

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' BRIEF IN SUPPORT OF MOTION AND MOTION FOR RECONSIDERATION TO ADMIT THE EXPERT REPORT OF STEVEN W. RUNNING AND CATHY WHITLOCK</b></p>
---	---

## INTRODUCTION

Plaintiffs respectfully submit the following brief in support of their motion and further move for this Court’s reconsideration, based on the arguments below, of their offer of Drs. Running and Whitlock’s Expert Report (“Expert Report”) (P164) in evidence. This Court has indicated its willingness to admit expert reports. This Court’s Order on Motions in Limine states: “While many of the expert reports *may be admitted into evidence*, the Court will not broadly suspend the hearsay rules regarding expert reports.” Order on Motions in Limine. (Doc. 380) (emphasis added). Contrary to Defendants’ hearsay objection, the Expert Report of Dr. Steven Running and Dr. Cathy Whitlock can be admitted as an exception to hearsay. The Expert Report can alternatively be admitted into evidence not as proof of the matter asserted, but as a useful tool for the Court.

First, Plaintiffs contend that the Running/Whitlock Expert Report can be offered in evidence to prove the truth of the matter stated therein, pursuant to Mont. R. Evid. 702 and the hearsay exception in Mont. R. Evid. 803(24) for two primary reasons—(1) Drs. Running and Whitlock testified at trial, subject to cross-examination about the content of their Joint Expert Report and (2) the Expert Report has “comparable circumstantial guarantees of trustworthiness” required by the hearsay exception because it summarizes thousands of pages of “learned treatises” by the preeminent experts in the field as well as “public records and reports,” and “records of regularly conducted activity.” Mont. R. Evid. 702; 803(6) 803(8), 803(18). Importantly, as this case is a bench trial, there is no risk of prejudice or jury considerations. Mont. R. Evid. 803.

Second, the Running/Whitlock Expert Report can be admitted not as an offer “to prove the truth of the matter asserted,” Mont. R. Evid. 801, but as a useful reference tool and context

for the Court to Drs. Running and Whitlock’s live testimony, which was provided to establish the truth of their opinions and was subject to cross-examination. The Expert Report also provides context for the lengthy scientific publications and climate reports—and important graphics contained therein—that have been authenticated, relied upon by Drs. Running and Whitlock during their testimony at trial, and admitted into evidence as learned treatises or trusted government reports. This Court will consider extensive testimony on climate science and the impacts of climate change injuring these Plaintiffs and the Running/Whitlock Expert Report summarizes thousands of pages of peer-reviewed scientific reports and importantly, provides visual graphics to explicate the scientific testimony and evidence presented at trial, which has been subject to cross-examination.

The Supreme Court’s ruling regarding the admissibility of expert reports in evidence in *Reese v. Stanton*, 2015 MT 293, ¶ 21, 381 Mont. 241, 358 P.3d 208, fully supports Plaintiffs’ arguments herein. Plaintiffs submit the following authorities and analysis of evidentiary rulings regarding expert testimony to demonstrate that the Running/Whitlock Expert Report is admissible in full.

### **ARGUMENT**

Pursuant to the Montana Rules of Evidence, qualified experts may testify “[i]f scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue.” Mont. R. Evid. 702. “The expert may testify in terms of opinion or inference” and may “embrace[] an ultimate issue to be decided by the trier of fact.” Mont. R. Evid. 705, 704. Moreover, a “district court has great latitude in ruling on the admissibility of expert testimony, and the ruling will not be disturbed without a showing of abuse of discretion.” *State v. Stout*, 2010 MT 137, ¶ 59, 356 Mont. 468, 237 P.3d 37. As a general guiding principle,

the Montana Supreme Court has emphasized that “it is better to admit relevant scientific evidence in the same manner as other expert testimony and allow its weight to be attacked by cross-examination and refutation.” *State v. Damon*, 2005 MT 218, ¶ 17, 328 Mont. 276, 119 P.3d 1194 (quoting *Barmeyer v. Mont. Power Co.*, 202 Mont. 185, 193-94, 657 P.2d 594, 598 (1983), *overruled on other grounds by Martel v. Mont. Power Co.*, 231 Mont. 96, 103, 752 P.2d 140, 145 (1988)).

