

IN THE SUPREME COURT OF THE STATE OF MONTANA
DA 21-0521

PLANNED PARENTHOOD OF MONTANA, et al.,

Plaintiffs-Appellees,

v.

STATE OF MONTANA, by and through AUSTIN KNUDSEN, IN HIS
OFFICIAL CAPACITY AS ATTORNEY GENERAL,

Defendant-Appellant.

MOTION FOR SUPPLEMENTAL BRIEFING

On appeal from the Montana Thirteenth Judicial District Court,
Yellowstone County, No. DV-21-00999,
Hon. Michael G. Moses, Presiding

AUSTIN KNUDSEN
Montana Attorney General
DAVID M.S. DEWHIRST
Solicitor General
KATHLEEN L. SMITHGALL
BRENT MEAD
Assistant Solicitors General
MONTANA DEPARTMENT OF
JUSTICE
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401
Phone: 406-444-2026
Fax: 406-444-3549
david.dewhirst@mt.gov
kathleen.smithgall@mt.gov
brent.mead2@mt.gov

KEVIN H. THERIOT (AZ Bar No.
030446)*
DENISE M. HARLE (FL Bar No.
1977)*
ALLIANCE DEFENDING FREEDOM
15100 N. 90th Street
Scottsdale, AZ 85260
(480) 444-0020
ktheriot@ADFlegal.org
dharle@ADFlegal.org

**Admitted Pro Hac Vice*

Counsel for Defendant-Appellant

Additional Counsel listed on next page

Raph Graybill
GRAYBILL LAW FIRM, PC
300 4th Street North
PO Box 3586
Great Falls, MT 59403
(406) 452-8566
rgraybill@silverstatelaw.net

Alan E. Schoenfeld*
Michelle Nicole Diamond*
WILMER CUTLER PICKERING HALE
AND DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
(212) 230-8800
alan.schoenfeld@wilmerhale.com
michelle.diamond@wil-
merhale.com

Gene R. Jarussi
1631 Zimmerman Tr., Suite 1
Billings, MT 59102
(406) 861-2317
gene@lawmontana.com

Kimberly Parker*
Nicole Rabner*
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
(202) 663-6000
nicole.rabner@wilmerhale.com
kimberly.parker@wil-
merhale.com

Hana Bajramovic*
PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.
123 William St., 9th Floor
New York, NY 10038
(212) 541-7800
hana.bajramovic@ppfa.org

Alice Clapman*
PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.
1110 Vermont Ave., N.W.,
Ste. 300
Washington, D.C. 20005
(202) 973-4862
alice.clapman@ppfa.org

**Admitted pro hac vice*

Counsel for Plaintiffs-Appellees

Pursuant to Mont. R. App. P. 12(10), and in light of Proposed Amicus Governor Gianforte's Motion for Supplemental Briefing, the State renews its prior invitation and moves this Court for supplemental briefing on the impact of *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 on this case. Attached is a declaration in support of this motion.

The State reached out to counsel for Plaintiffs-Appellees but did not receive a response prior to this filing. Therefore, the State will treat this motion as opposed.

DATED this 2nd day of August, 2022.

AUSTIN KNUDSEN
Montana Attorney General

/s/ David M.S. Dewhirst
DAVID M.S. DEWHIRST
Solicitor General

KATHLEEN L. SMITHGALL
BRENT MEAD
Assistant Solicitors General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401
p. 406.444.2026
David.Dewhirst@mt.gov
kathleen.smithgall@mt.gov

Attorneys for Defendant-Appellant

CERTIFICATE OF SERVICE

I, Kathleen Lynn Smithgall, hereby certify that I have served true and accurate copies of the foregoing Motion - Opposed to the following on 08-02-2022:

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

Brent A. Mead (Govt Attorney)
215 North Sanders
Helena MT 59601
Representing: State of Montana
Service Method: eService

Raphael Jeffrey Carlisle Graybill (Attorney)
300 4th Street North
PO Box 3586
Great Falls MT 59403
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: eService

