

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 22-0667

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

Defendant and Appellant,

v.

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

Plaintiffs and Appellees.

**PLAINTIFFS-APPELLEES MONTANA DEMOCRATIC PARTY AND
MITCH BOHN'S UNOPPOSED MOTION FOR SECOND EXTENSION OF
TIME TO FILE RESPONSE BRIEF**

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**Admitted pro hac vice*

***Application for admission pro hac vice
forthcoming*

Plaintiffs-Appellees Montana Democratic Party and Mitch Bohn (“MDP Plaintiffs”) move this Court for a second extension of time to file their brief in this appeal. Mont. R. App. P. 26(2). MDP Plaintiffs’ brief was initially due on May 31, 2023, and is presently due on June 30, 2023. MDP Plaintiffs respectfully request a 7-day extension to file and serve its brief on or before July 7, 2023. This motion is supported by the attached Declaration of Mike Meloy. Mont. R. App. P. 26(2).

Counsel has been diligently working on this matter. After this Court granted the Secretary’s unopposed motion to file an opening brief of 20,000 words, MDP Plaintiffs sought to negotiate with Appellant for consent to file an overlength brief as well. The parties were unable to reach an agreement. Subsequently, counsel has been diligently working to respond to a 19,491 page brief in under 10,000 words. The requested extension would allow MDP Plaintiffs to review the briefs of their co-plaintiffs-appellees in this consolidated action, allowing them to avoid unnecessary duplication, furthering the interests of judicial economy and efficiency. Counsel has a substantial need for the requested extension to present the underlying case fully, fairly, and succinctly to this Court. No further extensions of time will be requested.

Counsel for MDP Plaintiffs has conferred with Appellant’s counsel, and Appellant does not object to the requested extension. A proposed order is attached.

Dated this 30th day of June, 2023.

Respectfully submitted,

/s Peter Michael Meloy

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Declaration of Peter Michael Meloy

I, Peter Michael Meloy, declare under penalty of perjury:

1. I am an attorney for the Plaintiffs-Appellees the Montana Democratic Party and Mitch Bohn (“MDP Plaintiffs”). I am primarily responsible for the MDP Plaintiffs’ principal brief before this Court.

2. Briefs from all Plaintiffs-Appellees, including MDP Plaintiffs, were originally due on May 31, 2023.

3. This deadline was extended to June 30, 23 by Order dated May 17, 2023.

4. MDP Plaintiffs moves this Court for an additional 7-day extension pursuant to Montana Rule of Appellate Procedure 26(2), so that this brief will be due on July 7, 2023.

5. On April 25, 2023, this Court granted Appellant’s motion to file an enlarged opening brief of 20,000 words. MDP Plaintiffs did not oppose Appellant’s motion. Appellant’s opening brief was 19,491 words.

6. MDP Plaintiffs, by contrast, are limited to 10,000 words for their principal brief, which must address three of the four provisions at issue in these consolidated cases. MDP Plaintiffs have been working diligently toward this goal.

7. Over the course of this week, MDP Plaintiffs were engaged in negotiations with Appellant over a word limit extension. These negotiations were ultimately unsuccessful.

8. Following those negotiations, MDP Plaintiffs have been working diligently to condense their arguments within the 10,000 word limit but have a substantial need for a 7-day extension in order to thoroughly address the issues presented in Appellant's brief within 10,000 words.

9. MDP Plaintiffs have also been in discussions with the other two groups of Plaintiffs-Appellees—the Western Native Voice, Montana Native Vote, Blackfeet Nation, Confederated Salish and Kootenai Tribes, Fort Belknap Indian Community, and Northern Cheyenne Tribe (“WNV Plaintiffs”) and Forward Montana Foundation, Montana Youth Action, and Montana Public Interest Research Group (“Youth Plaintiffs”)—both of whom will be submitting their principal briefs on June 30, 2023. Based on these discussions, MDP Plaintiffs believe that they can best avoid unnecessary duplication of arguments once they have had the opportunity to review the briefs that are filed on behalf of the other Plaintiffs-Appellees, which will be to the ultimate benefit of both Appellant when drafting her reply brief and the Court when reviewing the briefing.

10. A 7-day extension will not cause any prejudice to any of the parties or the Court.

11. Appellant does not oppose a 7-day extension.

12. WNW Plaintiffs and Youth Plaintiffs do not oppose MDP Plaintiffs' requested 7-day extension.

13. The Court's calendar will not be prejudiced as a result of MDP Plaintiffs' requested 7-day extension.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 30th day of June, 2023.

/s Peter Michael Meloy

Peter Michael Meloy

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 06-30-2023:

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Electronically Signed By: Matthew Prairie Gordon
Dated: 06-30-2023