



ORIGINAL

FILED

12/27/2023

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 23-0575

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 23-0575

RIKKI HELD; LANDER B., by and through his  
guardian Sara Busse; BADGE B., by and through  
his guardian Sara Busse; SARIEL SANDOVAL;  
KIAN T., by and through his guardian Todd  
Tanner; GEORGIANNA FISCHER; KATHRYN  
GRACE GIBSON-SNYDER; EVA L., by and  
through her guardian Mark Lighthiser; MIKA K.,  
by and through his guardian Rachel Kantor;  
OLIVIA VESOVICH; JEFFREY K., by and  
through his guardian Laura King; NATHANIEL  
K., by and through his guardian Laura King;  
CLAIRE VLASES; RUBY D., by and through her  
guardian Shane Doyle; LILIAN D., by and through  
her guardian Shane Doyle; TALEAH  
HERNÁNDEZ,

Plaintiffs and Appellees,

v.

STATE OF MONTANA, GOVERNOR GREG  
GIANFORTE, MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY, MONTANA  
DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION, and MONTANA  
DEPARTMENT OF TRANSPORTATION,

Defendants and Appellants.

FILED

DEC 27 2023

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ORDER

Before the Court is a document submitted to the Clerk of Court by Byron L. Trackwell, containing Mr. Trackwell's December 27, 2023 letter to counsel for the Plaintiffs in this matter. Mr. Trackwell, who previously was granted leave to participate in this appeal as an amicus curiae, requests that his letter, which responds to the Plaintiffs' September 29, 2023 demand letter and comments to the Montana Department of Environmental Quality

regarding DEQ's preliminary determination on a permit application, be filed "to this MONTANA.GOV Official State Website for this subject case."

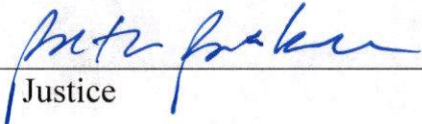
This Court's Rules of Appellate Procedure provide allowance for a brief of an amicus curiae to be filed in a pending appeal upon leave of the supreme court granted on motion. M. R. App. P. 12(7). In accordance with that Rule, Mr. Trackwell obtained leave of Court November 22, 2023, and filed his amicus brief the same date. The Rule does not permit multiple filings. His current tendered filing is not a brief to this Court but correspondence to a party. The document is not appropriate for filing in the Court's docket in this appeal.

IT IS THEREFORE ORDERED that Mr. Trackwell's request for filing is DENIED. The Clerk is directed to return the original and eight copies of the referenced document to Mr. Trackwell.

The Clerk shall give notice of this Order to Byron L. Trackwell and to all counsel of record.

Dated this 27 day of December, 2023.

For the Court,

By   
Justice