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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

RIKKI HELD, et al., Plaintiffs, v. STATE OF MONTANA, et al., Defendants.	Cause No. CDV-2020-307 Hon. Kathy Seeley PLAINTIFFS' EXPERT DISCLOSURES
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COMES NOW Plaintiffs Rikki Held, et al., by counsel, pursuant to the Courts *Modified Scheduling Order* filed June 15, 2022 (“Modified Scheduling Order”), and pursuant to Rule 26 M.R.Civ.P., provide the following expert witness disclosures. Plaintiffs reserve the right to amend this disclosure and/or provide additional disclosures of expected opinion testimony and/or rebuttal testimony once discovery is completed and as may be required/allowed by the Court’s *Modified Scheduling Order*.

Plaintiffs may call any or all of the following witnesses at trial to offer expert witness testimony.

EXPERT WITNESSES

1. Dr. Steven Running, Ph.D., M.S.
**College of Forestry & Conservation, University of Montana
Numerical Terradynamic Simulation Group**

32 Campus Dr,
Missoula, MT 59812

The subject matter and substance of the facts and opinions to which Dr. Running is expected to testify, and a summary of the grounds for Dr. Running’s opinions are contained in his report, referenced literature, list of publications, and curriculum vitae attached as **Exhibit 1**. To the extent Dr. Running is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Running’s opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Dr. Running’s opinions are based on his education, training, experience in the field of global ecosystem monitoring, and his review of the pleadings. Dr. Running’s opinions are to a reasonable degree of scientific certainty.

Dr. Running, with Dr. Cathy Whitlock as co-author of the report, will provide expert testimony explaining Earth’s Energy Imbalance; how the emission of greenhouse gases to the

atmosphere is driving climate change globally and in Montana; the state of Montana's longstanding knowledge of the dangers posed by climate change and fossil fuels; and how human-caused fossil fuel development and the resulting release of CO₂ into the atmosphere are harming Montana's ecosystems, water supplies, and communities. The report presents recent trends and future projections in temperature, precipitation, snow accumulation and snowmelt, and stream runoff in Montana and explain how they affect terrestrial ecosystems, communities, and the livelihoods of people that depend on these ecosystem services.

2. Dr. Cathy L. Whitlock, Ph.D., M.S.
Earth Sciences, Montana State University
Montana Institute on Ecosystems

Leon Johnson Hall,
Bozeman, MT 59715

The subject matter and substance of the facts and opinions to which Dr. Whitlock is expected to testify, and a summary of the grounds for Dr. Whitlock's opinions are contained in her report, referenced literature, list of publications, and curriculum vitae attached as **Exhibit 1**. Dr. Whitlock jointly authored her report with Dr. Running. Dr. Whitlock's opinions are to a reasonable degree of scientific certainty. To the extent Dr. Whitlock is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Whitlock's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Dr. Whitlock's opinions are based on her education, training, experience in the field of paleoecology, climate change, and conservation, as well as her review of the pleadings.

3. Dr. Jack Stanford, Ph.D., M.S.
Flathead Lake Biological Station, University of Montana

32 Campus Dr,
Missoula, MT 59812

The subject matter and substance of the facts and opinions to which Dr. Stanford is expected to testify, and a summary of the grounds for Dr. Stanford's opinions are contained in his report, referenced literature, and curriculum vitae attached as **Exhibit 2**. To the extent Dr. Stanford is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Stanford's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Dr. Stanford's opinions are based on his education, training, experience in the field of ecology and freshwater ecosystems, and his review of the pleadings. Dr. Stanford's opinions are to a reasonable degree of scientific certainty.

Dr. Stanford will provide expert testimony on the adverse impacts of climate change on Montana's freshwater ecosystems, including the interconnectivity of climate, hydrology, geomorphology and the ecology of river landscapes as well as how anthropogenic climate change disrupts biophysical connectivity, thereby causing significant degradation and depletion of Montana's freshwater ecosystems.