Gene R. Jarussi (Attorney)
Bishop, Heenan & Davies
1631 Zimmerman Tr, No. 1
Billings MT 59102
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: eService

Emily Jayne Cross (Attorney)
401 North 31st Street
Suite 1500
P.O. Box 639
Billings MT 59103-0639
Representing: Montana Constitutional Convention Delegates
Service Method: eService

Akilah Maya Lane (Attorney)
2248 Deerfield Ln

Apt B

Helena MT 59601

Representing: ACLU of Montana Foundation, Inc., National Women's Law Center, Center for Reproductive Rights

Service Method: eService

Kyle Anne Gray (Attorney)

P.O. Box 639

Billings MT 59103

Representing: Montana Constitutional Convention Delegates

Service Method: eService

Brianne McClafferty (Attorney)

401 North 31st Street, Suite 1500

P. O. Box 639

Billings MT 59103-0639

Representing: Montana Constitutional Convention Delegates

Service Method: eService

Alexander H. Rate (Attorney)

713 Loch Leven Drive

Livingston MT 59047

Representing: ACLU of Montana Foundation, Inc., National Women's Law Center, Center for Reproductive Rights

Service Method: eService

Lindsay Beck (Attorney)

1946 Stadium Drive, Suite 1

Bozeman MT 59715

Representing: American College of Obstetricians and Gynecologists, American Academy of Family Physicians, American Academy of Nursing, American Academy of Pediatrics, Montana Chapter, American College of Medical Genetics and Genomics, American College of Nurse-Midwives, American College of Osteopathic Obstetricians and Gynecologists, American College of Physicians, American Gynecological and Obstetrical Society, American Medical Association, American Medical Women's Association, American Society for Reproductive Medicine, American Urogynecologic Society, Council of University Chairs of Obstetrics and Gynecology, American Academy of Pediatrics, National Association of Nurse Practitioners in Women's Health, Society for Adolescent Health and Medicine, Society for Maternal-Fetal Medicine, Society for Reproductive Endocrinology and Infertility, Society of Family Planning, Society of OB/GYN Hospitalists

Service Method: eService

Matthew Prairie Gordon (Attorney)

1201 Third Ave

Seattle WA 98101

Representing: Asian Institute on Gender-Based Violence, Aspen, Caminar Latino, Custer Network Against Domestic Abuse, Inc., District 4 Human Resources Development Council, Domestic and Sexual Violence Services, Idaho Coalition Against Sexual & Domestic Violence, Latinos United for Peace and Equity, Legal Voice, Montana Coalition Against Domestic and Sexual Violence, National Coalition Against Domestic Violence, National Network to End Domestic Violence, Richland County

Coalition Against Domestic Violence, Safe in the Bitterroot, Safe Space, Sanders County Coalition for Families, Sexual Assault Counseling Center, UJIMA, Inc., Victim-Witness Assistance Services, YWCA Great Falls, YWCA Missoula
Service Method: eService

Emily Jones (Attorney)
115 North Broadway
Suite 410
Billings MT 59101
Representing: State of Montana
Service Method: eService

Anita Yvonne Milanovich (Attorney)
1301 E 6TH AVE
HELENA MT 59601-3875
Representing: Greg Gianforte
Service Method: eService

Kimberly Parker (Attorney)
1875 Pennsylvania Avenue NW
Washington DC 20006
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Hana Bajramovic (Attorney)
123 William St., Floor 9
New York NY 10038
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Alice Clapman (Attorney)
1110 Vermont Ave, NW Ste 300
Washington DC 20005
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Nicole Rabner (Attorney)
1875 Pennsylvania Avenue NW
Washington DC 20006
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Alan Schoenfeld (Attorney)
7 World Trade Center, 250 Greenwich Street
New York NY 10007
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Michelle Nicole Diamond (Attorney)

7 World Trade Center, 250 Greenwich Street
New York NY 10007
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Electronically signed by Dia Lang on behalf of Kathleen Lynn Smithgall
Dated: 08-02-2022