

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. OP _____

T.K. and K.K.,

Petitioners,

v.

MONTANA SEVENTEENTH JUDICIAL
DISTRICT COURT, VALLEY COUNTY,
THE HONORABLE YVONNE LAIRD,
DISTRICT JUDGE,

Respondent.

**PETITION FOR WRIT OF SUPERVISORY CONTROL AND
IMMEDIATE STAY OF CONTEMPT PROCEEDINGS**

Original Proceeding Arising From *In the Matter of H.K.*, Cause No. DN-2023-03,
Montana Seventeenth Judicial District, Valley County
The Honorable Yvonne Laird, Presiding

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INTRODUCTION

On February 6, 2024, this Court denied the previous petition for writ of supervisory control filed by Petitioners T.K. and K.K. in Cause No. OP 24-0071. The Court gave two reasons for the denial.

First, the Court stated that Petitioners had failed to include in the record the applicable District Court orders. Order Denying Petn, p.2, attached as **Exhibit 1**. That defect has been cured. Pursuant to M. R. App. P. 14(5)(b)(iv), redacted copies of the applicable orders are attached to this Petition as exhibits, and, pursuant to M. R. App. P. 10(7)(b), the original documents will be filed with the clerk.

Second, the Court denied the prior petition because “[i]t seems evident that any assertion of contempt against them would permit T.K. and K.K. to raise all appropriate defenses, including the violation of any of their constitutional rights.” Order Denying Petn, p. 2. This Court did not, however, address the collateral bar rule. Under the rule, “a judicial order may be enforced through a criminal contempt even though the underlying decision may be incorrect and even unconstitutional.” *State v. Spady*, 2015 MT 218, ¶ 16, 380 Mont. 179, 354 P.3d 590 (cleaned up, citations omitted); see also *State ex rel. Missouliau v. Montana Twenty-First Judicial Dist. Court*, 281 Mont. 285, 933 P.2d 829, 848 (1997) (Nelson, J., dissenting) (“Simply ignoring the [gag] order will likely bring a

contempt citation – again, as in this case – and contesting such a citation is not effective because of the collateral bar rule.”). In *Spady*, this Court refused to apply the collateral bar rule “at this time” because the State failed to raise the issue in the District Court. *Id.*, ¶ 17. That holding strongly suggests that the collateral bar rule can be applied by the District Court to T.K. and K.K. if the State raises the issue during their contempt hearing.

Petitioners therefore request clarification from this Court as to the applicability of the collateral bar rule in this matter. If the rule applies, then Petitioners will not be able to raise First Amendment challenges to the Gag Order in the District Court and, therefore, request to do so now in this Court.

Even if the collateral bar rule does not apply to this case, the Court should still address Petitioners’ First Amendment issues at this time. “People do not lightly disregard public officers’ thinly veiled threats to institute criminal proceedings against them if they do not come around.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 68 (1963); see also *Biden v. Knight First Amend. Inst.*, 141 S. Ct. 1220, 1224 (2021) (Thomas, J., concurring) (“[t]he government cannot accomplish through threats of adverse government action what the Constitution prohibits it from doing directly”). Although the District Court has not yet jailed T.K. and K.K., it has expressly threatened to do so. **Exhibit 8**. This threat warrants prompt review by this Court. *National Socialist Party of America v.*

Skokie, 432 U.S. 43, 44 (1977) (“If a State seeks to impose a restraint of this kind [i.e., a prior restraint against speech], it must provide strict procedural safeguards, including immediate appellate review. Absent such review, the State must instead allow a stay.”).¹

BACKGROUND FACTS

A. The State’s Seizure of H.K. Resulting from Her Parents’ Refusal to Consent to H.K.’s Transfer to a Wyoming Treatment Facility

Petitioner T.K. and his wife, Petitioner K.K.,² reside in Glasgow, Montana.

Exhibit 2, ¶¶1-3.³ T.K. is the birth father of 14-year-old H.K., and had custody of her until August 22, 2023. *Id.*, ¶4. K.K. is H.K.’s stepmother. *Id.*, ¶5. The Parents are Christians who believe that the Bible is the inerrant Word of God. *Id.*, ¶6. They believe that transgenderism is a sin. *Id.*, ¶7.

On August 18, 2022, Cyndi Baillargeon, a CPS agent, visited the Parents’ home after receiving a report that H.K. was contemplating suicide. *Id.*, ¶8. In her report, Baillargeon described the Parents’ home as “clean, [and] had plenty of food for the family in the fridge, cabinets, pantry, and freezer downstairs.” *Id.*, ¶9.