4. Dr. Daniel B. Fagre, Ph.D., M.S.
United States Geological Survey
Northern Rocky Mountain Science Center

Glacier National Park,
West Glacier, MT 59936

The subject matter and substance of the facts and opinions to which Dr. Fagre is expected to testify, and a summary of the grounds for Dr. Fagre's opinions are contained in his report, referenced literature, and curriculum vitae attached as **Exhibit 3**. To the extent Dr. Fagre is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Fagre's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Dr. Fagre's opinions are based on his education, training, experience in the field of hydroclimate

and glaciers, and his review of the pleadings. Dr. Fagre's opinions are to a reasonable degree of scientific certainty.

Dr. Fagre will provide expert testimony on the retreat of glaciers in the last few decades, including the glaciers of Glacier National Park, as a result of human-caused global warming. Due to the important role that the glaciers play for Montana's environment and natural resources, the glaciers' disappearance will destroy both the aesthetic and ecological value of Glacier National Park for the Youth Plaintiffs and for the State of Montana.

5. Anne Hedges, M.A.
Montana Environmental Information Center

107 W Lawrence St,
Helena, MT 59601

The subject matter and substance of the facts and opinions to which Ms. Hedges is expected to testify, and a summary of the grounds for Ms. Hedges' opinions are contained in her report and referenced literature attached as **Exhibit 4**. To the extent Ms. Hedges is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Ms. Hedges' opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Ms. Hedges' opinions are based on her education, training, experience in the field of environmental policy and its historical context, as well as her review of the pleadings. Ms. Hedges' opinions are to a reasonable degree of certainty.

Ms. Hedges will provide expert testimony on Montana's role in energy policy and planning and Montana's knowledge about the dangers posed by fossil fuels and climate change. Ms. Hedges documents the efforts that the Montana Environmental Information Center and others have made to ensure that the state of Montana is considering climate change when conducting environmental reviews. Ms. Hedges will also testify to how the state of Montana has a longstanding practice of

collaborating with the fossil fuel industry to permit fossil fuel projects, that are resulting in significant greenhouse gas emissions and exacerbating climate change.

6. Peter Erickson
Stockholm Environment Institute

1402 3rd Ave #900,
Seattle, WA 98101

The subject matter and substance of the facts and opinions to which Mr. Erickson is expected to testify, and a summary of the grounds for Mr. Erickson's opinions are contained in his report, referenced literature, list of publications, and curriculum vitae attached as **Exhibit 5**. To the extent Mr. Erickson is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Mr. Erickson's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Mr. Erickson's opinions are based on his education, training, experience in the field of greenhouse gas emissions quantification, abatement and policy analysis, and his review of the pleadings. Mr. Erickson's opinions are to a reasonable degree of certainty.

Mr. Erickson will provide expert testimony on fossil fuel consumption, extraction, and infrastructure in Montana, according to three categories of activities: extraction of fossil fuels; processing and transportation of fossil fuels; and consumption of fossil fuels by end users.

7. Dr. Richard Barrett, Ph.D., M.A.
University of Montana

Agnes Ave.,
Missoula, MT

The subject matter and substance of the facts and opinions to which Dr. Barrett is expected to testify, and a summary of the grounds for Dr. Barrett's opinions are contained in his report, referenced literature, and resume attached as **Exhibit 6**. To the extent Dr. Barrett is deposed or

offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Barrett's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Dr. Barrett's opinions are based on his education, training, experience in the field of economics and his review of the pleadings. Dr. Barrett's opinions are to a reasonable degree of certainty in his profession of economics.

Dr. Barrett will provide expert testimony on how Montana's use of fossil fuel-based energy resources and certain economic activities are not beneficial to Montana's state economy. This report specifically addresses whether increased production of fossil fuels is economically beneficial or harmful for Montana and Plaintiffs.

8. **Dr. Mark Jacobson, Ph.D., M.S., M.S.
Atmosphere/Energy Program, Stanford University**

473 Via Ortega, Room 397
Stanford, CA 94305, USA

The subject matter and substance of the facts and opinions to which Dr. Jacobson is expected to testify, and a summary of the grounds for Dr. Jacobson's opinions are contained in his report, referenced literature, list of publications, and resume, attached as **Exhibit 7**. To the extent Dr. Jacobson is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Jacobson's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Dr. Jacobson's opinions are based on his education, training, experience in the field of civil and environmental engineering and his review of the pleadings. Mr. Jacobson's opinions are to a reasonable degree of scientific certainty.

