

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 22-0172

MONTANA DEMOCRATIC PARTY and MITCH BOHN, WESTERN NATIVE
VOICE et al., MONTANA YOUTH ACTION, et al.,

Plaintiffs and Appellees,

v.

CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,

Defendant and Appellant.

**APPELLANT'S UNOPPOSED MOTION TO INCREASE
REPLY BRIEF WORD COUNT**

On Appeal from the Montana Thirteenth Judicial District Yellowstone County
Cause No. DV-21-0451
Honorable Judge Michael G. Moses

APPEARANCES:

Dale Schowengerdt
John M. Semmens
CROWLEY FLECK PLLP
P.O. Box 797
Helena, MT 59624-0797
(406) 449-4165
dale@crowleyfleck.com

Leonard H. Smith
David F. Knobel
CROWLEY FLECK PLLP
P.O. Box 2529
Billings MT 59103

Matthew Gordon
Perkins Coie LLP
1201 Third Avenue
Suite 4900
Seattle, Washington 98101-3099
(206)359-9000
mgordon@perkinscoie.com

Peter M. Meloy
Meloy Law Firm
P.O. Box 1241
Helena, Montana 59624

Ian McIntosh
William McIntosh Morris
E. Lars Phillips
CROWLEY FLECK PLLP
1915 S. 19th Ave
Bozeman MT 59719

David M.S. Dewhirst
Solicitor General
Kathleen Lynn Smithgall
Office of the Attorney General
P.O. Box 201401
Helena, MT 59620-1401
(406) 444-2026

Austin Markus James
Chief Legal Counsel
Office of the Secretary of State
P.O. Box 202801
Helena, MT 59620-2801
Telephone: (406) 444-6197

Attorneys for Defendant and Appellant
Christi Jacobsen

(406)442-8670
mike@meloylawfirm.com

John Heenan
Heenan & Cook PLLC
1631 Zimmerman Trail
Billings, MT 59102
(406)839-9091
john@lawmontana.com

Henry J. Brewster
Jonathan P. Hawley
Ellias Law Group LLP
10 G Street NE Suite 600
Washington, DC 20002
(202)-968-4596
hbrewster@elias.law
jhawley@elias.law

Attorneys for Plaintiffs/Appellees
Montana Democratic Party and
Mitch Bohn

Rylee Sommers-Flanagan
Upper Seven Law
P.O. Box 31
Helena, MT 59624
Phone: (406) 396-3373
rylee@uppersevenlaw.com

Ryan Aikin
Aikin Law Office, PLLC
P.O. Box 7277
Missoula, MT 59807
Phone: (406) 840-4080
ryan@aikinlawoffice.com

*Attorneys for Plaintiffs/Appellees
Montana Youth Action, et al.*

Alex Rate
Akilah Lane
ACLU of Montana
P.O. Box 1968
Missoula, MT 59806
406-224-1447
ratea@aclumontana.org

Alora Thomas-Lundborg*
Jonathan Topaz*
Dale Ho*
ACLU
125 Broad Street
New York, NY 10004
(212) 519-7866

Samantha Kelty*
Native American Rights Fund
1514 P Street N.W. (Rear) Suite D
Washington, D.C. 20005
(202) 785-4166

Jacqueline De León*
Matthew Campbell*
Native American Rights Fund
1506 Broadway
Boulder, CO 80302-6296
(303) 447-8760

Theresa J. Lee*
Election law Clinic
Harvard Law School

6 Everett Street, Suite 5112
Cambridge, MA 02138
(617) 998-1010

Attorneys for Plaintiffs and Appellees
Western Native Voice, et al. *Admitted

Defendant and Appellant Christi Jacobsen, as Montana Secretary of State, respectfully requests the Montana Supreme Court increase the word count for her reply brief set by Mont. R. App. P. 11(4)(a) from 5,000 words to 7,500 words. In response to the Secretary's Opening Appellate Brief, Plaintiffs have submitted three separate briefs containing a total of 26,633 words. The Secretary requests a modest increase of 2,500 words in her reply brief to provide the Court with the legal analysis and factual context needed to resolve the Secretary's pending appeal.

