

Austin Knudsen
Montana Attorney General
Michael Russell
Thane Johnson
Assistant Attorneys General
MONTANA DEPARTMENT OF JUSTICE
PO Box 201401
Helena, MT 59620-1401
Phone: 406-444-2026

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
Attorneys for Defendants

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

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS & CLARK COUNTY

<p>RIKKI HELD, et al.,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>STATE OF MONTANA, et al.,</p> <p style="text-align: right;">Defendants.</p>	<p>Cause CDV 2020–307 Hon. Kathy Seeley</p> <p style="text-align: center;">NOTICE OF APPEAL</p>
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Notice is given that Defendant State of Montana has filed a Notice of Appeal to the Montana Supreme Court from the following Orders:

1. Order dated August 4, 2021 (Doc. 46) on Defendants’ Motion to Dismiss (Doc. 11);

2. Order dated June 30, 2022 (Doc. 158), denying Defendants' Rule 60(a) Motion for Clarification of Order on State's Motion to Dismiss (Doc. 84);
3. Order dated September 22, 2022 (Doc. 217), denying Defendants' Second Rule 60(a) Motion for Clarification of Order on State's Motion to Dismiss (Doc. 167);
4. Order dated October 14, 2022 (Doc. 225), denying Defendants' Rule 35(a) Motion for Independent Medical Examination (Doc. 163);
5. Order dated May 23, 2023 (Doc. 379) on Defendants' Motion for Summary Judgment (Doc. 290);
6. Order dated June 1, 2023 (Doc. 381), ruling on Motions *in Limine* (Docs. 260, 262, 264, 266, 268, 270, 272);
7. Order dated June 7, 2023 (Doc. 384), denying Defendants' Motion to Dismiss MEPA Claims (Doc. 376); and
8. Order dated August 14, 2023 (Doc. 405), finding in favor of Plaintiffs on all remaining claims.

A true and correct copy of the Supreme Court filed and docketed Notice of Appeal (without attached District Court Orders) is attached as **Exhibit A**.

DATED this 2nd day of October, 2023.

Austin Knudsen
MONTANA ATTORNEY GENERAL



Michael Russell
Thane Johnson
Assistant Attorneys General
MONTANA DEPARTMENT OF JUSTICE
PO Box 201401
Helena, MT 59620-1401

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

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

Selena Z. Sauer
CROWLEY FLECK PLLP
PO Box 759
Kalispell, MT 59903-0759

ATTORNEYS FOR DEFENDANTS

FILED

09/28/2023

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 23-0575

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA _____

RIKKI HELD; LANDER B., by and through his guardian Sara Busse; BADGE B., by and through his guardian Sara Busse; SARIEL SANDOVAL; KIAN T., by and through his guardian Todd Tanner; GEORGIANNA FISCHER; KATHRYN GRACE GIBSON-SNYDER; EVA L., by and through her guardian Mark Lighthiser; MIKA K., by and through his guardian Rachel Kantor; OLIVIA VESOVICH; JEFFREY K., by and through his guardian Laura King; NATHANIEL K., by and through his guardian Laura King; CLAIRE VLASES; RUBY D., by and through her guardian Shane Doyle; LILIAN D., by and through her guardian Shane Doyle; TALEAH HERNÁNDEZ,

Plaintiffs and Appellees,

v.

STATE OF MONTANA, GOVERNOR GREG GIANFORTE, MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY, MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, and MONTANA DEPARTMENT OF TRANSPORTATION,

Defendants and Appellants.

On appeal from the Montana First Judicial District Court, Lewis and Clark County
Cause No. CDV 2020-307, the Honorable Kathy Seeley, Presiding

STATE OF MONTANA'S NOTICE OF APPEAL

EXHIBIT A

Austin Knudsen
Montana Attorney General
Michael D. Russell
Thane Johnson
Assistant Attorneys General
MONTANA DEPARTMENT OF JUSTICE
PO Box 201401
Helena, MT 59620-1401
Phone: 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
Attorneys for Defendant State of Montana

Roger Sullivan
Dustin Leftridge
McGARVEY LAW
345 1st Avenue East
Kalispell, TM 59901
Phone: 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 Lincon Street
Eugene, OR 97401
Phone 413-687-1668
nate@ourchildrenstrust.org
andrea@ourchildrenstrust.org
julia@ourchildrenstrust.org
Attorneys for Plaintiffs/Appellees

