

FILED

AUG 18 2022

ANGIE SPARKS, Clerk of District Court
By: *[Signature]* Deputy Clerk

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Attorneys for Defendants

INDEXED

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

RIKKI HELD, ET AL., <i>Plaintiffs,</i> v. STATE OF MONTANA, ET AL., <i>Defendants.</i>	Cause CDV-2020-307 Hon. Kathy Seeley DECLARATION OF TIMOTHY LONGFIELD
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I, Timothy Longfield, declare as follows:

1. I am over 18 years old, and I have personal knowledge of the facts stated in this Declaration.
2. I represent the State in this matter.

3. Attached as **Exhibit A** is a true and accurate copy of email correspondence I exchanged with opposing counsel.

DATED this 16th day of August, 2022.



TIMOTHY LONGFIELD

CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing was delivered by email to the following:

Roger M. Sullivan
Dustin A. Leftridge
rsullivan@mcgarveylaw.com
dlefridge@mcgarveylaw.com

Melissa A. Hornbein
Barbara Chillcott
hornbein@westernlaw.org
chillcott@westernlaw.org

Nathan Bellinger
nate@ourchildrenstrust.org

Date: August 16, 2022

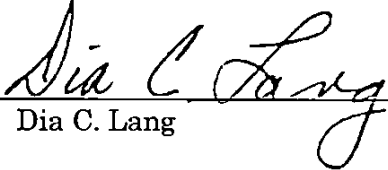

Dia C. Lang

EXHIBIT A

Subject: FW: Held v State Meet and Confer Letter

From: Nate Bellinger <nate@ourchildrenstrust.org>
Sent: Friday, July 29, 2022 5:20 PM
To: Longfield, Timothy <Timothy.Longfield@mt.gov>; Varty, Morgan <Morgan.Varty@mt.gov>; Emily Jones <emily@joneslawmt.com>; Oestreicher, Derek <Derek.Oestreicher@mt.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Lang, Dia <Dia.Lang@mt.gov>; Jami Westermeyer <paralegal@joneslawmt.com>
Cc: Roger Sullivan <rsullivan@mcgarveylaw.com>; Melissa Hornbein <hornbein@westernlaw.org>; Barbara Chillcott <chillcott@westernlaw.org>; Phil Gregory <pgregory@gregorylawgroup.com>; Andrea Rodgers <andrea@ourchildrenstrust.org>; Mat dos Santos <mat.dossantos@ourchildrenstrust.org>
Subject: [EXTERNAL] Re: Held v State Meet and Confer Letter

Counsel,

We will inform Plaintiffs and their guardians that the depositions will not be going forward on the dates and in the locations outlined in my letters from July 6, 2022 and July 13, 2022. Counsel have freed up their schedules and began booking other matters for those dates.

Additionally, just to clarify one point in your last email, we produced 342 pages on July 25, but of those, only 237 of those pages relate to Plaintiffs. The remainder relate to Peter Erickson's expert report. See July 25 letter.

Plaintiffs plan on circulating a draft of the Rule 26(f) Motion next week.

Regards,
Nate

From: Longfield, Timothy <Timothy.Longfield@mt.gov>
Sent: Friday, July 29, 2022 10:36 AM
To: Nate Bellinger <nate@ourchildrenstrust.org>; Varty, Morgan <Morgan.Varty@mt.gov>; Emily Jones <emily@joneslawmt.com>; Oestreicher, Derek <Derek.Oestreicher@mt.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Lang, Dia <Dia.Lang@mt.gov>; Jami Westermeyer <paralegal@joneslawmt.com>
Cc: Roger Sullivan <rsullivan@mcgarveylaw.com>; Melissa Hornbein <hornbein@westernlaw.org>; Barbara Chillcott <chillcott@westernlaw.org>; Phil Gregory <pgregory@gregorylawgroup.com>; Andrea Rodgers

<andrea@ourchildrenstrust.org>; Mat dos Santos <mat.dossantos@ourchildrenstrust.org>
Subject: RE: Held v State Meet and Confer Letter

Counsel:

We need a reasonable time to review the 500 pages of supplemental production you sent less than two days ago.

As to your arbitrary "deadline," I wrote on July 25 that the State rejects Plaintiffs' ineffectual efforts to set arbitrary deadlines for the State. We refuse to participate in Plaintiffs' game of "respond-by-5:00 P.M-or else." As a good-faith effort to accommodate Plaintiffs' school schedules, we continue to *tentatively* hold open the dates Plaintiffs requested. But we cannot drop every other matter on our very active litigation docket to respond on Plaintiffs' arbitrary and unreasonable timeline.