Counsel for the Secretary has contacted counsel for all Plaintiffs and Appellees, who do not object to this request. Consistent with Mont. R. App. 10(5) and 16(1), the Secretary has presented a proposed order granting this unopposed procedural motion for the Court's consideration.

Respectfully submitted June 24, 2022.

CROWLEY FLECK, PLLP

s/ Dale Schowengerdt

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 06-24-2022:

Matthew Prairie Gordon (Attorney)
1201 Third Ave
Seattle WA 98101
Representing: Bohn, Mitch, Montana Democratic Party
Service Method: eService

Peter M. Meloy (Attorney)
2601 E. Broadway
2601 E. Broadway, P.O. Box 1241
Helena MT 59624
Representing: Bohn, Mitch, Montana Democratic Party
Service Method: eService

John C. Heenan (Attorney)
1631 Zimmerman Trail, Suite 1
Billings MT 59102
Representing: Bohn, Mitch, Montana Democratic Party
Service Method: eService

Jonathan Patrick Hawley (Attorney)
1700 Seventh Avenue
Suite 2100
Seattle WA 98101
Representing: Bohn, Mitch, Montana Democratic Party
Service Method: eService

Rylee Sommers-Flanagan (Attorney)
40 W. Lawrence Street
Helena MT 59601
Representing: Forward Montana Foundation, Montana Public Interest Research Group, Montana Youth Action
Service Method: eService

Ryan Ward Aikin (Attorney)
1018 Hawthorne St.
Missoula MT 59802

Representing: Forward Montana Foundation, Montana Public Interest Research Group, Montana Youth Action
Service Method: eService

Clayton H. Gregersen (Attorney)
P.O. Box 2529
Billings MT 59101
Representing: Christi Jacobsen
Service Method: eService

David Francis Knobel (Attorney)
490 N. 31st St., Ste 500
Billings MT 59101
Representing: Christi Jacobsen
Service Method: eService

John Mark Semmens (Attorney)
900 N. Last Chance Gulch
Suite 200
Helena MT 59601
Representing: Christi Jacobsen
Service Method: eService

E. Lars Phillips (Attorney)
1915 S. 19th Ave
Bozeman MT 59718
Representing: Christi Jacobsen
Service Method: eService

William McIntosh Morris (Attorney)
1915 S. 19th Ave.
P.O. Box 10969
Bozeman MT 59719
Representing: Christi Jacobsen
Service Method: eService

Leonard Hudson Smith (Attorney)
P.O. Box 2529
Billings MT 59103
Representing: Christi Jacobsen
Service Method: eService

Austin Markus James (Attorney)
1301 E 6th Ave
Helena MT 59601
Representing: Christi Jacobsen
Service Method: eService

Ian McIntosh (Attorney)

1915 S. 19th Ave
P.O. Box 10969
Bozeman MT 59719
Representing: Christi Jacobsen
Service Method: eService

David M.S. Dewhirst (Govt Attorney)
215 N Sanders
Helena MT 59601
Representing: Christi Jacobsen
Service Method: eService

Kathleen Lynn Smithgall (Govt Attorney)
215 N. Sanders St.
Helena MT 59601
Representing: Christi Jacobsen
Service Method: eService

Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Robert Cameron (Attorney)
203 N. Ewing St
Helena MT 59601
Representing: Restoring Integrity & Trust in Elections
Service Method: eService

Akilah Maya Lane (Attorney)
2248 Deerfield Ln
Apt B
Helena MT 59601
Representing: Western Native Voice
Service Method: eService

Electronically signed by Regina Grimsley on behalf of Dale Schowengerdt
Dated: 06-24-2022