

FILED

MAY 16 2022

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Nathan Bellinger (*pro hac vice*)
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Attorneys for Plaintiffs

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

<p>RIKKI HELD, et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>STATE OF MONTANA, et al.,</p> <p>Defendants.</p>	<p>No. CDV-2020-307</p> <p>Hon. Kathy Seeley</p> <p>DECLARATION OF NATHAN BELLINGER IN SUPPORT OF PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION TO MODIFY SCHEDULING ORDER</p>
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Pursuant to MCA §1-6-105, Nathan Bellinger, hereby declares as follows:

1. I am an attorney admitted *pro hac vice* before the Montana First Judicial District Court, Lewis and Clark County, in the State of Montana and an attorney of record for Plaintiffs

herein. I have personal knowledge of the facts stated herein, except as to those stated on information and belief, and if called to testify, I would and could testify competently thereto.

2. All of the documents attached as Attachments are true and correct copies of the documents they purport to be.
3. On **December 17, 2021**, a scheduling conference was held with the Court's Scheduling Clerk, Farrah Looney, and appearing telephonically were Plaintiffs' Counsel, Melissa A. Hornbein, Roger Sullivan, and myself, and Defendants' Counsel, Alwyn Lansing. During the conference we requested the earliest available trial dates in January 2023 and Ms. Lansing asked for the trial to begin in February 2023. The ten-day trial was set for February 6, 2023.
4. On **March 18, 2022**, I received Defendants' First Set of Discovery Requests to Plaintiffs. The requests included 39 Interrogatories and 34 Requests for Production. The discovery was timely responded to.
5. On **April 28, 2022**, after receiving the Defendants' Lay Witness and Exhibit Lists, I sent a letter to Defendants' counsel asking them to clarify which witnesses the Defendants expected to call at trial. **Attachment 1**. This request has not been answered.
6. On **May 2, 2022**, I emailed Defendants' counsel proposing minor adjustments to the Scheduling Order. **Attachment 2**. The proposal was for a 45-day extension to the close of discovery and the deadline to file motions, but specifically noted that Plaintiffs are not seeking an extension to the trial schedule. I proposed the following dates:
 - May 18, 2022: Plaintiffs' Expert Disclosures
 - June 1, 2022: Defendants' Expert Disclosures
 - June 15, 2022: Parties' Rebuttal Expert Witnesses
 - August 30, 2022: Close of Discovery

- September 30, 2022: Motions Deadlines
- October 14, 2022: Response Briefs Due
- October 28, 2022: Reply Briefs Due
- November 30, 2022: Mediation Completed
- January 19, 2023: Pre-trial Conference
- February 6, 2023: Trial

7. On May 3, 2022, Defendants' counsel, Emily Jones, informed me that they were not available to meet until May 9, 2022 to discuss the case schedule. **Attachment 3.**

8. On May 9, 2022, I conferred with Ms. Jones and Timothy Longfield to discuss the proposed modification to the Court's Scheduling Order. During this conversation, Defendants proposed a longer extension of time, and also proposed extending the deadlines for expert disclosures. Defendants' proposed the following schedule:

- July 15, 2022: Plaintiff Expert Disclosure
- August 16, 2022: Defendants' Expert Disclosure
- September 16, 2022: Parties' Rebuttal Expert Witnesses
- October 14, 2022: Close of Discovery
- November 10, 2022: Motions Deadlines
- December 16, 2022: All Motions Full Briefed
- December 30, 2022: Mediation Completed
- January 19, 2023: Pre-trial Conference
- February 6, 2023: Trial

I informed Ms. Jones and Mr. Longfield that Plaintiffs' would consider their proposed extension of time. The Defendants did not discuss any changes to the trial schedule but indicated that if Plaintiffs did not agree with Defendants proposed extension, Defendants might move the Court for an extension including a delayed trial schedule.