Dr. Running and Dr. Whitlock have both testified in court, been subject to cross-examination as to their joint Expert Report and thus, the Expert Report can, and should, therefore, be admitted into evidence. *Reese*, ¶ 21 (ruling that district court abused discretion in admitting “out-of-court opinions and report of three doctors not qualified, not subject to cross-examination, and without foundation,” but finding no abuse of discretion in admitting other expert reports of testifying experts).

**I. The Expert Report is Admissible as an Exception to Hearsay Pursuant to Rule 803(24) and Rules 702-705.**

Rule 803(24) contains the residual or catch-all exception to the hearsay rule, allowing the admissibility of a “statement not specifically covered by any of the foregoing exceptions but having comparable circumstantial guarantees of trustworthiness.” Mont. R. Evid. 803(24); *see, e.g., State v. Zlahn*, 2014 MT 224, ¶ 40, 396 Mont. 245, 332 P.3d 247 (holding that otherwise inadmissible materials offered by a detective were trustworthy since he testified about their contents at trial, faced cross-examination, and identified other witnesses who could support his findings); *see also In re C.K.*, 2017 MT 69, ¶ 20 n.3, 387 Mont. 127, 391 P.3d 735 (noting that Rule 803(24) may offer an alternative route for permitting expert testimony that refers to hearsay since “the requisite circumstantial guarantee of trustworthiness is . . . that the information is of a type relied upon by experts in the field”). A district court has wide discretion to admit evidence

under the residual exception, as reviewing courts will “defer . . . on matters of admission of evidence, particularly where the court is determining circumstantial guaranties of trustworthiness, unless an abuse of discretion is clearly shown.” *State v. LaPier*, 208 Mont. 106, 111, 676 P.2d 210, 213 (1984); *State v. Brown*, 231 Mont. 334, 337, 752 P.2d 204, 206 (1988) (“[T]he list of exceptions is not closed. The residual exceptions of . . . Rule 803(24) provide for new and unanticipated situations which demonstrate a trustworthiness within the same spirit of the specifically stated exceptions.”).

**A. The Expert Report Can be Considered Alongside the Live Testimony of its Authors and Other Witnesses, Allowing its Trustworthiness to be Properly Tested Through Cross-Examination.**

The Expert Report can be deemed trustworthy and admitted under the residual exception because the opinion testimony in the Expert Report was presented at trial in live testimony by the experts who were cross-examined by defendants, and their Expert Report has also been corroborated thus far by the expert testimony of Dr. Dan Fagre and the fact witness testimony of several Plaintiffs describing their firsthand observations living in and experiencing the climate impacts the experts describe. *See Zlahn*, ¶ 40; *see also United States v. Valdez-Soto*, 31 F.3d 1467, 1471 (9th Cir. 1994) (citing *Larez v. City of Los Angeles*, 946 F.2d 630, 643 n.6 (9th Cir. 1991)) (“[C]orroborating evidence is a valid consideration in determining the trustworthiness of out-of-court statements for purposes of Rule 803(24).”). In sum, the trustworthiness of the Expert Report may be, and has been, properly established at trial.

**B. The Expert Report Uses Trustworthy Scientific Methods, Having Been Prepared by Highly Qualified Climate Science Experts Conducting Regular and Systematic Research Over Decades and Relying on Government Data and Reports.**

One line of cases has indicated that evaluating whether a statement possesses circumstantial guarantees of trustworthiness involves inquiring into the circumstances under

which it was made, and then comparing them with the indicia of trustworthiness found in other hearsay exceptions. *See Brown*, 231 Mont. at 337-38; *see also Heisler v. Boule*, 226 Mont. 332, 336-37, 735 P.2d 516, 519 (1987) (“[T]he way to determine whether or not the proposed evidence has comparable guarantees of trustworthiness is to apply the circumstantial guarantees of trustworthiness found in the other exceptions.”).

The Expert Report is trustworthy because it summarizes in 40 pages thousands of pages of “learned treatises,” “public records and reports,” and “records of regularly conducted activity,” like recorded temperature or snow water equivalent data. *See Mont. R. Evid.* 803(6), 803(8), 803(18); P164; Trial Testimony of Drs. Running and Whitlock. These equivalent hearsay exceptions are effectively presumed to have guarantees of trustworthiness due to requirements of being regularly conducted and recorded by governments or in reliable scientific publications. *Id.* Insofar as the residual hearsay exception exists to recognize those cases where circumstantial trustworthiness exists but has been difficult to capture within the formalized and rigid rules of evidence, this Expert Report should certainly qualify.

