

IN THE SUPREME COURT OF THE  
STATE OF MONTANA

Case No. 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,

vs.

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.

---

***APPLICATION FOR LEAVE TO FILE  
FRIEND OF THE COURT BRIEF***

---

Quentin M. Rhoades  
State Bar No. 3969  
RHOADES & ERICKSON PLLC  
430 Ryman Street  
Missoula, Montana 59802  
Telephone: (406) 721-9700

1. **Introduction.** Mont. R. App. 1(2) states: “These rules shall govern proceedings before the supreme court.” A motion for leave to file a brief as a Friend of the Court “shall identify the interest of the applicant, state the reasons why a brief of an amicus curiae is desirable, identify the party whose position amicus supports, provide the date upon which the brief can be filed, and indicate whether the other party consents to the request.” Mont. R. App. P. 12(7). Such briefs may be filed upon leave of the Supreme Court. *Id.*

2. **Identification and interest of applicants.** Applicants consist of Montana legislators who sponsored or voted in support of the statutes challenged in the action, candidates for office, concerned citizens, and climate scientists. See Ex. A, attached.

3. **Reasons why a brief of the amicus curiae is desirable.** The brief is desirable to aid the Court in understanding the scientific analysis upon which the legislators who supported the statutes voted. It is important for the Court to be aware of the legislators’ perspectives,

as a great deal of the trial court decision is based on a public policy analysis.

4. **The party whose position amicus supports.** Appellants.

5. **Date upon which the brief can be filed.** Appellants' brief is due on February 13, 2024. The applicants' amicus brief can be filed on or before the same day.

6. **Whether the other party consents.** Counsel for Appellants and Counsel for Appellees have been contacted regarding this motion and do not object to the motion.

DATED this 9<sup>th</sup> day of January 2024.

Respectfully Submitted,  
**RHOADES & ERICKSON PLLC**

By: /s/ *Quentin M. Rhoades*  
Quentin M. Rhoades, Esq.  
Rhoades & Erickson PLLC  
430 Ryman St, Missoula, MT 59802  
courtdocs@montanalawyer.com  
*Attorneys for Amicii*

## CERTIFICATE OF SERVICE

I hereby certify that on the 9<sup>th</sup> day of January 2024, I served upon the following a true and correct copy of the foregoing by depositing said copy in the U.S. mail, postage prepaid, and by electronic mail addressed as follows:

Austin Knudsen  
Jeremiah Langston  
Aislinn Brown  
David Dewhirst  
Derek Oestreicher  
Timothy Longfield  
Morgan Varty  
Lee McKenna  
Attorneys General Office  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401  
Lee.mckenna@mt.gov  
michael.russell@mt.gov  
thane.johnson@mt.gov

Phillip L. Gregory  
Gregory Law Group  
pgregory@gregorylawgroup.com

Mark L. Stermitz  
Selena Z. Sauer  
Crowley Fleck Attorneys PLLP  
ssauer@crowleyfleck.com  
mstermitz@crowleyfleck.com

Melissa Hornbein  
Barbara Chillcott  
Western Environmental Law  
Center  
103 Reeder's Alley  
Helena, MT 59601  
hornbein@westernlaw.org  
chillcott@westernlaw.org

Nathan Bellinger  
Mathew dos Santos  
Andrea Rodgers  
Our Children's Trust  
1216 Lincoln Street  
Eugene, OR 97401  
nate@ourchildrenstrust.org  
andrea@ourchildrenstrust.org  
julia@ourchildrenstrust.org

Dustin Lefridge  
Roger Sullivan  
McGarvey Law  
345 1<sup>st</sup> Avenue East  
Kalispell, MT 59901  
rsullivan@mcgarveylaw.com  
dlefridge@mcgarveylaw.com

*/s/ Quentin M. Rhoades* \_\_\_\_\_  
Quentin M. Rhoades

Sponsors of HB 971

Parry, Gary W. (HD 39)

Regier, Keith (SD 3)

Smith, Tanner (HD 11)

Sponsors of SB 557

Bartel, Dan (SD 15)

Fuller, John (SD 4)

Manzella, Theresa (SD 44)