9. On May 11, 2022, Mr. Longfield emailed Plaintiffs' counsel Barbara Chillcott and me asking if we had taken the time to consider Ms. Jones' proposal. I replied noting that while we are open to a 45-day extension for the close of discovery and motions practice, as we initially proposed, we did not think that any of the dates regarding expert disclosures should

be modified, and that we believed the amount of time Defendants' were requesting for an extension was too long. **Attachment 4.**

10. On **May 12, 2022** at 1:13pm PDT (2:13 pm MDT), Mr. Longfield emailed me stating that Defendants did not think a 45-day extension would give the Parties enough time to conduct discovery and he explained that Defendants intend to file a Rule 16(b)(4) motion to modify the Court's December 27, 2021, Scheduling Order. **Attachment 5.**

11. On **May 12, 2022** at 2:39pm PDT (3:39 pm MDT), Mr. Longfield emailed me asking for an answer on whether Plaintiffs will oppose their Rule 16(b)(4) Motion to modify the Court's December 27, 2021, Scheduling Order. For the first time, Mr. Longfield indicated that Defendants' intend to request a nine-month extension of all remaining deadlines including Plaintiffs' expert disclosures deadline on May 18, and that they intend to request a new trial date. **Attachment 6.**

12. On **May 12, 2022** at 2:54pm PDT (3:54 pm MDT), Defendants emailed to the Court and counsel of record their Motion, Brief, and Proposed Order, seeking to modify the Court's December 27, 2021, Scheduling Order as described in the preceding paragraph.

Pursuant to MCA §1-6-105, I declare that the foregoing is true and correct.

Executed this 15th day of May, 2022.

/s/ Nathan Bellinger
Nathan Bellinger (*pro hac vice*)

ATTACHMENT 1

**DECLARATION OF NATHAN BELLINGER IN SUPPORT OF PLAINTIFFS' BRIEF
IN OPPOSITION TO DEFENDANTS' MOTION TO MODIFY SCHEDULING ORDER**



April 28, 2022

Re: *Held et al., v. State of Montana, et al.*, Case No. CDV-2020-307, and Defendants' Lay Witnesses

Counsel,

We have reviewed the Defendants' Lay Witness and Exhibit Lists filed on April 18th, 2022. We were surprised that Defendants have indicated that they have 37 lay witnesses. Given the limited amount of time scheduled for trial and to avoid wasting the parties' time and resources during discovery, please identify which of these witnesses Defendants currently expect to call at trial.

Sincerely,

A handwritten signature in cursive script that reads "Nathan Bellinger".

Nathan Bellinger

CC: Roger Sullivan, Melissa Hornbein, Barbara Chillcott

ATTACHMENT 2

**DECLARATION OF NATHAN BELLINGER IN SUPPORT OF PLAINTIFFS' BRIEF
IN OPPOSITION TO DEFENDANTS' MOTION TO MODIFY SCHEDULING ORDER**

Held v. State of Montana Case Schedule

Nate Bellinger <nate@ourchildrenstrust.org>

Mon 5/2/2022 2:20 PM

To: Emily Jones <emily@joneslawmt.com>; Longfield, Timothy <Timothy.Longfield@mt.gov>

Cc: Barbara Chillcott <chillcottlaw@gmail.com>; Roger Sullivan <rsullivan@mccgarveylaw.com>; Melissa Hornbein <hornbein@westernlaw.org>

Dear Counsel,

I am writing to discuss proposed adjustments to the scheduling order in *Held v. State of Montana*. As long as the trial date is not affected, Plaintiffs propose extending the close of discovery, deadline and briefing schedule for all motions, and settlement conference deadline by 45 days. The proposed schedule is as follows:

- May 18 - plaintiffs disclose experts
- June 1 - defendants disclose experts
- June 15 - disclose rebuttal experts
- August 30 - close of discovery
- September 30 - all pretrial motions must be filed
- October 14 - response briefs must be filed
- October 28 - reply briefs must be filed
- November 30 - settlement conference must have been conducted
- January 19, 2023 - pre-trial conference
- February 6, 2023 - trial begins

Please note, Plaintiffs do not seek an extension to the trial schedule. This revised schedule would accommodate a conflict I have with another case in late June and July. Moreover, we think extending discovery deadlines will benefit both parties, including the scheduling of an undetermined number of depositions.

