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**IN THE SUPREME COURT OF THE STATE OF MONTANA
CAUSE NO. DA 21-0552**

STEPHANIE KIPFINGER, BEN)	SUPREME COURT CAUSE No.
CUNNINGHAM, INDIVIDUALLY & AS)	<u>DA 21-0552</u>
NATURAL GUARDIAN AND NEXT)	DISTRICT COURT CAUSE No.
FRIEND OF EVERETT CUNNINGHAM, A)	<u>ADV-17-0699(b)</u>
MINOR,)	
)	
Plaintiffs and Appellants,)	PLAINTIFFS' MOTION FOR LEAVE
)	TO SUPPLEMENT THE RECORD
vs.)	
)	
GREAT FALLS OBSTETRICAL &)	
GYNECOLOGICAL ASSOCIATES, &)	
JULIE KUYKENDALL.)	
)	
Defendant and Appellee.)	

COME NOW, Appellants, by and through their counsel of record, and respectfully
move this Court for leave to supplement the District Court record. Appellees filed a

1 motion for summary judgment and supporting brief on June 30, 2021, which included
2 certain pages of Fredrick Harlass, M.D.,’s deposition transcript. Appellants filed a
3 response opposing summary judgment on August 16, 2021, which also included certain
4 pages of Dr. Harlass’ deposition transcript. Appellees filed a reply supporting summary
5 judgment on September 10, 2021, which included additional pages of Dr. Harlass’
6 deposition transcript.

7 On September 24, 2021, the District Court’s office sent an email to counsel for all
8 parties requesting the complete deposition transcript of Dr. Harlass. (Ex. A). A complete
9 transcript of Dr. Harlass’ deposition was provided the same day. (Id.). On September 27,
10 2021, the District Court issued its order on Appellees’ motion for summary judgment.
11 (Doc. 126). The Order indicates the portions of Dr. Harlass’ transcript filed by
12 Appellants were considered. (Id., at 6). The Order also suggests the entirety of Dr.
13 Harlass’ deposition transcript was considered by the Court to ensure Appellants were
14 treated fairly. (Id., at 8). The District court, however, did not file the complete transcript
15 of Dr. Harlaas’ deposition with its Order. Counsel for Defendants have been contacted
16 and have no objection.

17 Dated this 12th day of January, 2022.

18 /S/ DANIEL J. FLAHERTY
19 Daniel Flaherty
20 Attorney for Appellants
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 12th day of January, 2022, a true and correct copy of the foregoing was served upon the following as indicated:

U. S. Mail Hand Delivery Facsimile Electronic

Gary Kalkstein
225 N. Adams
P.O. Box 8568
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/S/ ADAM J. GARDNER
FLAHERTY GALLARDO LAWYERS

CERTIFICATE OF SERVICE

I, Patrick F. Flaherty, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 01-13-2022:

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Electronically signed by Adam Gardner on behalf of Patrick F. Flaherty
Dated: 01-13-2022