**II. The Expert Report is Also Admissible to Provide an Important Reference and Context for Drs. Running and Whitlock’s Expert Opinion Testimony, Which Constitutes a Non-Hearsay Use of Evidence by Definition and Does Not seek to Prove the Substantive Truth Being Asserted.**

The Montana Supreme Court has resolved disputes over the admissibility of expert reports across various contexts by applying the evidentiary rules that govern expert testimony generally, including the various Article VII rules of the Montana Rules of Evidence. *See, e.g., Stout*, ¶¶ 28-35 (reviewing the admission of expert reports into evidence based on state common law rules regarding “testimony” and finding no error); *Citizens for a Better Flathead v. Bd. of Cnty. Comm’rs of Flathead Cnty*, 2016 MT 256, ¶ 17, 381 P.3d 555, 381 P.3d 555 (reviewing the admission of expert reports based on Rule 702 for “expert testimony”); *Reese* ¶¶ 14-25

(reviewing the admission of expert reports based on Rule 705 for “expert testimony”). In effect, expert reports have often served as an extension of or a supplement to admissible expert testimony, and Montana law does not observe any presumption that such reports are inherently hearsay without a valid purpose.<sup>1</sup> The Expert Report should be admitted since it complies with all relevant Montana Rules of Evidence governing expert testimony and is an exception to hearsay, as further analyzed below.

To be admitted into evidence, expert reports cannot actively violate the general rule against hearsay by attempting to prove the truth of the matter asserted therein. Mont. R. Evid. 801, 802; *see Reese*, ¶¶ 22-24. But “evidence inadmissible for one purpose may be admissible for another.” *In re C.K.*, ¶ 18; *accord* Mont. R. Evid. 105. Statements involving “otherwise inadmissible hearsay may be admissible through an expert under Rule 703 upon proper foundation and for the limited purpose of explaining the basis of the expert’s opinion rather than as substantive proof of the facts asserted in the statement.” *In re C.K.*, ¶ 29. Rule 703 expressly permits usage of out-of-court facts or data, given a “foundational showing that . . . the information is of a type reasonably relied upon by experts in the field of expertise.” *Id.*, ¶ 18; *see* Mont. R. Evid. 703.

As explained by the Montana Supreme Court, this application of evidentiary rules is undergirded by at least two potential justifications, either of which would favor admitting the Expert Report:

---

<sup>1</sup> The Ninth Circuit, whose authority may carry persuasive weight for this Court, is similarly amenable to evaluating the admissibility of expert reports under the general rules of expert testimony. *See, e.g., Hudspeth v. Comm’r*, 914 F.2d 1207, 1214 (9th Cir. 1990) (holding it was an abuse of discretion to exclude an expert report proffered for the non-prohibited purpose of inferring bias under the Federal Rules of Evidence); *Olean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC*, 31 F.4th 651, 665, 675 (9th Cir. 2022) (citing *Tyson Foods, Inc. v. Bouaphakeo*, 577 U.S. 442, 454–55 (2016)) (holding that at the class certification stage, which permits evidence according to the “usual requirements of admissibility . . . [in Rule] 702,” use of an expert report on complex antitrust issues was proper). Thus, as a threshold matter, the analysis should turn to the rules governing admissibility of expert testimony.

Rule 703 ultimately favors admission of otherwise inadmissible hearsay upon careful Rule 403 balancing to safeguard against the danger of unfair prejudice or needless presentation of cumulative evidence. By application of Rule 801(c), Rule 703 circumvents the general prohibition of Rule 802 by repurposing otherwise inadmissible hearsay as definitional non-hearsay. **Under this view, because its limited purpose is “only to show the basis of the testifying expert’s opinion” rather than as substantive proof of the facts asserted therein, the otherwise inadmissible hearsay is definitional non-hearsay and thus not subject to Rule 802 exclusion.** See *State v. Smith*, 215 Ariz. 221, 159 P.3d 531, 538 (2007); M. R. Evid. 801(c) (hearsay definition).

