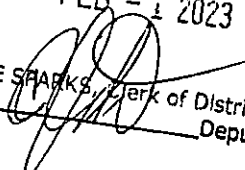


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**FILED**  
FEB - 1 2023  
By  ANGIE SPARKS, Clerk of District Court  
Deputy Clerk

*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  <b>PLAINTIFFS' MOTION <i>IN LIMINE</i> NO. 2 RE: REMOTE TESTIMONY AT TRIAL</b>
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26'

Come Now Plaintiffs Rikki Held, *et al.*, by counsel, and pursuant to the Court's Modified Scheduling Order (Doc. 145), entered June 15, 2022, respectfully submit the following motion *in limine* to move the Court to permit witnesses to testify remotely at trial due to medical conditions that make travel to Helena, Montana impracticable. Such remote testimony would be in conformance with the Montana Rules of Civil Procedure, which provide authority for remote testimony in this case ("the court may permit testimony in open court by contemporaneous transmission from a different location") for good cause in compelling circumstances. Mont. R. Civ. P. 43(a), as well as the rules utilized by this Court during the COVID-19 pandemic and during which Montana courts were repeatedly offered guidance to use remote-hearings. Plaintiffs' motion is supported by a brief filed herewith.

Counsel for Defendants have been contacted regarding whether they oppose this motion, and Defendants responded that they oppose this motion for any witnesses within the Court's subpoena power.

DATED this 1st day of February, 2023.

/s/ Barbara Chillcott

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered by email to the following on February 1, 2023:

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