¹ The remaining arguments made in this Petition are identical to those made by Petitioners in Cause No. OP 24-0071.

² Initials are used pursuant to M. R. App. P. 14(5)(b)(v).

³ **Exhibit 2** is a redacted copy of a declaration executed by K.K.

The Parents took H.K. to a local hospital for observation. *Id.*, ¶10. Hospital staff referred to H.K. using her preferred male name and male pronouns. *Id.*, ¶11. The hospital provided H.K. with men’s toiletries. *Id.*, ¶12. When the Parents objected, the hospital staff expressed disdain toward them and continued to treat H.K. as a male. *Id.*, ¶13.

The Parents believed that H.K. needed inpatient treatment due to suicidal ideations. *Id.*, ¶14. They requested placement in a Montana facility based on their understanding that Montana law prohibited healthcare providers from attempting to transition minors. *Id.*, ¶15. A physician informed them that H.K. was first on the waiting list for admission to a facility in Billings, Montana. *Id.*, ¶16.

At approximately 7:30 p.m. on August 22, 2023, a physician called the Parents to inform them that a psychiatric facility in Wyoming had an opening for H.K. *Id.*, ¶17. The Parents objected to the proposed placement due to Wyoming having no legal restrictions on healthcare providers performing gender transitioning procedures on minors. *Id.*, ¶18. Approximately 15 minutes after the telephone call, Baillargeon and a police officer arrived at the Parents’ home and seized H.K. *Id.*, ¶19. State employees transported H.K. to Wyoming the following day. *Id.*, ¶20.

On August 25, 2023, the State filed a “Petition for Emergency Protective Services, Adjudication of Child as a Youth in Need of Care, and Temporary Legal

Custody.” Dist. Court Doc. 1, attached as **Exhibit 3**. As stated in the State’s Petition, the sole basis for the State’s removal of H.K. was the Parents’ objection to H.K. being taken to Wyoming for treatment. **Exhibit 3**, ¶ 12.

The Wyoming in-patient facility discharged H.K. in September 2023 and transferred her to a group home in Billings. *Id.*, ¶21. Staff members there are addressing H.K. by her preferred male name. *Id.*, ¶22. They allow her to use men’s toiletries and wear men’s clothes and a chest binder. *Id.*, ¶23. H.K. attends all-boy group sessions at the group home. *Id.*, ¶24. A therapist at the group home is counseling H.K. to reach a goal of accepting her chosen gender 80% of the time. *Id.*, ¶25. The Parents have objected to all of these measures but to no avail. *Id.*, ¶26.

On January 18, 2024, the Parents went public by posting a 17-minute video on their Facebook page. *Id.*, ¶27. They stated in the video that their “hope in releasing this statement is to help other families avoid the heartache and pain that our family has endured for the last five months.” *Id.*, ¶28. They described the ordeals their family has suffered at the hands of the State and the District Court. *Id.*, ¶29. They also requested an attorney to represent them *pro bono* as their public defenders had been merely advising them to “play nice.” *Id.*, ¶30.

On that same day, State Representative Kerri Seekins-Crowe sent the Parents a private message via Facebook stating that “I’m afraid that the govt is

circling the wagons to protect itself and that includes the gov office. They may want to protect their dphhs director.” *Id.*, ¶31.



Find out all you can about the case CPS has against you. I'm afraid that the govt is circling the wagons to protect itself and that includes the gov office. They may want to protect their dphhs director.



Exhibit 2, ¶31; Exhibit 4.

The District Court responded later that day by issuing an order dated January 18, 2024 (hereinafter, the “Gag Order”), containing the following provisions:

IT IS HEREBY ORDERED THAT ALL PARTIES to this dependency and neglect matter are ENJOINED from disclosing any further records or reports, or making any statements or interviews, in any social media or news media (electronic, print, video), in any unauthorized manner regarding the Youth’s physical or mental health, state of mind, or involvement in the above referenced dependency and neglect matter, absent express permission from this Court.

IT IS FURTHER ORDERED, that the Birthfather and Stepmother shall DELETE any video or any other statements they have previously made, from any social media or news media, directly linked to this dependency and neglect matter, to prevent further dissemination of the Youth’s confidential mental and physical health care information.