If you agree, I suggest that we draft a proposed motion and stipulated order setting forth the new schedule for your review, and then file a joint motion proposing the new schedule to the court, with the understanding that the trial date will not be affected.

Please let us know at your earliest convenience whether you agree with the proposed schedule changes. Plaintiffs are happy to consider modifying our proposed schedule.

Best,
Nate

Nate Bellinger

Senior Staff Attorney

he/him

5/14/22, 9:24 AM

Mail - Nate Bellinger - Outlook

Our Children's Trust

P.O. Box 5181

Eugene, OR 97405

O: 541-375-0158



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ATTACHMENT 3

**DECLARATION OF NATHAN BELLINGER IN SUPPORT OF PLAINTIFFS' BRIEF
IN OPPOSITION TO DEFENDANTS' MOTION TO MODIFY SCHEDULING ORDER**

RE: Held v. State of Montana Case Schedule

Emily Jones <emily@joneslawmt.com>

Tue 5/3/2022 11:46 PM

To: Nate Bellinger <nate@ourchildrenstrust.org>; Longfield, Timothy <Timothy.Longfield@mt.gov>

Cc: Barbara Chillcott <chillcottlaw@gmail.com>; Roger Sullivan <rsullivan@mccgarveylaw.com>; Melissa Hornbein <hornbein@westernlaw.org>; Jami Westermeyer <paralegal@joneslawmt.com>; Lang, Dia <Dia.Lang@mt.gov>

I apologize, but I spoke too soon. I am not available Friday, but I have a few slots Monday afternoon or I am available all day on Tuesday of next week. Please let us know if either of those days work for you.

Thank you!
Emily



115 N. Broadway, Suite 410
Billings, MT 59101
(406) 384-7990
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From: Emily Jones
Sent: Tuesday, May 3, 2022 4:16 PM
To: Nate Bellinger <nate@ourchildrenstrust.org>; Longfield, Timothy <Timothy.Longfield@mt.gov>
Cc: Barbara Chillcott <chillcottlaw@gmail.com>; Roger Sullivan <rsullivan@mccgarveylaw.com>; Melissa Hornbein <hornbein@westernlaw.org>; Jami Westermeyer <paralegal@joneslawmt.com>; Lang, Dia <Dia.Lang@mt.gov>
Subject: RE: Held v. State of Montana Case Schedule

I am in depositions and prep tomorrow and Thursday, but I could be available Friday. Please let me know if you have availability that day.

Thank you!

5/14/22, 9:28 AM

Mail - Nate Bellinger - Outlook

Emily



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Billings, MT 59101
(406) 384-7990
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From: Nate Bellinger <nate@ourchildrenstrust.org>
Sent: Tuesday, May 3, 2022 2:55 PM
To: Emily Jones <emily@joneslawmt.com>; Longfield, Timothy <Timothy.Longfield@mt.gov>
Cc: Barbara Chillcott <chillcottlaw@gmail.com>; Roger Sullivan <rsullivan@mcgarveylaw.com>; Melissa Hornbein <hornbein@westernlaw.org>; Jami Westermeyer <paralegal@joneslawmt.com>; Lang, Dia <Dia.Lang@mt.gov>
Subject: Re: Held v. State of Montana Case Schedule

Hi Emily,

We would be happy to talk this through with you. Do you have time to talk tomorrow between 10-12 MST?

