

IN THE SUPREME COURT OF THE STATE OF MONTANA

CASE No. OP 21-0395

L.B.,
PLAINTIFF-APPELLANT,

V.

UNITED STATES OF AMERICA,
DEFENDANT-APPELLEE.

CERTIFIED QUESTIONS FROM NINTH CIRCUIT COURT OF APPEALS
CAUSE No. 20-35514

**AFFIDAVIT OF TIMOTHY A. TATARKA IN SUPPORT OF APPELLEE'S
UNOPPOSED MOTION TO AUTHORIZE ATTORNEY TO PRESENT
ORAL ARGUMENT**

I, Timothy A. Tatarka, hereby declare the following under penalty of perjury:

1. I am an Assistant United States Attorney, employed by the United States Department of Justice, for the District of Montana. This Declaration is made in support of the United States' Unopposed Motion to Authorize Attorney to Present Oral Argument.

2. On April 6, 2022, I conferred with John Heenan, counsel for Appellant, and Mr. Heenan authorized me to state that the Appellant has no objection to the requested relief.

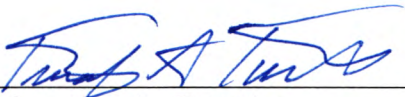
3. I have been engaged in litigation since graduating from Stanford Law School in 2010. From 2010 to 2011, I clerked for the Honorable Jeremy Fogel of the United States District Court for the Northern District of California. I was in private practice at Wilmer, Hale, Cutler, Pickering, and Dorr, from 2011 through 2016, focusing on complex patent litigation at the district court and appellate levels. I returned home to Montana in 2016 to become an Assistant United States Attorney for the District of Montana. I have been the appellate coordinator and now appellate chief in the office since that time. I have written briefs or overseen the briefing in more than 300 appellate cases arising out of the district of Montana and argued eighteen cases before the Ninth Circuit, as well as operating the moot program to prepare colleagues for dozens more. I also served on the Montana Human Rights Commission from 2018 to 2021, serving as Chairman beginning in 2019.

4. I am admitted to the State Bar of California. I am also in the process of preparing an application for admission to the Montana bar by motion under Rule V of the Rules for Admission to Montana Bar, but, due to the delay in obtaining documents, the application will not be complete prior to the April 15, 2022, oral argument.

5. I am the attorney assigned to this case, and I am principally responsible for handling it, both in this Court and in the United States Court of Appeals for the

Ninth Circuit. I have prepared the briefs in this Court and in the Ninth Circuit, and I presented oral argument before the Ninth Circuit on May 6, 2021.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Timothy A. Tatarka