

Austin Knudsen  
Montana Attorney General  
Michael D. Russell  
Assistant Attorney General  
MONTANA DEPARTMENT OF JUSTICE  
PO Box 201401  
Helena, MT 59620-1401  
Phone: 406-444-2026  
michael.russell@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 59801-2701  
Phone: 406-523-3600  
mstermitz@crowleyfleck.com

Selena Z. Sauer  
CROWLEY FLECK PLLP  
PO Box 759  
Kalispell MT 59903-0759  
Phone: 406-752-6644  
ssauer@crowleyfleck.com

Attorneys for State of Montana

**FILED**

APR 03 2023

ANGIE SPARKS, Clerk of District Court  
By: *Angie Sparks* Deputy Clerk

**INDEXED**

MONTANA FIRST JUDICIAL DISTRICT COURT,  
LEWIS AND CLARK COUNTY

RIKKI HELD, et al.,  
Plaintiffs,  
vs.  
STATE OF MONTANA, et al.,  
Defendants.

Cause No.: CDV-2020-307

**DEFENDANTS' MOTION TO  
PARTIALLY DISMISS FOR  
MOOTNESS**

Defendants hereby move to partially dismiss Plaintiffs' claims pursuant to Mont. R. Civ. P. 12(b)(1), 12(b)(6), and 12(h)(3) because the Montana Legislature's repeal of Section 90-4-1001,

MCA has rendered moot all of Plaintiffs' claims predicated on that statute. Defendants concurrently submit a Brief in support of this Motion. Plaintiffs' counsel have been contacted regarding their position on this Motion, but no response has been received as of the filing of this Motion, and Plaintiffs' opposition is presumed.

Dated this 31<sup>st</sup> day of March, 2023.

Austin Knudsen  
MONTANA ATTORNEY GENERAL



---

Michael Russell  
*Assistant Attorney General*  
PO Box 201401  
Helena, MT 59620-1401  
*michael.russell@mt.gov*

Emily Jones  
*Special Assistant Attorney General*  
JONES LAW FIRM, PLLC  
115 N. Broadway, Suite 410  
Billings, MT 59101  
*emily@joneslawmt.com*

Mark L. Stermitz  
CROWLEY FLECK, PLLP  
305 S. 4th Street E., Suite 100  
Missoula, MT 59801-2701  
*mstermitz@crowleyfleck.com*

Selena Z. Sauer  
CROWLEY FLECK PLLP  
PO Box 759  
Kalispell, MT 59903-0759  
*ssauer@crowleyfleck.com*

ATTORNEYS FOR DEFENDANTS

**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*  
*ktorbeck@mcgarveylaw.com*

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

Philip L. Gregory (pro hac vice)  
*pgregory@gregorylawgroup.com*

Nathan Bellinger (pro hac vice)  
Andrea Rodgers (pro hac vice)  
Julia Olson (pro hac vice)  
*nate@ourchildrenstrust.org*  
*andrea@ourchildrenstrust.org*  
*julia@ourchildrenstruct.org*

Date: March 31, 2023

*Nikki Schnackenberg*  
\_\_\_\_\_  
Nikki Schnackenberg