

FILED

FEB 03 2023

ANGIE SPARKS, Clerk of District Court  
BY *[Signature]* County Clerk

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**MONTANA FIRST JUDICIAL DISTRICT COURT,  
LEWIS AND CLARK COUNTY**

RIKKI HELD, et al.,	)	Cause No.: CDV-2020-307
	)	
Plaintiffs,	)	
	)	
vs.	)	<b>STATE OF MONTANA'S</b>
	)	<b>MOTION <i>IN LIMINE</i> NO. 2</b>
STATE OF MONTANA, et al.,	)	<b>(PRECLUDE IRRELEVANT EXPERT</b>
	)	<b>WITNESS TESTIMONY)</b>
Defendants.	)	

Defendant State of Montana hereby moves the Court, *in limine*, to preclude Plaintiffs from calling expert witnesses at trial whose opinions are not relevant to the issues at bar, i.e., the constitutionality of Montana’s energy policy statute and the so-called climate change exception of the Montana Environmental Policy Act (MEPA). Through discovery in this case, it has become apparent that Plaintiffs intend to call as witnesses at trial experts who would testify about matters unrelated to the referenced claims, such as whether it is feasible for Montana to eliminate reliance on fossil fuels by a certain date and whether the Plaintiffs appear to be

suffering from or have purportedly been damaged by psychological or physical harm.

Specifically, Montana moves the Court to exclude any testimony from Dr. Mark Z. Jacobson and Dr. Lise Van Susteren, pursuant to Rules 401 and 402, Mont. R. Evid., because their testimony is irrelevant to the issues before the Court at trial, and thus should be excluded. This motion is based further on the supporting brief filed herewith.

Pursuant to UDCR 2(a), Plaintiffs' counsel was contacted regarding their position on this motion, who indicate they oppose.

DATED the 1st day of February, 2023.

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By /s/ Mark L. Stermitz

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of February, 2023, a copy of the foregoing document was served on the following persons by the following means:

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