

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  
dlefridge@mcgarveylaw.com

Nathan Bellinger (*pro hac vice*)  
Andrea Rodgers (*pro hac vice*)  
Julia Olson (*pro hac vice*)  
Our Children's Trust  
1216 Lincoln Street  
Eugene, OR 97401  
(413) 687-1668  
nate@ourchildrenstrust.org  
andrea@ourchildrenstrust.org  
julia@ourchildrenstrust.org

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

**FILED**

FEB 28 2023

ANGIE SPARKS, Clerk of District Court  
By  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 IN LIMINE NO. 2: REPLY BRIEF IN SUPPORT OF MOTION RE: REMOTE TESTIMONY AT TRIAL</b>
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**Kevin Trenberth:**

Plaintiffs respectfully thank counsel for Defendants for agreeing to an order that would allow Dr. Kevin Trenberth to testify remotely at trial through the Court's standard method of two-way audio-visual electronic communication. Plaintiffs are prepared to assume responsibility for, and costs associated with, implementing the requested two-way audio-visual electronic communication for Dr. Trenberth.

**Other Witnesses:**

Plaintiffs agree with Defendants that remote testimony is not appropriate for any witness who can physically attend the trial and who is within the Court's subpoena power. As a result, Plaintiffs did not oppose Defendants' Motion *in Limine* No. 5. Plaintiffs had thought it prudent to determine if there are other witnesses where, under the Montana Rules of Civil Procedure, the Court needed to "permit testimony in open court by contemporaneous transmission from a different location," for good cause in compelling circumstances. Mont. R. Civ. P. 43(a) (Taking Testimony). Plaintiffs agree that, because there are no other witnesses, this issue should be handled only if other witnesses experience similar emergencies.

DATED this 28th day of February, 2023.

/s/ Barbara Chillcott

Barbara Chillcott

Melissa Hornbein

Western Environmental Law Center

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Helena, MT 59601

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hornbein@westernlaw.org

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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 February 28, 2023:

AUSTIN KNUDSEN  
Montana Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401  
Phone: 406-444-2026  
Fax: 406-444-3549

MICHAEL RUSSELL  
THANE JOHNSON  
*Assistant Attorneys General*  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401  
Telephone: (406) 444-2026  
michael.russell@mt.gov  
thane.johnson@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

MARK L. STERMITZ  
Crowley Fleck PLLP  
305 S. 4th Street E., Suite 100  
Missoula, MT 59801  
Phone: 406-523-3600  
mstermitz@crowleyfleck.com

SELENA Z. SAUER  
Crowley Fleck PLLP  
1667 Whitefish Stage Road  
Kalispell, MT 59901  
ssauer@crowleyfleck.com

/s/ Barbara Chillcott  
Barbara Chillcott