Dist. Ct. Doc. 52, attached **Exhibit 5**. At a hearing on January 19, 2024, the District Court judge screamed at K.K. and gave her ten minutes to remove the video posted on their Facebook page. **Exhibit 2, ¶32.**

On January 22, 2024, K.K. spoke about this matter to Aaron Flint on “Montana Talks,” a radio talk show broadcast statewide. *Id.*, ¶33. The District

Court responded by scheduling a contempt hearing for January 29, 2024. Dist. Ct. Doc. 55, attached as **Exhibit 6**.

On January 25, 2024, the District Court granted the State temporary legal custody of H.K. for six months and authorized temporary placement with her birthmother in Canada. Dist. Ct. Doc. No. 56, p.5, attached as **Exhibit 7**. The court acknowledged that “This matter implicates issues beyond the purview of the Court, such as the political, religious, and personal beliefs of the Youth’s parents.” *Id.* at pp.4-5. The court also authorized the State to impose treatment plans on the Parents. *Id.* at p.7.

On January 26, 2024, the Parents and their public defenders participated in a Zoom conference that included Dylan Jensen, the County Attorney representing the State, and Crystal Whitmore, a Child Protection Specialist Supervisor. **Exhibit 2**, ¶34. During that conference, Whitmore informed the Parents that, as a condition of reunification with their daughter, they would be required to participate in marriage counseling and accept H.K.’s alleged gender identity. *Id.*, ¶35. The Parents stated that their marriage was fine and they did not accept the State’s claim that H.K. was now a male. *Id.*, ¶36. Jensen and Whitmore both laughed and told the Parents “you don’t understand. You have to accept the services.” *Id.*, ¶37.

B. The Gianforte Administration's Disinformation Campaign Against H.K.'s Parents

On the morning of January 29, 2024, *Reduxx*, an online magazine, posted a story about the State's seizure of the Parents' daughter.⁴ The story went "viral" – as of February 5, 2024, a *Reduxx* tweet linking its story about the Parents had been viewed 1.4 million times.⁵

The District Court issued an order that same day continuing the Parents' contempt hearing to February 21, 2024. Dist. Ct. Doc. 64, attached as **Exhibit 8**. The Order included the following statement: "The Court's previous Order prohibiting release of information remains in effect and further dissemination will result in Contempt which *may result in jail and/or fine.*" *Id.* (emphasis added).

Hours after *Reduxx* posted its article, John Jackson, a commentator for "Montana Talks," posted the following statement on the social media platform now known as "X":

Having worked with CPS in Montana, there must be a lot more to this story than is being told by the parents. We had cases where children were living in absolute filth, meth labs, with both parents being dealers and addicts....This story is not the whole truth.

⁴ See <https://reduxx.info/exclusive-montana-family-loses-custody-of-teenage-daughter-after-expressing-opposition-to-her-gender-transition/>

⁵ See <https://twitter.com/ReduxxMag/status/1751987933127512363>

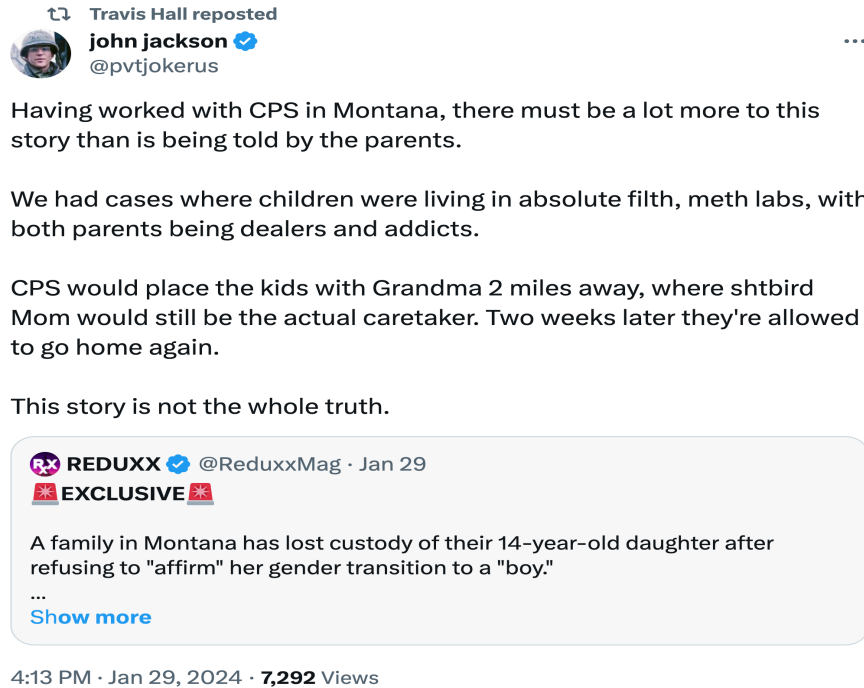


Exhibit 9.