Nate

From: Emily Jones <emily@joneslawmt.com>
Sent: Monday, May 2, 2022 4:14 PM
To: Nate Bellinger <nate@ourchildrenstrust.org>; Longfield, Timothy <Timothy.Longfield@mt.gov>
Cc: Barbara Chillcott <chillcottlaw@gmail.com>; Roger Sullivan <rsullivan@mcgarveylaw.com>; Melissa Hornbein <hornbein@westernlaw.org>; Jami Westermeyer <paralegal@joneslawmt.com>; Lang, Dia <Dia.Lang@mt.gov>
Subject: RE: Held v. State of Montana Case Schedule

Hi Nate,

5/14/22, 9:28 AM

Mail - Nate Bellinger - Outlook

I am not opposed to extending deadlines, but before we agree to the 45 days you propose, I think it might be prudent to have a discussion of how many lay witnesses and expert witnesses we will be deposing in this case. There are 16 plaintiffs in the case, as well as five state agencies involved. I could see this case having 50 witnesses (all plaintiffs, one guardian for each plaintiff, two witnesses per state agency, which is a conservative estimate, and 2-4 experts per side). This doesn't include any medical witnesses who will testify regarding plaintiffs' claimed damages, such as Olivia's asthma, for example, or other witnesses such as Claire's cross-country coach or teammates, for example.

I think we need to realistically evaluate whether we can coordinate five attorneys' schedules to accommodate the depositions that will be required for complete discovery by August 30. Please let us know your thoughts.

Thanks,
Emily



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From: Nate Bellinger <nate@ourchildrenstrust.org>
Sent: Monday, May 2, 2022 3:21 PM
To: Emily Jones <emily@joneslawmt.com>; Longfield, Timothy <Timothy.Longfield@mt.gov>
Cc: Barbara Chillcott <chillcottlaw@gmail.com>; Roger Sullivan <rsullivan@mccarveyllaw.com>; Melissa Hornbein <hornbein@westernlaw.org>
Subject: Held v. State of Montana Case Schedule

Dear Counsel,

5/14/22, 9:28 AM

Mail - Nate Bellinger - Outlook

I am writing to discuss proposed adjustments to the scheduling order in *Held v. State of Montana*. As long as the trial date is not affected, Plaintiffs propose extending the close of discovery, deadline and briefing schedule for all motions, and settlement conference deadline by 45 days. The proposed schedule is as follows:

- May 18 - plaintiffs disclose experts
- June 1 - defendants disclose experts
- June 15 - disclose rebuttal experts
- August 30 - close of discovery
- September 30 - all pretrial motions must be filed
- October 14 - response briefs must be filed
- October 28 - reply briefs must be filed
- November 30 - settlement conference must have been conducted
- January 19, 2023 - pre-trial conference
- February 6, 2023 - trial begins

Please note, Plaintiffs do not seek an extension to the trial schedule. This revised schedule would accommodate a conflict I have with another case in late June and July. Moreover, we think extending discovery deadlines will benefit both parties, including the scheduling of an undetermined number of depositions.

If you agree, I suggest that we draft a proposed motion and stipulated order setting forth the new schedule for your review, and then file a joint motion proposing the new schedule to the court, with the understanding that the trial date will not be affected.

Please let us know at your earliest convenience whether you agree with the proposed schedule changes. Plaintiffs are happy to consider modifying our proposed schedule.

Best,
Nate

Nate Bellinger

Senior Staff Attorney

he/him

[Our Children's Trust](#)

<https://outlook.office.com/mail/id/AAQkADezNjU4YWQ3LTc0ZWYtNGFhOS1iMmE1LTc2ZDhlYTc3M2JhYgAQAP1QOv9d8xdAs88UR1a9cI0%3D>

4/5

5/14/22, 9:28 AM

Mail - Nate Bellinger - Outlook

P.O. Box 5181
Eugene, OR 97405

O: 541-375-0158



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ATTACHMENT 4

**DECLARATION OF NATHAN BELLINGER IN SUPPORT OF PLAINTIFFS' BRIEF
IN OPPOSITION TO DEFENDANTS' MOTION TO MODIFY SCHEDULING ORDER**

Re: Held v. State Scheduling

Nate Bellinger <nate@ourchildrenstrust.org>

Wed 5/11/2022 10:45 AM

To: Longfield, Timothy <Timothy.Longfield@mt.gov>; Barbara Chillcott <chillcottlaw@gmail.com>

