

Melissa Hornbein
Barbara Chillcott
Western Environmental Law Center
103 Reeder's Alley
Helena, MT 59601
(406) 708-3058
hornbein@westernlaw.org
chillcott@westernlaw.org

Roger Sullivan
Dustin Leftridge
McGarvey Law
345 1st Avenue East
Kalispell, MT 59901
(406) 752-5566
rsullivan@mcgarveylaw.com
dleftridge@mcgarveylaw.com

Nathan Bellinger (*pro hac vice*)
Mathew dos Santos (*pro hac vice* pending)
Andrea Rodgers (*pro hac vice* pending)
Our Children's Trust
1216 Lincoln Street
Eugene, OR 97401
(413) 687-1668
nate@ourchildrenstrust.org
mat.dossantos@ourchildrenstrust.org
andrea@ourchildrenstrust.org

Philip L. Gregory (*pro hac vice* pending)
Gregory Law Group
1250 Godetia Drive
Redwood City, CA 94062
(650) 278-2957
pgregory@gregorylawgroup.com

FILED
JUN 29 2022
ANGIE SPANKS, Clerk of District Court
Deputy Clerk

Attorneys for Plaintiffs

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

RIKKI HELD, et al., Plaintiffs, v. STATE OF MONTANA, et al., Defendants.	Cause No. CDV-2020-307 Hon. Kathy Seeley BRIEF IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION TO AMEND CASE CAPTION
--	--

Plaintiffs, Rikki Held, *et al.*, respectfully move this Court to enter an Order amending the case caption in the above-captioned matter to reflect the full names of the six (6) Plaintiffs who have reached the age of majority (18 years old) since the filing of this case, and to remove the guardians of these six Plaintiffs from the caption and as parties to the litigation. Defendants do not oppose this motion.

This case began on March 13, 2020 when Plaintiffs filed their Complaint alleging, among other things, that Montana’s fossil fuel energy policy harms 16 young Montanans and that the Climate Change Exception to the Montana Environmental Policy Act (“MEPA”) is unconstitutional. *See* Doc. 1. At the time the Complaint was filed, only one Plaintiff, Rikki Held, was over the age of majority. *See id.* The rest of the Youth Plaintiffs were under the age of 18 and, pursuant to Mont. R. Civ. P. 17(c)(1), their involvement in this action was carried out by and through their guardians.

However, since March of 2020, six of the Youth Plaintiffs – Sariel S., Georgianna F., Kathryn Grace S., Olivia V., Claire V., and Taleah H. – have turned 18 years of age and are no longer minors. Mont. Code Ann. § 41-1-101. Accordingly, Plaintiffs request the Court enter an Order amending the case caption in this matter to reflect the full names of these six Plaintiffs and to remove their respective guardians from the case caption and as parties to this litigation. *See, e.g., M.P.T.C. v. Nelson Cnty. Sch. Dist.*, 192 F. Supp. 3d 798, 811 (W.D. Ky. 2016) (“To the extent that Plaintiff seeks to amend the case caption to substitute his initials with his full name because he has reached the age of majority, the Court grants the relief.”).

The full names of the six Plaintiffs that are no longer minors are: Sariel Sandoval, Georgianna Fischer, Kathryn Grace Gibson-Snyder, Olivia Vesovich, Claire Vlases, and Taleah Hernández. The six guardians to be removed from the case caption and as parties to the litigation are: Cristen Twoteeth, Douglas Fisher, Erik Gibson-Snyder, Lynn Purl, Michael Vlases, and Cesar Hernández.

The amended case caption should read:

RIKKI HELD; LANDER B., by and through his guardian Sara Busse; BADGE B., by and through his guardian Sara Busse; SARIEL SANDOVAL; KIAN T., by and through his guardian Todd Tanner; GEORGIANNA FISCHER; KATHRYN GRACE GIBSON-SNYDER; EVA L., by and through her guardian Mark Lighthiser; MICA K., by and

through his guardian Rachel Kantor; OLIVIA VESOVICH; JEFFREY K., by and through his guardian Laura King; NATHANIEL K., by and through his guardian Laura King; CLAIRE VLASES; RUBY D., by and through her guardian Shane Doyle; LILIAN D., by and through her guardian Shane Doyle; and TALEAH HERNÁNDEZ,

Plaintiffs,

v.

STATE OF MONTANA, GOVERNOR GREG GIANFORTE, MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY, MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, MONTANA DEPARTMENT OF TRANSPORTATION, and MONTANA PUBLIC SERVICE COMMISSION,

Defendants.

For the foregoing reasons, Plaintiffs respectfully request that this Court enter an Order amending the case caption and the body of the complaint in this proceeding as detailed above.

DATED this 24th day of June, 2022.

/s/ Melissa Hornbein

Melissa Hornbein

Barbara Chillcott

Western Environmental Law Center

103 Reeder's Alley

Helena, MT 59601

(406) 708-3058

hornbein@westernlaw.org

chillcott@westernlaw.org

Roger Sullivan

Dustin Leftridge

McGarvey Law

345 1st Avenue East

Kalispell, MT 59901

(406) 752-5566

rsullivan@mcgarveylaw.com

dleftridge@mcgarveylaw.com

Nathan Bellinger (*pro hac vice*)

Mathew dos Santos (*pro hac vice* pending)

Andrea Rodgers (*pro hac vice* pending)
Our Children's Trust
1216 Lincoln Street
Eugene, OR 97401
(413) 687-1668
nate@ourchildrenstrust.org
mat.dossantos@ourchildrenstrust.org
andrea@ourchildrenstrust.org

Philip L. Gregory (*pro hac vice* pending)
Gregory Law Group
1250 Godetia Drive
Redwood City, CA 94062
(650) 278-2957
pgregory@gregorylawgroup.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered by email to the following on June 24, 2022:

AUSTIN KNUDSEN
Montana Attorney General
DAVID M.S. DEWHIRST
Solicitor General
DEREK OESTREICHER
General Counsel
TIMOTHY LONGFIELD
MORGAN VARTY
Assistant Attorneys General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401
Phone: 406-444-2026
Fax: 406-444-3549
david.dewhirst@mt.gov
derek.oestreicher@mt.gov
timothy.longfield@mt.gov
morgan.varty@mt.gov

EMILY JONES
Special Assistant Attorney General
Jones Law Firm, PLLC
115 N. Broadway, Suite 410
Billings, MT 59101
Phone: 406-384-7990
emily@joneslawmt.com

/s/ Melissa Hornbein
Melissa Hornbein