

IN THE SUPREME COURT OF THE STATE OF MONTANA  
No. DA 23–0572

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SCARLET VAN GARDEREN, a minor by and through her guardians, Jessica van Garderen and Ewout van Garderen; JESSICA VAN GARDEREN, an individual; EWOUT VAN GARDEREN, an individual; PHOEBE CROSS, a minor by and through his guardians Molly Cross and Paul Cross; MOLLY CROSS, an individual; PAUL CROSS, an individual; JANE DOE, an individual; JOHN DOE, an individual; JUANITA HODAX, on behalf of herself and her patients, KATHERINE MISTRETTA, on behalf of herself and her patients,

Plaintiffs and Appellees,

v.

STATE OF MONTANA; GREGORY GIANFORTE, in his official capacity as Governor of the State of Montana; AUSTIN KNUDSEN, in his official capacity as Attorney General; MONTANA BOARD OF MEDICAL EXAMINERS; MONTANA BOARD OF NURSING; MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; CHARLIE BRERETON, in his official capacity as Director of the Montana Department of Public Health and Human Services,

Defendants and Appellants.

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On appeal from the Fourth Judicial District, Missoula County Cause  
No. DV 2023-541, the Honorable Jason Marks, Presiding

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**APPELLANTS' UNOPPOSED MOTION  
FOR LEAVE TO FILE AN OVER-LENGTH OPENING BRIEF**

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Austin Knudsen  
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Thane Johnson  
Michael D. Russell  
Alwyn Lansing  
Michael Noonan  
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MONTANA DEPARTMENT OF  
JUSTICE  
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Pursuant to Mont. R. App. P. 12(10), Appellants respectfully request leave to file an over-length Opening Brief containing no more than 20,000 words. The reasons for this Motion are set out in the accompanying Affidavit of Thane Johnson. Counsel for all parties have been contacted regarding this Motion and they do not object to this request.

DATED this 5th day of January, 2024.

Austin Knudsen  
MONTANA ATTORNEY GENERAL

/s/ Thane Johnson

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## **CERTIFICATE OF SERVICE**

I, Thane P. Johnson, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 01-05-2024:

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Electronically signed by Deborah Bungay on behalf of Thane P. Johnson  
Dated: 01-05-2024