Cc: Emily Jones <emily@joneslawmt.com>; Jami Westermeyer <paralegal@joneslawmt.com>; Melissa Hornbein <hornbein@westernlaw.org>; Roger Sullivan <rsullivan@mcgarveylaw.com>

Dear Emily and Tim,

Having given some thought to your proposed schedule and the remaining discovery to be completed, we are uncomfortable with the schedule you have proposed. As you noted on the call, it took Judge Seeley several months to rule on the MTD in this case. Therefore, we think that there should be more time between the close of briefing motions and the pre-trial conference and trial.

We are ready to proceed with the current schedule and are prepared to disclose experts next week and conduct the necessary discovery before July 15 (the current deadline). We feel that a 45-day extension is already a significant extension and, if anything, we would prefer to see that length of time shortened, not expanded. That said, in the interest of a schedule that is accommodating to both parties, we are willing to move forward with a joint motion seeking a 45-day extension for the close of discovery and motions practice, as we initially proposed. We do not think that any of the dates regarding expert disclosures should be modified.

We are happy to circulate a proposed joint motion for a 45-day extension for your review as a next step.

Best,
Nate

From: Longfield, Timothy <Timothy.Longfield@mt.gov>

Sent: Wednesday, May 11, 2022 10:26 AM

To: Nate Bellinger <nate@ourchildrenstrust.org>; Barbara Chillcott <chillcottlaw@gmail.com>

Cc: Emily Jones <emily@joneslawmt.com>; Jami Westermeyer <paralegal@joneslawmt.com>

Subject: RE: Held v. State Scheduling

Hi Nate and Barbara,

I'm reaching out to see if you've had time to consider the amended schedule Emily proposed on our recent call. If you would, please let us know your thoughts by the end of today.

Thanks,

Timothy Longfield

5/14/22, 9:31 AM

Mail - Nate Bellinger - Outlook

Assistant Attorney General
Office of Montana Attorney General Austin Knudsen
timothy.longfield@mt.gov
406.444.7008



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ATTACHMENT 5

**DECLARATION OF NATHAN BELLINGER IN SUPPORT OF PLAINTIFFS' BRIEF
IN OPPOSITION TO DEFENDANTS' MOTION TO MODIFY SCHEDULING ORDER**

RE: Held v. State Scheduling

Longfield, Timothy <Timothy.Longfield@mt.gov>

Thu 5/12/2022 1:13 PM

To: Nate Bellinger <nate@ourchildrenstrust.org>; Barbara Chilcott <chilcottlaw@gmail.com>

Cc: Emily Jones <emily@joneslawmt.com>; Jami Westermeyer <paralegal@joneslawmt.com>; Melissa Hornbein <hornbein@westernlaw.org>; Roger Sullivan <rsullivan@mcgarveylaw.com>

Nate,

We appreciate you considering our proposed schedule.

We think the 45-day extension you've proposed wouldn't give the parties nearly enough time to conduct discovery. Nor would it provide the State with a fair opportunity to present a full and complete defense. As Emily mentioned, the parties have already disclosed nearly sixty lay witnesses. And this number, of course, doesn't include experts or rebuttal experts. Even with the 45-day extension you propose, completing the many depositions required in this case won't be possible.

Additionally, your clients' Complaint raises many factually, legally, and scientifically complex issues that will require thorough discovery. We also believe that it's unclear what claims remain viable in this case after the Court's Motion to Dismiss. For these reasons, and many others, we feel there is ample cause for extending the scheduling order. More time is necessary to properly litigate this important case.

So, we're going to file a Rule 16(b)(4) motion to modify the current scheduling order or, in the alternative, to hold a new scheduling conference. We'll assume you oppose this motion. If not, please let us know.

