

IN THE SUPREME COURT OF THE
STATE OF MONTANA

Case No. DA 21-0533

STAND UP MONTANA, a Montana non-profit Corporation; CLINTON DECKER; JESSICA DECKER; MARTIN NORUNNER; APRIL MARIE DAVIS; MORGEN HUNT; GABRIEL EARLE; ERICK PRATHER; BRADFORD CAMPBELL; MEAGAN CAMPBELL; AMY ORR and JARED ORR,

Plaintiffs and Appellants,

v.

MISSOULA COUNTY PUBLIC SCHOOLS, ELEMENTARY DISTRICT NO. 1, HIGH SCHOOL DISTRICT NO. 1, MISSOULA COUNTY, STATE OF MONTANA; TARGET RANGE SCHOOL DISTRICT NO. 23; and HELLGATE ELEMENTARY SCHOOL DISTRICT NO. 4,

Defendants and Appellees,

STAND UP MONTANA, a Montana non-profit corporation; JASMINE ALBERINO, TIMOTHY ALBERINO, VICTORIA BENTLEY, DAVID DICKEY, WESLEY GILBERT, KATIE GILBERT, KIERSTEN GLOVER, RICHARD JORGENSEN, STEPHEN PRUIETT, LINDSEY PRUIETT, ANGELA MARSHALL, SEAN LITTLEJOHN, and KENTON SAWDY,

Plaintiffs and Appellants,

v.

BOZEMAN SCHOOL DISTRICT NO. 7, MONFORTON SCHOOL
DISTRICT NO. 27, and BIG SKY SCHOOL DISTRICT NO. 72,

Defendants and Appellees.

On Appeal from the Montana Fourth Judicial District Court
Missoula County, Cause No. DV-21-1031
Before Hon. Jason Marks

On Appeal from the Montana Eighteenth Judicial District Court
Gallatin County, Cause No. DV-21-975B
Before Hon. Rienne H. McElyea

***MOTION FOR LEAVE BY MONTANA STATE LEGISLATORS
TO FILE AMICUS CURIAE***

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<p>Abby Jane Moscatel BLACKTAIL LAW GROUP, PLLC P.O. Box 931 Lakeside, MT 59922 Telephone: 406-318-7223</p>	

APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

1. **Introduction.** Mont. R. App. 1(2) states: “These rules shall govern proceedings before the supreme court.” A motion for leave to file a brief as a Friend of the Court “shall identify the interest of the applicant, state the reasons why a brief of an amicus curiae is desirable, identify the party whose position amicus supports, provide the date upon which the brief can be filed, and indicate whether the other party consents to the request.” Mont. R. App. P. 12(7). Such briefs may be filed upon leave of the Supreme Court. *Id.*

2. **Interest of the applicants.** The applicants consist of 26 Montana Senators and Representatives: Sen. Theresa Manzella, SD 44 (Sponsor); Sen. David Howard, SD 29; Sen. Carl Glimm, SD 02; Sen. Greg Hertz, SD 06; Sen. Steve Hinebauch, SD 18; Sen. Keith Regier, SD 03; Sen. Bob Keenan, SD 05; Sen. Cary Smith, SD 27; Rep. Matt Regier, HD 04; Rep. John Fuller, HD 08; Rep. Steven Galloway, HD 24; Rep. Steve Gunderson, HD 01; Rep. Jedediah Hinkle, HD 67; Rep. Mark

Noland, HD 10; Rep. Ron Marshall, HD 87; Rep. Bob Phalen, HD 36; Rep. Amy Regier, HD 06; Rep. Kerri Seekins-Crowe, HD 43; Rep. Lola Sheldon-Galloway, HD 22; Rep. Derek Skees, HD 11; Rep. Brad Tschida, HD 97; Rep. Barry Usher, HD 40; Rep. Sue Vinton, HD 56; Rep. Paul Fielder, HD 13; Rep. Becky Beard, HD 80; and Rep. Jerry Schillinger, HD 37.

3. Reasons why a brief of the amicus curiae is desirable.

The brief is desirable to aid the Court in understanding the legislative intent of Mont. Code Ann. Sec. 40-6-701, including the intent of the sponsor and those who voted to pass it. The matters asserted in the brief of the amicus curiae are relevant to the disposition of the case because the issue before the Court is the legislative intent and breadth of Mont. Code Ann. Sec. 40-6-701.

4. The party whose position amicus supports. Appellants.

5. Date upon which the brief can be filed. February 7, 2022.

6. Whether the other party consents. Counsel for Appellants.

and Appellees were contacted on January 27, 2021. No counsel indicated objection.

DATED this 28 day of January 2022.

Respectfully Submitted,
BLACKTAIL LAW GROUP

By: /s/ Abby Moscatel
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Moving to File Amicus Curiae Brief

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of January 2022, I served upon the following a true and correct copy of the foregoing by e-service to the following:

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For Appellees

/s/ Abby Jane Moscatel
Abby Jane Moscatel

CERTIFICATE OF SERVICE

I, Abby Jane Moscatel, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 01-28-2022:

Quentin M. Rhoades (Attorney)

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Representing: Bradford Campbell, Meagan Campbell, Clinton Decker, Gabriel Earle, Morgen Hunt, Amy Orr, Jared Orr, Erick Prather, Stand Up Montana

Service Method: eService

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Representing: Elementary District No. 1, Hellgate Elementary School District No. 4, High School District No. 1, Missoula County, Missoula County Public Schools, State of Montana, Target Range School District No. 23

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Service Method: eService

Electronically Signed By: Abby Jane Moscatel
Dated: 01-28-2022