Finally, you have stated multiple times since June 23 that Plaintiffs are preparing a Rule 26(f) Motion. When do you anticipate having a draft?

Tim

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: Friday, July 29, 2022 11:08 AM
To: Longfield, Timothy <Timothy.Longfield@mt.gov>; Varty, Morgan <Morgan.Varty@mt.gov>; Emily Jones <emily@joneslawmt.com>; Oestreicher, Derek <Derek.Oestreicher@mt.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Lang, Dia <Dia.Lang@mt.gov>; Jami Westermeyer <paralegal@joneslawmt.com>
Cc: Roger Sullivan <rsullivan@mccarveylaw.com>; Melissa Hornbein <hornbein@westernlaw.org>; Barbara Chillcott <chillcott@westernlaw.org>; Phil Gregory <pgregory@gregorylawgroup.com>; Andrea Rodgers <andrea@ourchildrenstrust.org>; Mat dos Santos <mat.dossantos@ourchildrenstrust.org>
Subject: [EXTERNAL] Re: Held v State Meet and Confer Letter

Counsel,

As we wrote on July 27, "At this point, Plaintiffs' responses to RFP No. 1, No. 17, and No. 32 are complete." The deadline of 5:00 p.m. today is firm. Please confirm definitively by then. We cannot wait any longer while you "tentatively" hold open the dates.

Hopefully you will respond before then.

Regards,

Nate

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

Sent: Friday, July 29, 2022 9:40 AM

To: Nate Bellinger <nate@ourchildrenstrust.org>; Varty, Morgan <Morgan.Varty@mt.gov>; Emily Jones <emily@joneslawmt.com>; Oestreicher, Derek <Derek.Oestreicher@mt.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Lang, Dia <Dia.Lang@mt.gov>; Jami Westermeyer <paralegal@joneslawmt.com>
Cc: Roger Sullivan <rsullivan@mccarveylaw.com>; Melissa Hornbein <hornbein@westernlaw.org>; Barbara Chillcott <chillcott@westernlaw.org>; Phil Gregory <pgregory@gregorylawgroup.com>; Andrea Rodgers <andrea@ourchildrenstrust.org>; Mat dos Santos <mat.dossantos@ourchildrenstrust.org>

Subject: RE: Held v State Meet and Confer Letter

Counsel:

We are reviewing the supplemental production Plaintiffs sent on July 27. I reiterate that we will not agree to dates for Plaintiffs' depositions until we receive full and complete responses to State's RFP Nos. 1 and 17. So, while we are *tentatively* holding open for Plaintiffs' depositions the dates you suggested on July 6, 2022, we can't confirm those dates until we ensure that your responses are sufficient. As we've said many times, we can't depose Plaintiffs until we've received discovery on Plaintiffs' alleged injuries.

We continue to believe a Rule 26(f) conference will benefit all parties. And we look forward to reviewing your 26(f) Motion. When do you anticipate having a draft ready?

Best,

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: Thursday, July 28, 2022 4:32 PM
To: Longfield, Timothy <Timothy.Longfield@mt.gov>; Varty, Morgan <Morgan.Varty@mt.gov>; Emily Jones <emily@joneslawmt.com>; Oestreicher, Derek <Derek.Oestreicher@mt.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Lang, Dia <Dia.Lang@mt.gov>; Jami Westermeyer <paralegal@joneslawmt.com>
Cc: Roger Sullivan <rsullivan@mgarveyllaw.com>; Melissa Hornbein <hornbein@westernlaw.org>; Barbara Chillcott <chillcott@westernlaw.org>; Phil Gregory <pgregory@gregorylawgroup.com>; Andrea Rodgers <andrea@ourchildrenstrust.org>; Mat dos Santos <mat.dossantos@ourchildrenstrust.org>
Subject: [EXTERNAL] Held v State Meet and Confer Letter

Dear Counsel,

Please see attached correspondence.

Regards,
Nate

Nate Bellinger

Senior Staff Attorney


he/him

[Our Children's Trust](http://OurChildrensTrust.org) [ourchildrenstrust.org] [nam12.safelinks.protection.outlook.com]
[nam12.safelinks.protection.outlook.com]

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