

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 18-0661

AGUSTIN RAMON,

Plaintiff and Appellant,

v.

DARREN SHORT, IN HIS INDIVIDUAL CAPACITY AND HIS OFFICIAL CAPACITY AS
SHERIFF OF LINCOLN COUNTY AND ADMINISTRATOR OF LINCOLN COUNTY
DETENTION CENTER,

Defendant and Appellee.

**APPELLANT'S UNOPPOSED MOTION TO BIFURCATE ORAL
ARGUMENT**

Alex Rate
Elizabeth K Ehret
ACLU OF MONTANA
P.O. Box 1968
Missoula, MT 59806
406-204-0287
406-204-0284
ratea@aclumontana.org
ehrete@aclumontana.org

Shahid Haque
BORDER CROSSING LAW FIRM
618 Highland St.
Helena, MT 59601
406-594-2004
shahid@bordercrossinglaw.com

Cody Wofsy*
Spencer Amdur*
American Civil Liberties Union
Foundation, Immigrants' Rights Project
39 Drumm Street
San Francisco, CA 94111
(415) 343-0774
cwofsy@aclu.org
samdur@aclu.org

Omar C. Jadwat*
Daniel Galindo*
American Civil Liberties Union Foundation,
Immigrants' Rights Project
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2600
ojadwat@aclu.org
dgalindo@aclu.org
**Pro Hac Vice Admitted*

COMES NOW, the Appellant, and respectfully requests that the Court permit him to bifurcate oral argument between two of his attorneys. Oral argument in this matter is scheduled for January 8, 2019. This appeal presents two issues for the Court's consideration: First, does a mootness exception apply permitting the Court to assume jurisdiction over the case (justiciability)? Second, does the County have authority to re-arrest an individual pursuant to a federal immigration detainer (merits)?

Appellant seeks leave from the Court to permit two different attorneys to argue justiciability and the merits. Alex Rate, ACLU-MT, is prepared to present argument on justiciability. Daniel Galindo, ACLU Immigrants' Rights Project, is prepared to present argument on the merits. Counsel would abide by the time limits set forth in the Court's order setting oral argument.

Counsel for Appellee has been contacted and does not object to this motion. A proposed order is attached.

Dated this 19th day of November, 2019.

Respectfully submitted,

/s/ Alex Rate

Alex Rate

Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing MOTION TO BIFURCATE ORAL ARGUMENT with the Clerk of the Montana Supreme Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Maureen Lennon
MACo Defense Services
2717 Skyway Drive, Suite F
Helena, MT 59602
MLennon@mtcounties.org
Counsel for Appellees

KURT G.ALME
United States Attorney
CHAD SPRAKER
Assistant United States Attorney
U.S. Attorney's Office
901 Front Street, Suite 1100
Helena, MT 59626
(406) 457-5270
chad.spraker@usdoj.gov
Service Method: Conventional

JOSEPH H. HUNT
Assistant Attorney General
WILLIAM C. PEACHEY
Director
EREZ REUVENI
Assistant Director
U.S. Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

(202) 307-4293
Erez.R.Reuveni@usdoj.gov
Service Method: Conventional

Dated this 19th day of November, 2019.

/s/ Alex Rate

Alex Rate

CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Oral Argument - Timing to the following on 11-19-2019:

Maureen H. Lennon (Attorney)
2717 Skyway Dr., Ste. F
Helena MT 59602
Representing: Darren Short
Service Method: eService

Elizabeth K. Ehret (Attorney)
P.O. Box 1968
Missoula MT 59806
Representing: Agustin Ramon
Service Method: eService

Chad Clarken Spraker (Attorney)
901 Front St., Suite 1100
Helena MT 59601
Representing: United States of America
Service Method: eService

Colin M. Stephens (Attorney)
315 W. Pine
Missoula MT 59802
Representing: Montana Association of Criminal Defense Lawyers
Service Method: eService

James H. Goetz (Attorney)
PO Box 6580
Bozeman MT 59771-6580
Representing: Scholars
Service Method: eService

Cody Wofsy (Attorney)
39 Drumm Street
San Francisco CA 94111
Representing: Agustin Ramon
Service Method: E-mail Delivery

Spencer Amdur (Attorney)
39 Drumm Street
San Francisco CA 94111
Representing: Agustin Ramon
Service Method: E-mail Delivery

Omar C. Jadwat (Attorney)
125 Broad Street, 18th Floor
New York NY 10004
Representing: Agustin Ramon
Service Method: E-mail Delivery

Daniel Antonio Galindo (Attorney)
125 Broad Street, 18th Floor
New York NY 10004
Representing: Agustin Ramon
Service Method: E-mail Delivery

Shahid Haque (Attorney)
618 Highland St.
Helena MT 59601
Representing: Agustin Ramon
Service Method: E-mail Delivery

Kurt G. Alme (Attorney)
U.S. Dept of Justice
2601 Second Ave N, Box 3200
Billings MT 59101
Representing: United States of America
Service Method: E-mail Delivery

Katherine L. Evans (Attorney)
875 Perimeter Dr., MS 2322
Moscow ID 83844
Representing: Agustin Ramon
Service Method: E-mail Delivery

Electronically Signed By: Alexander H. Rate
Dated: 11-19-2019