Thanks,

Timothy Longfield
Assistant Attorney General
Office of Montana Attorney General Austin Knudsen
timothy.longfield@mt.gov
406.444.7008



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5/15/22, 2:26 PM

Mail - Nate Bellinger - Outlook

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From: Nate Bellinger <nate@ourchildrenstrust.org>
Sent: Wednesday, May 11, 2022 11:46 AM
To: Longfield, Timothy <Timothy.Longfield@mt.gov>; Barbara Chillcott <chillcottlaw@gmail.com>
Cc: Emily Jones <emily@joneslawmt.com>; Jami Westermeyer <paralegal@joneslawmt.com>; Melissa Hornbein <hornbein@westernlaw.org>; Roger Sullivan <rsullivan@mcgarveylaw.com>
Subject: [EXTERNAL] Re: Held v. State Scheduling

Dear Emily and Tim,

Having given some thought to your proposed schedule and the remaining discovery to be completed, we are uncomfortable with the schedule you have proposed. As you noted on the call, it took Judge Seeley several months to rule on the MTD in this case. Therefore, we think that there should be more time between the close of briefing motions and the pre-trial conference and trial.

We are ready to proceed with the current schedule and are prepared to disclose experts next week and conduct the necessary discovery before July 15 (the current deadline). We feel that a 45-day extension is already a significant extension and, if anything, we would prefer to see that length of time shortened, not expanded. That said, in the interest of a schedule that is accommodating to both parties, we are willing to move forward with a joint motion seeking a 45-day extension for the close of discovery and motions practice, as we initially proposed. We do not think that any of the dates regarding expert disclosures should be modified.

We are happy to circulate a proposed joint motion for a 45-day extension for your review as a next step.

Best,

Nate

From: Longfield, Timothy <Timothy.Longfield@mt.gov>
Sent: Wednesday, May 11, 2022 10:26 AM
To: Nate Bellinger <nate@ourchildrenstrust.org>; Barbara Chillcott <chillcottlaw@gmail.com>

<https://outlook.office.com/mail/id/AAQkADczNjU4YWQ3LTc0ZWYtNGFhOS1iMmE1LTc2ZDhlYTc3M2JhYgAQAHzpEQ7iLE%2FDhJm0Z20B3IY%3D>

2/3

5/15/22, 2:26 PM

Mail - Nate Bellinger - Outlook

Cc: Emily Jones <emily@joneslawmt.com>; Jami Westermeyer <paralegal@joneslawmt.com>
Subject: RE: Held v. State Scheduling

Hi Nate and Barbara,

I'm reaching out to see if you've had time to consider the amended schedule Emily proposed on our recent call. If you would, please let us know your thoughts by the end of today.

Thanks,

Timothy Longfield
Assistant Attorney General
Office of Montana Attorney General Austin Knudsen
timothy.longfield@mt.gov
406.444.7008



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ATTACHMENT 6

**DECLARATION OF NATHAN BELLINGER IN SUPPORT OF PLAINTIFFS' BRIEF
IN OPPOSITION TO DEFENDANTS' MOTION TO MODIFY SCHEDULING ORDER**

RE: Held v. State Scheduling

Longfield, Timothy <Timothy.Longfield@mt.gov>

Thu 5/12/2022 2:39 PM

To: Nate Bellinger <nate@ourchildrenstrust.org>; Barbara Chillcott <chillcottlaw@gmail.com>

Cc: Emily Jones <emily@joneslawmt.com>; Jami Westermeyer <paralegal@joneslawmt.com>; Melissa Hornbein <hornbein@westernlaw.org>; Roger Sullivan <rsullivan@mcgarveylaw.com>

Nate:

Following up on this. We intend to file this Motion this afternoon. Can we indicate to the Court that you oppose?

To provide more detail, we intend to request a 9-month extension of the relevant deadlines (expert disclosures, close of discovery, fully briefed) in the Motion and Proposed Order. We also request a new trial date. If we don't hear from you, we'll assume you oppose based on our previous discussions.