McGillvray, Tom (SD 23)

Usher, Barry (SD 20)

Other Legislative Supporters of the Bills

Beard, Becky (SD 40)

Bergstrom, James (HD 30)

Brewster, Larry (HD 44)

Brown, Bob (SD 7)

Deming, Lee (HD 55)

Emrich, Daniel (SD 11)

Falk, Terry (HD 8)

Fielder, Paul (HD 13)

Fitzgerald, Ross (HD 17)

Gunderson, Steve (HD 1)

Hertz, Greg (SD 6)

Keenan, Bob (HD 10)

Kmetz, Greg (HD 38)

Marshall, Ron (HD 87)

Miner, Russ (HD 19)

Mitchell, Braxton (HD 3)

Molnar, Brad (SD 28)

Moore, Terry (HD 54)

Nicol, Nelly (HD 53)

Noland, Mark (SD 5)

Oblander, Greg (HD 40)

Phalen, Bobby (HD36)

Read, Joe (HD 93)

Regier, Amy (HD 6)

Reksten, Linda (HD 12)

Schillinger, Jerry (HD 37)

Saloman, Dan(SD 47)

Trebas, Jeremy (SD 13)

Non-Legislative Friends of the Court

Bergsmark, Stein: Ph.D., Physics, member of Scientific Counsel of Norwegian Climate

Berry, Edwin: PhD, Theoretical Physics, Certified Consulting Meteorologist (CCM) of the American Meteorological Society, graduate of Caltech (1957), Dartmouth (1960), and the U of Nevada (1965)

Brodehl, Randy: Former Rep HD 9, Flathead County Commissioner

Casey, Kevin T.: BS in Accounting (MCL) San Diego State University, CPA, Chartered Property Casualty Underwriter, Founding Member of San Diego Tech Hub,

Charles, William Bruce: BS, Political Science 1963, Illinois Institute of Technology, Chicago; USAF 1965-1970, F-4 Fighter Pilot, Test Pilot, Nuclear Bomb Commander, Weapons Officer, Squadron Top Gun; Airline Transport Pilot Certificate, Certified Instrument Flight Instructor 1970; 1980 CLU, RHU, and CIC (Chartered Life Underwriter, Registered Health Underwriter, Certified Insurance Counselor.). First knowledge of the 11-year sunspot cycle. Led to knowledge of the Ice age cycles.

De Vries, Geert F: HBS5 (B) 1950 - St Joris College, Eindhoven; Hogere Technische School Werktuigbouwkunde 1953 Eindhoven (equiv ~ B Eng - mechanical engineering); BSc Math, Applied Math, Physics 1956-58 UP (Univ Pretoria); MSc Physics 1959-61 UP (Univ Pretoria), Post Grad: Max Planck Inst (Dusseldorf 1962-64), Centre d'Etudes Nucleaire Grenoble (1964-66); MBL Master Business Leadership 1974 UNISA (Univ van Suid Afrika) (called MBA elsewhere) ;- several smaller diplomas in import-export, international finance, project mngt, etc. Retired physicist / nuclear engineer, energy professional, student of climate science and climate connoisseur.

Dewhirst, Howard: Ph.D., Clintel Member

Dumitru, Eli: Creator and Director of the Restorative Justice Program as an employee of Community Mediation Services of Eugene, Oregon, which was adopted by the Lane County Juvenile Court as a diversion program. 2000: Volunteer Facilitator for the Lane County chapter of the Pacific Green Party in Eugene, Oregon. 2013 to 2014 Volunteer Chair of GMO-Free Jackson County in Oregon. 2018 to 2020 Volunteer Chair of Freedom to Say No to Smart Meters in Oregon.

Ellestad, Ole Henrik: Professor, President of Norwegian Climate Realists Scientific Board.

