

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

*Attorneys for Plaintiffs*

MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY

|   |  |
|---|--|
| <p>RIKKI HELD, et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>STATE OF MONTANA, et al.,</p> <p>Defendants.</p> | <p>Cause No. CDV-2020-307</p> <p>Hon. Kathy Seeley</p> <p><b>PLAINTIFFS' RENEWAL OF MOTION<br/>AND MOTION FOR<br/>RECONSIDERATION TO ADMIT THE<br/>EXPERT REPORT OF STEVEN W.<br/>RUNNING AND CATHY WHITLOCK</b></p> |
|---|--|

Plaintiffs respectfully renew their motion made during trial, with an accompanying brief setting forth their support for the motion, to offer the Expert Report of Drs. Steven Running and Cathy Whitlock (“Expert Report”) (P164) into evidence. In the alternative, Plaintiffs respectfully move this Court to reconsider the admission of the Expert Report. A brief in support of Plaintiffs’ renewed motion and motion for reconsideration is filed concurrently herewith.

DATED this 13th day of June, 2023.

/s/ Barbara Chillcott

Barbara Chillcott  
Melissa Hornbein  
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

*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 June 13th, 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

## CERTIFICATE OF SERVICE

I, Barbara L Chillcott, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to the following on 06-13-2023:

Dustin Alan Richard Leftridge (Attorney)

345 First Avenue East

Montana

Kalispell MT 59901

Representing: Georgianna F, Mika K, Jeffrey K, Sariel S, Kathryn Grace S, Olivia V, Rikki Held, Lander B, Badge B, Kian T, Eva L, Nathaniel K

Service Method: eService

Roger M. Sullivan (Attorney)

345 1st Avenue E

MT

Kalispell MT 59901

Representing: Georgianna F, Mika K, Jeffrey K, Sariel S, Kathryn Grace S, Olivia V, Rikki Held, Lander B, Badge B, Kian T, Eva L, Nathaniel K

Service Method: eService

Melissa Anne Hornbein (Attorney)

103 Reeder's Alley

Helena MT 59601

Representing: Georgianna F, Mika K, Jeffrey K, Sariel S, Kathryn Grace S, Olivia V, Rikki Held, Lander B, Badge B, Kian T, Eva L, Nathaniel K

Service Method: eService

Mark L. Stermitz (Attorney)

304 South 4th St. East

Suite 100

Missoula MT 59801

Representing: State of Montana, Montana Department of Transportation, Montana Public Service Commission, Greg Gianforte, Steve Bullock, Montana Department of Environmental Quality, Mt Dept. Of Natural Resources And Conservation

Service Method: eService

Austin Miles Knudsen (Govt Attorney)

215 N. Sanders

Helena MT 59620

Representing: State of Montana, Montana Department of Transportation, Montana Public Service Commission, Greg Gianforte, Steve Bullock, Mt Dept. Of Natural Resources And Conservation  
Service Method: eService

Thane P. Johnson (Attorney)  
215 N SANDERS ST  
P.O. Box 201401  
HELENA MT 59620-1401

Representing: State of Montana, Montana Department of Transportation, Montana Public Service Commission, Greg Gianforte, Steve Bullock, Montana Department of Environmental Quality, Mt Dept. Of Natural Resources And Conservation  
Service Method: eService

Emily Jones (Attorney)  
115 North Broadway  
Suite 410  
Billings MT 59101

Representing: State of Montana, Montana Department of Transportation, Montana Public Service Commission, Greg Gianforte, Steve Bullock, Montana Department of Environmental Quality, Mt Dept. Of Natural Resources And Conservation  
Service Method: eService

Michael D. Russell (Govt Attorney)  
215 N Sanders  
Helena MT 59620  
Representing: State of Montana  
Service Method: eService

Thane P. Johnson (Govt Attorney)  
215 N SANDERS ST  
P.O. Box 201401  
HELENA MT 59620-1401  
Representing: State of Montana  
Service Method: eService

Lee M. McKenna (Attorney)  
1520 E. Sixth Ave.  
HELENA MT 59601-0908  
Representing: Montana Department of Environmental Quality  
Service Method: eService

Mathew dos Santos (Attorney)  
1216 Lincoln St.  
Eugene 97401  
Representing: Georgianna F, Mika K, Jeffrey K, Sariel S, Kathryn Grace S, Olivia V, Rikki Held, Lander B, Badge B, Kian T, Eva L, Nathaniel K  
Service Method: Email

Philip L. Gregory (Attorney)

1250 Godetia Drive  
Redwood City 94062

Representing: Georgianna F, Mika K, Jeffrey K, Sariel S, Kathryn Grace S, Olivia V, Rikki Held,  
Lander B, Badge B, Kian T, Eva L, Nathaniel K  
Service Method: Email

Julia A Olson (Attorney)  
1216 Lincoln St  
Eugene 97401

Representing: Georgianna F, Mika K, Jeffrey K, Sariel S, Kathryn Grace S, Olivia V, Rikki Held,  
Lander B, Badge B, Kian T, Eva L, Nathaniel K  
Service Method: Email

Andrea K. Rodgers (Attorney)  
1216 Lincoln St.  
Eugene 97401

Representing: Georgianna F, Mika K, Jeffrey K, Sariel S, Kathryn Grace S, Olivia V, Rikki Held,  
Lander B, Badge B, Kian T, Eva L, Nathaniel K  
Service Method: Email

Nathan Bellinger (Attorney)  
1216 Lincln St.  
Eugen 97401

Representing: Rikki Held  
Service Method: Email

Selena Z. Sauer (Attorney)  
P. O. Box 759  
Kalispell 59903-0759

Representing: State of Montana, Montana Department of Transportation, Montana Public Service  
Commission, Greg Gianforte, Steve Bullock, Montana Department of Environmental Quality, Mt  
Dept. Of Natural Resources And Conservation  
Service Method: Other Means by Consent

Michael Russell (Attorney)  
P O Box 201401  
Helena 59620-1401

Representing: State of Montana, Montana Department of Transportation, Montana Public Service  
Commission, Greg Gianforte, Steve Bullock, Montana Department of Environmental Quality, Mt  
Dept. Of Natural Resources And Conservation  
Service Method: Other Means by Consent

Austin Miles Knudsen (Attorney)  
PO BOX 201401  
Helena 59620-1401

Representing: State of Montana, Montana Department of Transportation, Montana Public Service  
Commission, Greg Gianforte, Steve Bullock, Montana Department of Environmental Quality, Mt  
Dept. Of Natural Resources And Conservation  
Service Method: Other Means by Consent

Electronically Signed By: Barbara L Chillcott  
Dated: 06-13-2023