Dr. Jacobson will provide expert testimony on the feasibility of transitioning the State of Montana to 100% clean, renewable energy in all energy sectors by mid-century, including the energy sectors of electricity, transportation, heating/cooling, and industry.

9. Dr. Lori Byron, M.D., M.S., FAAP
SCL Health, St. Vincent Healthcare

P.O. Box 1972
75 Highway 308
Red Lodge, MT 59068

The subject matter and substance of the facts and opinions to which Dr. Lori Byron is expected to testify, and a summary of the grounds for Dr. Lori Byron's opinions are contained in her report, referenced literature, list of publications, and curriculum vitae attached as **Exhibit 8**. To the extent Dr. Lori Byron is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Lori Byron's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Dr. Lori Byron's opinions are based on her education, training, experience as a pediatrician, as well as her review of the pleadings and conversations with certain Plaintiffs. Dr. Byron's opinions are to a reasonable degree of medical certainty.

Dr. Lori Byron, with Dr. Robert Byron as co-author of the report, will provide expert testimony on how climate change and the air pollution associated with it are negatively affecting children in Montana, with a strong likelihood that those impacts will worsen in the absence of aggressive actions to mitigate climate change.

10. Dr. Robert Byron, M.D., MPH, FACP

P.O. Box 1972
75 Highway 308
Red Lodge, MT 59068

The subject matter and substance of the facts and opinions to which Dr. Robert Byron is expected to testify, and a summary of the grounds for Dr. Robert's Byron's opinions are contained in his report, referenced literature, list of publications, and curriculum vitae attached as **Exhibit 8**. Dr. Robert Byron jointly authored his report with Dr. Lori Byron. To the extent Dr. Robert Byron

is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Robert Byron's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Dr. Robert Byron's opinions are based on his education, training, experience as a pediatrician, as well as his review of the pleadings and conversations with certain Plaintiffs. Dr. Byron's opinions are to a reasonable degree of medical certainty.

11. Dr. Lise Van Susteren, M.D.

General and Forensic Psychiatry, Private Practice

1609 Connecticut Ave. NW, Suite 300,
Washington, DC 20009

The subject matter and substance of the facts and opinions to which Dr. Van Susteren is expected to testify, and a summary of the grounds for Dr. Van Susteren's opinions are contained in her report, referenced literature, list of publications, and curriculum vitae attached as **Exhibit 9**. To the extent Dr. Van Susteren is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Van Susteren's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Dr. Van Susteren's opinions are based on her education, training, experience as a forensic psychiatrist, as well as her review of the pleadings and conversations with certain Plaintiffs. Dr. Van Susteren's opinions are to a reasonable degree of medical certainty.

Dr. Van Susteren will provide expert testimony on the psychological and mental health impacts of climate change on children and young people. Attachment 3 to Dr. Van Susteren's report contains Confidential Materials relating to the Plaintiffs and is subject to the April 18, 2022, Protective Order.

12. Michael Durglo, Jr.

**Confederated Salish and Kootenai Tribes
Climate Change Advisory Committee and Tribal Preservation Department**

33228 Wayne Hamel Road
Charlo, Montana 59824

The subject matter and substance of the facts and opinions to which Mr. Durglo is expected to testify, and a summary of the grounds for Mr. Durglo's opinions are contained within his expert disclosure as prepared by Plaintiffs' attorneys attached as **Exhibit 10**. To the extent Mr. Durglo is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Mr. Durglo's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report. Mr. Durglo's opinions are based on his education, training, experience working with the Confederated Salish and Kootenai Tribes in a variety of capacities relating to the environment and climate change, preservation, and adaptation, as well as his review of the pleadings. Mr. Durglo's opinions are to a reasonable degree of certainty.

Mr. Durglo will provide expert testimony on how climate change threatens the traditions, culture, and spiritual values of members of the Confederated Salish and Kootenai Tribes, in particular of Tribal youth, by directly contributing to the increased severity of climate change impacts on the Flathead Reservation.

DATED this 30th day of September, 2022.

/s/ Roger Sullivan

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered by email to the following on September 30, 2022:

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