Travis Hall, Governor Gianforte’s Director of Strategic Communications,⁶ “retweeted” Jackson’s tweet. **Exhibit 9.** Nine minutes later, Governor Gianforte posted a series of tweets in which he stated that:

...[C]hildren deserve to grow up in happy, healthy homes with loving families. Sadly, that ideal is not always realized. Unfortunately, our society finds children whose life, health, and wellbeing are at serious risk from abuse and neglect, and only as a last resort, should they be removed from their home.

Exhibit 10. Gianforte further stated that Lieutenant Governor Kristen Juras had determined that “DPHHS and the court have followed state policy and the law.” *Id.*

⁶ See <https://directory.mt.gov/govt/state-dir/agency/gov>

Governor Greg Gianforte @GovGianforte

To give them their best shot at reaching their full potential, children deserve to grow up in happy, healthy homes with loving families. Sadly, this ideal is not always realized. 1/8

4:22 PM · Jan 29, 2024 · 397.6K Views

493 100 161 27

Governor Greg Gianforte @GovGianforte · 4h

Unfortunately, our society finds children whose life, health, and wellbeing are at serious risk from abuse and neglect, and only as a last resort, should they be removed from their home. 2/8

9 6 31 26K

Governor Greg Gianforte @GovGianforte · 4h

Upon hearing recent allegations related to a child welfare case, I asked Lieutenant Governor Kristen Juras – an experienced attorney, constitutional conservative, mother, and grandmother – to review it. 3/8

9 9 40 25K

Governor Greg Gianforte @GovGianforte · 4h

Consulting with the director of DPHHS and personally examining case documents, Lieutenant Governor Juras has concluded that DPHHS and the court have followed state policy and law in their handling of this tragic case. 4/8

74 38 26 56K

Governor Greg Gianforte @GovGianforte · 4h

I have asked the lieutenant governor to continue monitoring the case as it progresses. 5/8

4 1 27 23K

Governor Greg Gianforte @GovGianforte · 4h

Further, Senate Bill 99, which I signed into law in April 2023, prohibits medical and surgical treatments to treat minors with gender dysphoria and also prohibits the use of taxpayer resources for such treatments. 6/8

16 6 89 23K

Governor Greg Gianforte @GovGianforte · 4h

Our administration will continue to advance policies that strengthen our families and protect Montana kids,... 7/8

9 3 41 27K

Governor Greg Gianforte @GovGianforte · 4h

...like what we have done to promote adoption and to ban permanent, invasive, life-altering medical procedures on children, like puberty blockers, hormonal treatments, and sex-reassignment surgeries. 8/8

84 5 78 26K

Exhibit 10.

The Parents vehemently deny the insinuations made by Jackson – and promoted by the Gianforte Administration – that their children were “living in

absolute filth,” they have been involved with “meth labs,” they have ever been “dealers” or “addicts,” or their “story is not the whole truth.” **Exhibit 2**, ¶38. The Parents own a technology consulting firm with several governmental entities as clients and, as confirmed by CPS, reside in a four-bedroom home that is clean and well-stocked with food. *Id.*, ¶39. And, as made clear in the State’s own Petition, the Parents’ objection to their daughter’s placement in Wyoming rather than one in Montana was the sole reason the State seized her. **Exhibit 3**, ¶ 12.

ISSUE PRESENTED

Does the prior restraint issued on January 18, 2024, by the District Court against the Parents of H.K. violate the First Amendment?

ARGUMENT

I. THIS PETITION SATISFIES THE REQUIREMENTS OF RULE 14(3)

This Court has “general supervisory control over all other courts.” Mont. Const. Art. VII, § 2(2). This Court may take supervisory control over pending actions when: (1) urgency or emergency factors exist making the normal appeal process inadequate, (2) the case involves purely legal questions, and (3) the case involves constitutional issues of state-wide importance. M. R. App. P. 14(3). This petition satisfies these requirements.

1. The normal appeal process is inadequate. The “loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 163 (1969) (“it is often necessary to have one’s voice heard promptly, if it is to be considered at all.”). The District Court’s Gag Order is not appealable. Nor can the Parents appeal any contempt order issued on February 21. Mont. Code Ann. § 3-1-523(1). The Parents will likely be jailed for the remainder of the District Court’s proceedings because they have exercised their core First Amendment rights to speak about an injustice perpetrated by the government, and will continue doing so as long as they remain free. Their incarceration will curtail further First Amendment activity, even if a direct appeal becomes available.⁷ Therefore, an appeal is an inadequate remedy.