Alternatively, Rule 703 is also amenable to construction as an implicit exception to the hearsay rule. This view recognizes that the otherwise inadmissible hearsay cannot serve its limited Rule 703 purpose of aiding assessment of the credibility and reliability of the expert’s opinion unless the finder of fact takes it as true. See David H. Kaye, et al., *The New Wigmore: A Treatise on Evidence* § 4.10.1 (2d ed. 2011) [hereinafter Kaye, *The New Wigmore*]. Thus, regardless of its stated purpose, the otherwise inadmissible information remains definitional hearsay precluded by Rules 801(c) and 802. **Therefore, Rule 703 is, in effect, an implicit exception to the hearsay rule.** See Kaye, *The New Wigmore*, § 4.7.2.

Under either view, the **sole purpose of admission of otherwise inadmissible hearsay under Rule 703 is to aid the finder of fact in assessing the credibility and reliability of the expert’s opinion.**

*In re C.K.*, ¶¶ 19-21 (emphasis added); see also *Mason v. Ditzel*, 255 Mont. 364, 372-74, 842 P.2d 707, 713 (1992) (affirming an expert’s use of third-party medical records admitted into evidence on direct examination under Rule 703, without qualifying for any Rule 803 hearsay exceptions).

Based on this consistent authority from the Montana Supreme Court, out-of-court writings reviewed or prepared by experts should be permitted under Rule 703 when used solely to explain the basis for their conclusions. The Expert Report is thus proffered not as substantive proof for each of the facts it asserts, but to assist this Court in gaining underlying context for opinions heard at trial. As this case involves complex scientific issues, a significant number of relevant background details, including graphics, have factored into experts’ conclusions on the “ultimate issues,” yet are explicated more briefly in live testimony due to reasonable time

constraints the Court observes. *See* Mont. R. Evid. 704, 611(a). For instance, this Court heard expert testimony expressing the informed opinion that anthropogenic carbon dioxide emissions have led to dangerous climate change in Montana and produced injuries to Plaintiffs. But underlying these conclusions is decades' worth of research efforts, rigorous testing of scientific methods, and detailed analysis along multiple dimensions of scientific inquiry and the climate crisis itself—not all of which can be easily conveyed to this Court in two hours of live examination without admitting the Expert Report. In short, the Expert Report contains not just the experts' opinions themselves, but also numerous data sources, graphics, and scientific studies, reasonably relied on by experts across the fields of geological, earth systems, and climate science, showing the overall basis for arriving at their conclusions. *See* P164; P302 (Attachment 5 to Expert Report, containing materials Drs. Running and Whitlock considered in forming opinions). Admitting the Expert Report so this Court may consider the full basis of expert testimony should be considered “definitional non-hearsay” and does not attempt to prove the substantive truth of facts contained within the report. *See In re C.K.*, ¶ 19.

Admitting the Expert Report would also not create any risk of unfair prejudice to Defendants or present cumulative evidence, let alone enough that “its probative value is substantially outweighed” for Rule 403 purposes. Mont. R. Evid. 403. A trial judge generally has the capability and prerogative to admit evidence for one permissible use but “restrict the evidence to its proper scope” and avoid considering it for a forbidden purpose. Mont. R. Evid. 105. Defendants would not be unfairly prejudiced by admitting contextual information to accompany live expert opinion testimony, which they also have a reasonable opportunity to question through cross-examination. The Expert Report does not needlessly present cumulative evidence, as its essential purpose for being admitted is to provide the myriad of relevant

background details that cannot all be expounded through live testimony in reasonable time. No Rule 403 objection can therefore be sustained.

Because the Expert Report could be admitted into evidence only to show the basis of the expert testimony and to assist the Court in understanding the full context for Drs. Running's and Whitlock's live testimony and the reports and scientific publications that have been admitted into evidence, the Expert Report is admissible for a non-hearsay purpose.

### **CONCLUSION**

This case presents intricate scientific issues where a trier of fact would be substantially assisted by an opportunity to consider the full context undergirding the opinions of qualified scientific experts on climate change who testify at trial either as a residual exception to hearsay due to trustworthiness, or as an accepted, non-hearsay justification for admitting the Expert Report into evidence.

For the foregoing reasons and in accordance with Montana law, Plaintiffs respectfully request that the Expert Report is admitted.

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 Answer/Brief - Brief In Support of 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