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

Melissa Hornbein
Barbara Chillcott
WESTERN ENVIRONMENTAL
LAW CENTER
103 Reeder's Alley
Helena, MT 59601
Phone: 406-708-3058
hornbein@westernlaw.org
chillcott@westernlaw.org

Philip L. Gregory (pro hac vice)
GREGORY LAW GROUP
1250 Godetia Drive
Redwood City, CA 94062
Phone 650-278-2957
pgregory@gregorylawgroup.com

Notice is given that State of Montana, a Defendant in Cause No. DV 20–307, First Judicial District, Lewis and Clark County, hereby files this appeal to the Montana Supreme Court from the following Orders:

1. Order dated August 4, 2021 (Doc. 46) on Defendants’ Motion to Dismiss;

2. Order dated June 30, 2022 (Doc. 158), denying Defendants’ Rule 60(a) Motion for Clarification of Order on State’s Motion to Dismiss;

3. Order dated September 22, 2022 (Doc. 217), denying Defendants’ Second Rule 60(a) Motion for Clarification of Order on State’s Motion to Dismiss;

4. Order dated October 14, 2022 (Doc. 225), denying Defendants’ Rule 35(a) Motion for Independent Medical Examination;

5. Order dated May 23, 2023 (Doc. 379) on Defendants’ Motion for Summary Judgment;

6. Order dated June 1, 2023 (Doc. 381), ruling on Motions *in Limine*;

7. Order dated June 7, 2023 (Doc. 384), denying Defendants’ Motion to Dismiss MEPA Claims; and

8. Order dated August 14, 2023 (Doc. 405), finding in favor of Plaintiffs on all remaining claims.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by Mont. R. App. P. 7.
2. That this appeal is an appeal from an order certified as final under Mont. R. Civ. P. 54(b). A true and correct copy of the Order certifying the above orders as final for purposes of appeal (Doc. 417) is attached.
3. That all available transcripts of the proceedings in this case have been ordered from the court reporter contemporaneously with the filing of this notice of appeal.
4. That the Appellant is exempt from filing fee requirements.
5. That pursuant to Mont. R. App. P. 4(4)(d) a copy of the Notice of Appeal will be served by mail to the Clerk of the First District Court and counsel of record, as well as via electronic filing.

DATED this 28th day of September, 2023.

Austin Knudsen
MONTANA ATTORNEY GENERAL

/s/ Michael Russell

Michael Russell
Thane Johnson
Assistant Attorneys General
PO Box 201401
Helena, MT 59620-1401

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

Mark L. Stermitz
CROWLEY FLECK, PLLP
305 S. 4th Street E., Suite 100
Missoula, MT 59801-2701
Phone: 406-523-3600

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

ATTORNEYS FOR APPELLANT
STATE OF MONTANA

CERTIFICATE OF SERVICE

I, Michael D. Russell, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to Supreme Court to the following on 10-02-2023:

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 Environmental Quality, Greg Gianforte, Montana Public Service Commission, Steve Bullock, Montana Department of Transportation, 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

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 Environmental Quality, Greg Gianforte, Montana Public Service Commission, Steve Bullock, Montana Department of Transportation, State of Montana
Service Method: eService

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

Austin Miles Knudsen (Govt Attorney)
215 N. Sanders

Helena MT 59620

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

Melissa Anne Hornbein (Attorney)

103 Reeder's Alley

Helena MT 59601

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

Dustin Alan Richard Leftridge (Attorney)

345 First Avenue East

Montana

Kalispell MT 59901

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

Barbara L Chillcott (Attorney)

103 Reeder's Alley

Helena MT 59601

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

Roger M. Sullivan (Attorney)

345 1st Avenue E

MT

Kalispell MT 59901

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

Lee M. McKenna (Govt Attorney)

1520 E. Sixth Ave.

HELENA MT 59601-0908

Representing: Montana Department of Environmental Quality
Service Method: eService

Selena Z. Sauer (Attorney)

P. O. Box 759

Kalispell 59903-0759

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

Electronically signed by Deborah Bungay on behalf of Michael D. Russell
Dated: 10-02-2023