Freeman, Harold – concerned citizen

Friess, Brian Martin: BA in Biblical Studies from Israel College of the Bible, 2003, BS Clarks Summit University 2014, MA Teaching Earth Science Education, MT certified Secondary Science Teacher, Owner/Manager Warrior Ventures, LLC

Jackson, Verdell (Former Rep and Senator HD 79, SD 5)

Janssen, Alex – concerned citizen

Johnson, Mark: Mayor of Kalispell

Lake, Jack: Lake County Farmer

Lake, Susan: Lake County Farmer

LeBlanc, Rev. Carl – concerned citizen

MacLachlan, Peter – concerned citizen

Macor, Jan Evelyn: MBA, MA

Millett, Tom (Republican Candidate for HD 2)

Miskolczi, Ferenc: Diploma in Computer Programming, 1974, Budapest; MS in Physics, 1971, Eötvös Lóránd University, Budapest; Ph.D., Physics, 1975, Eötvös Lóránd University, Budapest; Ph.D. Earth Sciences, 1981, Hungarian Academy of Sciences, Budapest; Independent Research Scientist, retired from AS&M (former NASA



Contractor), Specialized publications (28+) on Greenhouse Effect and Ozone/ atmospheric radiation.

O'Hara, Edward: Libertarian Precinct Person

Olsen, Eric: BS Petroleum Engineering Montana Tech 1974, MS Classwork Colorado School of Mines, Petroleum Engineering 1983, current Owner and Manager of Olsen Energy LLC, Jake Oil, LLC, Karstead Operating LLC, EJ&A Energy Consultants LLC. Specialized in Energy and Environment

Olszewski, Albert: M.D., Former Legislator, Former Candidate for US Congress

Pahlow, Robert G. Jr. – concerned citizen

Rufino, Jose Maria Pirla: Mechanical Engineer 1985, and Pilot 2005, Spanish Air Force, Global training-Madrid

Tschida, Brad - former four-term legislator - HD 97; Montana House Majority Whip – 2017; Montana House Majority Leader – 2019;; Executive Director – Montana Public Service Commission – 2023

Vallely, Paul: Stand Up America US foundation, Big Fork MT, Chairman, 31 years in the US Army, retired Deputy Commanding General (1992), West Point Graduate, graduate of Infantry School, Ranger and Airborne Schools, Jumpmaster School, the Command and General Staff School, and Industrial College of the Armed Forces, and the Army War College. Senior Military Analyst for Fox News 2001-2008, Founder of Nemo Arms Inc., Chair in the Legacy National Security Advisory Group, Designed and developed the Host-Nation Support Program in the Pacific.

## CERTIFICATE OF SERVICE

I, Quentin M. Rhoades, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 01-09-2024:

Nathan Bellinger (Attorney)

1216 Lincoln St

Eugene OR 97401

Representing: Badge B., Lander B., Lilian D., Ruby D., Georgianna Fischer, Kathryn Grace Gibson-Snyder, Rikki Held, Taleah Hernandez, Jeffrey K., Mika K., Nathaniel K., Eva L., Sariel Sandoval, Kian T., Olivia Vesovich, Claire Vlases

Service Method: eService

Andrea K. Rodgers (Attorney)

3026 NW Esplanade

Seattle WA 98117

Representing: Badge B., Lander B., Lilian D., Ruby D., Georgianna Fischer, Kathryn Grace Gibson-Snyder, Rikki Held, Taleah Hernandez, Jeffrey K., Mika K., Nathaniel K., Eva L., Sariel Sandoval, Kian T., Olivia Vesovich, Claire Vlases

Service Method: eService

Roger M. Sullivan (Attorney)

345 1st Avenue E

MT

Kalispell MT 59901

Representing: Badge B., Lander B., Lilian D., Ruby D., Georgianna Fischer, Kathryn Grace Gibson-Snyder, Rikki Held, Taleah Hernandez, Jeffrey K., Mika K., Nathaniel K., Eva L., Sariel Sandoval, Kian T., Olivia Vesovich, Claire Vlases

Service Method: eService

Melissa Anne Hornbein (Attorney)

103 Reeder's Alley

Helena MT 59601

Representing: Badge B., Lander B., Lilian D., Ruby D., Georgianna Fischer, Kathryn Grace Gibson-Snyder, Rikki Held, Taleah Hernandez, Jeffrey K., Mika K., Nathaniel K., Eva L., Sariel Sandoval, Kian T., Olivia Vesovich, Claire Vlases