Thanks,

Timothy Longfield

Assistant Attorney General

Office of Montana Attorney General Austin Knudsen

timothy.longfield@mt.gov

406.444.7008



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#

From: Longfield, Timothy

Sent: Thursday, May 12, 2022 2:14 PM

To: Nate Bellinger <nate@ourchildrenstrust.org>; Barbara Chillcott <chillcottlaw@gmail.com>

Cc: Emily Jones <emily@joneslawmt.com>; Jami Westermeyer <paralegal@joneslawmt.com>; Melissa Hornbein <hornbein@westernlaw.org>; Roger Sullivan <rsullivan@mcgarveylaw.com>

Subject: RE: Held v. State Scheduling

Nate,

We appreciate you considering our proposed schedule.

We think the 45-day extension you've proposed wouldn't give the parties nearly enough time to conduct discovery. Nor would it provide the State with a fair opportunity to present a full and complete defense. As Emily mentioned, the parties have already disclosed nearly sixty lay witnesses. And this number, of course, doesn't include experts or rebuttal experts. Even with the 45-day extension you propose, completing the many depositions required in this case won't be possible.

Additionally, your clients' Complaint raises many factually, legally, and scientifically complex issues that will require thorough discovery. We also believe that it's unclear what claims remain viable in this case after the Court's Motion to Dismiss. For these reasons, and many others, we feel there is ample cause for extending the scheduling order. More time is necessary to properly litigate this important case.

So, we're going to file a Rule 16(b)(4) motion to modify the current scheduling order or, in the alternative, to hold a new scheduling conference. We'll assume you oppose this motion. If not, please let us know.

Thanks,

Timothy Longfield
Assistant Attorney General
Office of Montana Attorney General Austin Knudsen
timothy.longfield@mt.gov
406.444.7008



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From: Nate Bellinger <nate@ourchildrenstrust.org>
Sent: Wednesday, May 11, 2022 11:46 AM
To: Longfield, Timothy <Timothy.Longfield@mt.gov>; Barbara Chillcott <chillcottlaw@gmail.com>
Cc: Emily Jones <emily@joneslawmt.com>; Jami Westermeyer <paralegal@joneslawmt.com>; Melissa Hornbein

5/15/22, 2:30 PM

Mail - Nate Bellinger - Outlook

<hornbein@westernlaw.org>; Roger Sullivan <rsullivan@mcgarveylaw.com>
Subject: [EXTERNAL] Re: Held v. State Scheduling

Dear Emily and Tim,

Having given some thought to your proposed schedule and the remaining discovery to be completed, we are uncomfortable with the schedule you have proposed. As you noted on the call, it took Judge Seeley several months to rule on the MTD in this case. Therefore, we think that there should be more time between the close of briefing motions and the pre-trial conference and trial.

We are ready to proceed with the current schedule and are prepared to disclose experts next week and conduct the necessary discovery before July 15 (the current deadline). We feel that a 45-day extension is already a significant extension and, if anything, we would prefer to see that length of time shortened, not expanded. That said, in the interest of a schedule that is accommodating to both parties, we are willing to move forward with a joint motion seeking a 45-day extension for the close of discovery and motions practice, as we initially proposed. We do not think that any of the dates regarding expert disclosures should be modified.

We are happy to circulate a proposed joint motion for a 45-day extension for your review as a next step.

Best,

Nate

From: Longfield, Timothy <Timothy.Longfield@mt.gov>
Sent: Wednesday, May 11, 2022 10:26 AM
To: Nate Bellinger <nate@ourchildrenstrust.org>; Barbara Chillcott <chillcottlaw@gmail.com>
Cc: Emily Jones <emily@joneslawmt.com>; Jami Westermeyer <paralegal@joneslawmt.com>
Subject: RE: Held v. State Scheduling

Hi Nate and Barbara,

I'm reaching out to see if you've had time to consider the amended schedule Emily proposed on our recent call. If you would, please let us know your thoughts by the end of today.

Thanks,

Timothy Longfield
Assistant Attorney General
Office of Montana Attorney General Austin Knudsen
timothy.longfield@mt.gov
406.444.7008



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