.

Kuntz helped orchestrate the college careers of some of the students involved in the initiative, which spans to Mexico, Ukraine and Ethiopia, including an Ethiopian goalkeeper, Dagim Degaro, Cech said.

Degaro faced possible deportation due to funding falling through, according to Cech, until he reached out to Kuntz, who helped the goalkeeper stay in Helena, complete school and stay on the pitch.

Cech continued praising the school, saying "the liberal arts are the secret sauce for what we have here." Another part of the "secret sauce" was the fact that the college operates as a Catholic institution even though it respects other belief systems.

"I always say when I met with students that faith here is always



John Cech, president of Carroll College, stands inside the school's campus center in November 2022.

exposed, never imposed," he said.

Cech said students gave him the energy he needed and hope for the future of the world during his tenure and for that he thanked them.

"For the past six years, Dr. John Cech has worked tirelessly on behalf of Carroll College. He has been at the helm of the college during very consequential years and has led through transformative projects and challenging circumstances," Rev. Patrick Beretta, chair of the Carroll College board of trustees, said. "For these accomplishments, Dr. Cech has earned our deep appreciation, and I have cherished our time working together."

The relationship between Helena and Carroll College was something he was glad to be a part of.

"I am so grateful to the Helena community for the incredible support Carroll receives from every aspect of this community. Carroll and Helena have a truly symbiotic relationship for which

I am truly grateful," Cech said.

He also credited wife, Victoria, for helping with his success.

"You can't do it alone," he said. "I couldn't do it without my wife."

Cech doesn't know what he will do once his retirement is official, but he told the board of trustees, "I own a lot of purple, so I will be one of Carroll's top ambassadors, wherever I go."

Cech's team was given a heartfelt and tearful thanks as he expressed gratitude for them, saying the faculty and staff do the work toward the school's motto, "Not for school, but for life."

"It's about changing lives. It's what we do here," Cech said with tears in his eyes. "When I walk out the door at 5 o'clock on June 30, 2025, I hope I will have left this place just a little bit better than I found it."

Sonny Tapia is a criminal justice and education reporter for the Helena Independent Record.

Dr. Weiner

From A1

The second lawsuit, appealing District Court Judge Michael Menahan's summary judgment Aug. 31 in favor of St. Peter's, is pending with the high court.

In a decision filed Tuesday, Justice Laurie McKinnon said Weiner's complaint was barred by "claim-splitting" and not res judicata, as Menahan had ruled. Claim-splitting notes you cannot have two claims on the same issue.

"We hold the District Court was incorrect in determining the court's order in Weiner I, which denied Weiner leave to amend his complaint, was a final judgment for purposes for res judicata," McKinnon wrote.

"However, we adopt and apply the prohibition against claim-splitting in reaching our conclusion that the District Court did not abuse its discretion in dismissing Weiner II."

St. Peter's offered a comment

Wednesday: "We are pleased with the Court's ruling, and we continue to keep our focus on providing quality, compassionate care to our patients."

Weiner's attorney did not return an email query seeking comment.

Res judicata states that once an issue has been decided, it doesn't need to be decided again.

Claim splitting prevents parties from simultaneously prosecuting multiple lawsuits involving the same subject matter and defendants.

Weiner joined St. Peter's in 1996, had worked as director of the Cancer Treatment Center and had served as chief of staff and chair of the Medical Executive Committee.

He was seeing an estimated 300 patients a week, or had nearly 15,000 patient contacts a year, court documents state.

The hospital's peer review committee sent him a letter in February 2020 requesting an investigation into his patient care, court documents state. This included concerns of "manipulation of do not resuscitate status of patients without their consent, standard care of patients for non-oncological medical issues, concern of application of end-of-life care



ST. PETER'S HEALTH

St. Peter's Health in Helena

for patients and continuing cardiotoxic chemotherapy in patients."

St. Peter's Health said Weiner had incorrectly treated a patient for lung cancer for 11 years before it was determined that the person did not have the disease at the time of death. The hospital's legal counsel said in court documents that it learned of "alarming narcotic prescribing practices" by Weiner.

He was terminated in late 2020 and filed a wrongful termination

lawsuit soon after.

Weiner still has community support from former patients, their families and others.

In Tuesday's decision, McKinnon noted litigants "generally have no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant."

Judges Beth Baker, Ingrid Gustafson, Jim Rice and James Jeremiah Shea concurred. No one dissented.

Weiner's attorney argued against res judicata in their appeal filed in November.

They noted Weiner was required to exhaust St. Peter's administrative remedies before resorting to formal legal action challenging the decision.

They said he filed his first amended complaint in Weiner I in early 2021. He did not exhaust SPH's administrative remedy requirements until Jan. 6, 2022, four months after the deadline for further amendment.

"This Court's analysis should end, as it begins, with the principle that res judicata only applies when a claim has been or could have been litigated in the first action," they wrote. "SPH has not cited a single case where res judicata operated to dismiss claims that could not have been raised at the time of the operative complaint in the first action."

The Supreme Court noted the lower court said Weiner should have either agreed to the stay or raised the issue at the scheduling conference. They noted the claims in the second lawsuit included much of the same information.

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Independent Record

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