FILEED 09/15/2023 Angie Sparks CLERK Lewis & Clark County District Cour STATE OF MONTANA By: Lisa Kallio DV-25-2020-0000307-BF Seeley, Kathy 416.00

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 dleftridge@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

RIKKI HELD, et al.,	Cause No. CDV-2020-307
Plaintiffs,	Hon. Kathy Seeley
V.	NOTICE OF SUBMISSION OF THE MOTION FOR (1) CERTIFICATION OF
STATE OF MONTANA, et al.,	ORDERS AS FINAL FOR PURPOSES OF INTERLOCUTORY APPEAL; AND
Defendants.	(2) STAY OF ISSUE OF ATTORNEYS' FEES AND COSTS

MONTANA FIRST JUDICIAL DISTRICT COURT LEWIS AND CLARK COUNTY

As a result of the filing of Defendants' Response to Plaintiffs' Unopposed Motion and Brief for (1) Certification of Orders as Final for Purposes of Interlocutory Appeal; and (2) Stay of Issue of Attorneys' Fees and Costs (Doc. 415), these matters have been submitted for decision by this Court.

In response to Defendants' request, Plaintiffs have no objection to this Court certifying the following additional rulings for which Defendants seek appellate review: (a) the Court's Orders on Defendants' Motions for Clarification (Docs. 158, 217); (b) the Court's Order denying Defendants' Rule 35(a) Motion for Independent Medical Examination (Doc. 225); and (c) the Court's Order denying Defendants' Motions *in Limine* Nos. 2 and 3. (Doc. 381).

A revised [Proposed] Order incorporating these additions is submitted herewith. RESPECTFULLY SUBMITTED this 15th day of September, 2023.

> <u>/s/ Roger Sullivan</u> Roger Sullivan Dustin Leftridge McGarvey Law 345 1st Avenue East Kalispell, MT 59901 (406) 752-5566 rsullivan@mcgarveylaw.com dleftridge@mcgarveylaw.com

Barbara Chillcott Melissa Hornbein Western Environmental Law Center 103 Reeder's Alley Helena, MT 59601 (406) 708-3058 hornbein@westernlaw.org chillcott@westernlaw.org

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, Roger M. Sullivan, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice to the following on 09-15-2023:

Emily Jones (Attorney)
115 North Broadway
Suite 410
Billings MT 59101
Representing: Mt Dept. Of Natural Resources And Conservation, Montana Department of Transportation, Montana Department of Environmental Quality, State of Montana, Montana Public Service Commission, Steve Bullock, Greg Gianforte
Service Method: eService

Austin Miles Knudsen (Govt Attorney) 215 N. Sanders Helena MT 59620 Representing: Mt Dept. Of Natural Resources And Conservation, Montana Department of Transportation, State of Montana, Montana Public Service Commission, Steve Bullock, Greg Gianforte Service Method: eService

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

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

Mark L. Stermitz (Attorney) 304 South 4th St. East Suite 100 Missoula MT 59801 Representing: Mt Dept. Of Natural Resources And Conservation, Montana Department of Transportation, Montana Department of Environmental Quality, State of Montana, Montana Public Service Commission, Steve Bullock, Greg Gianforte Service Method: eService

Barbara L Chillcott (Attorney)

103 Reeder's Alley Helena MT 59601 Representing: Rikki Held, Kian T, Sariel S, Georgianna F, Olivia V, Kathryn Grace S, Eva L, Nathaniel K, Lander B, Jeffrey K, Mika K, Badge B Service Method: eService

Dustin Alan Richard Leftridge (Attorney) 345 First Avenue East Montana Kalispell MT 59901 Representing: Rikki Held, Kian T, Sariel S, Georgianna F, Olivia V, Kathryn Grace S, Eva L, Nathaniel K, Lander B, Jeffrey K, Mika K, Badge B Service Method: eService

Melissa Anne Hornbein (Attorney) 103 Reeder's Alley Helena MT 59601 Representing: Rikki Held, Kian T, Sariel S, Georgianna F, Olivia V, Kathryn Grace S, Eva L, Nathaniel K, Lander B, Jeffrey K, Mika K, Badge B 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

Selena Zoe Sauer (Attorney) 1667 Whitefish Stage Rd. #101 Kalispell MT 59901-2173 Service Method: eService E-mail Address: ssauer@crowleyfleck.com

> Electronically signed by Kelli I. Torbeck on behalf of Roger M. Sullivan Dated: 09-15-2023