Service Method: eService

Philip L. Gregory (Attorney)

1250 Godetia Drive

Woodside CA 94062

Representing: Badge B., Lander B., Lilian D., Ruby D., Georgianna Fischer, Kathryn Grace Gibson-Snyder, Rikki Held, Taleah Hernandez, Jeffrey K., Mika K., Nathaniel K., Eva L., Sariel Sandoval, Kian T., Olivia Vesovich, Claire Vlases  
Service Method: eService

Barbara L Chillcott (Attorney)  
103 Reeder's Alley  
Helena MT 59601

Representing: Badge B., Lander B., Lilian D., Ruby D., Georgianna Fischer, Kathryn Grace Gibson-Snyder, Rikki Held, Taleah Hernandez, Jeffrey K., Mika K., Nathaniel K., Eva L., Sariel Sandoval, Kian T., Olivia Vesovich, Claire Vlases  
Service Method: eService

Dustin Alan Richard Leftridge (Attorney)  
345 First Avenue East  
Montana  
Kalispell MT 59901

Representing: Badge B., Lander B., Lilian D., Ruby D., Georgianna Fischer, Kathryn Grace Gibson-Snyder, Rikki Held, Taleah Hernandez, Jeffrey K., Mika K., Nathaniel K., Eva L., Sariel Sandoval, Kian T., Olivia Vesovich, Claire Vlases  
Service Method: eService

Michael D. Russell (Govt Attorney)  
215 N Sanders  
Helena MT 59620

Representing: Greg Gianforte, MT Dept Environmental Quality, Department of Natural Resources, Billings Regional Office, MT Dept of Transportation, State of Montana  
Service Method: eService

Mark L. Stermitz (Attorney)  
304 South 4th St. East  
Suite 100  
Missoula MT 59801

Representing: Greg Gianforte, MT Dept Environmental Quality, Department of Natural Resources, Billings Regional Office, MT Dept of Transportation, State of Montana  
Service Method: eService

Thane P. Johnson (Govt Attorney)  
215 N SANDERS ST  
P.O. Box 201401  
HELENA MT 59620-1401

Representing: Greg Gianforte, MT Dept Environmental Quality, Department of Natural Resources, Billings Regional Office, MT Dept of Transportation, State of Montana  
Service Method: eService

Emily Jones (Attorney)  
115 North Broadway  
Suite 410  
Billings MT 59101

Representing: Greg Gianforte, MT Dept Environmental Quality, Department of Natural Resources,  
Billings Regional Office, MT Dept of Transportation, State of Montana  
Service Method: eService

Selena Zoe Sauer (Attorney)  
1667 Whitefish Stage Rd.  
#101  
Kalispell MT 59901-2173

Representing: Greg Gianforte, MT Dept Environmental Quality, Department of Natural Resources,  
Billings Regional Office, MT Dept of Transportation, State of Montana  
Service Method: eService

Dale Schowengerdt (Attorney)  
7 West 6th Avenue, Suite 518  
Helena MT 59601

Representing: Greg Gianforte, MT Dept Environmental Quality, Department of Natural Resources,  
Billings Regional Office, MT Dept of Transportation, State of Montana  
Service Method: eService

Lee M. McKenna (Govt Attorney)  
1520 E. Sixth Ave.  
HELENA MT 59601-0908  
Representing: MT Dept Environmental Quality  
Service Method: eService

Byron L. Trackwell (Amicus Curiae)  
7315 SW 23rd Court  
Topeka KS 66614  
Service Method: Conventional

Julia A. Olson (Attorney)  
1216 Lincoln St.  
Eugene OR 97401  
Representing: Badge B., Lander B., Lilian D., Ruby D., Georgianna Fischer, Kathryn Grace Gibson-  
Snyder, Rikki Held, Taleah Hernandez, Jeffrey K., Mika K., Nathaniel K., Eva L., Sariel Sandoval,  
Kian T., Olivia Vesovich, Claire Vlases  
Service Method: Conventional

Electronically signed by Anna Dearth on behalf of Quentin M. Rhoades  
Dated: 01-09-2024