2. Whether the Gag Order violates the First Amendment is a purely legal question. *United Transp. Union v. State Bar of Mich.*, 401 U.S. 576 581 (1971) (when examining an injunction regulating speech, courts must “look at the injunction as we look at a statute, and if upon its face it abridges rights guaranteed by the First Amendment, it should be struck down.”).

⁷ Thus, even if the District Court were to fashion a contempt order appealable under Mont. Code Ann. § 3-1-523(2), the Parents would still have to wait for an appeal to run its course – and might well have to do so while jailed.

3. That this case involves a prior restraint against two Montana parents is sufficient, standing alone, to present an issue of statewide importance. *Legend Night Club v. Miller*, 637 F.3d 291, 303 (4th Cir. 2011) (“It is always in the public interest to protect First Amendment liberties.”). This case has taken on such enormous importance that the Governor’s office has issued extraordinary public (and false) statements about it. It is now receiving both national and international press coverage.⁸ This case clearly satisfies the statewide-importance prong of Rule 14(3).

II. THE DISTRICT COURT’S PRIOR RESTRAINT AGAINST H.K.’S PARENTS VIOLATES THE FIRST AMENDMENT

The Gag Order against the Parents is a prior restraint because it is a “judicial order[] forbidding certain communications when issued in advance of the time that such communications are to occur.” *Alexander v. United States*, 509 U.S. 544, 550 (1993). Such orders are “the most serious and least tolerable infringement on First Amendment rights.” *Nebraska Press Assn. v. Stuart*, 427 U.S. 539, 558-59 (1976). A prior restraint bears a “heavy presumption against its constitutionality,” *id.*, and is subject to “the most exacting scrutiny.” *Smith v. Daily Mail Pub. Co.*, 443 U.S. 97, 102 (1979). Even the government’s national security justification was

⁸ See, e.g., <https://www.dailymail.co.uk/health/article-13021149/montana-family-loses-custody-teen-daughter-gender-transition.html>

insufficient to overcome the “heavy presumption against [the] constitutional validity” of “[a]ny system of prior restraints of expression.” *New York Times Co. v. United States*, 403 U.S. 713, 714 (1971).

A court confronted with a gag order must “make its own inquiry into the imminence and magnitude of the danger said to flow from the particular utterance and then to balance the character of the evil, as well as its likelihood, against the need for free and unfettered expression. The possibility that other measures will serve the State’s interests should also be weighed.” *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829, 843 (1978). This is particularly so when the speech at issue concerns citizen protests against government misconduct because “[w]hatever differences may exist about interpretations of the First Amendment, there is practically universal agreement that a major purpose of the Amendment was to protect the free discussion of governmental affairs.” *Id.* at 838 (citations omitted). This includes discussions of judicial errors. *Id.* at 839 (“the law gives judges as persons, or courts as institutions, no greater immunity from criticism than other persons or institutions”).

Courts in other jurisdictions applying the *Landmark* standard have refused to uphold prior restraints purportedly issued to protect a child’s best interests. For example, a Nebraska appellate court struck down a gag order issued by a juvenile court prohibiting public disclosure of a juvenile’s medical records by his parents.

In re T.T., 779 N.W.2d 602, 610 (Neb. App. 2009). The gag order arose from the publication of an article in the *Wall Street Journal* concerning the juvenile and statutes applicable to his case. *Id.* at 618. The appellate court agreed with the juvenile court that “further disclosure of T.T.’s private medical information is not in T.T.’s best interests,” but held that the “child’s best interests are not the standard.” *Id.* at 620. Rather, the applicable standard is “exacting scrutiny,” which imposes upon the state a “heavy burden to justify the restraint.” *Id.* This requires “assessing the imminence and magnitude of the danger and then balancing the character of the evil against the need for free and unfettered expression.” *Id.*, quoting *Landmark*, 435 U.S. at 843 (cleaned up).

The court in *In re T.T.* held that the gag order did not satisfy the *Landmark* standard. It first noted the importance of the speech at issue: “the evidence is that the parents wish to exercise their right of free speech in the arena where public policy is formed, rather than merely for their own personal ends.” *Id.* at 620. There was no evidence showing that disclosure of the juvenile’s medical information “posed imminent physical or emotional harm or danger to T.T. of any magnitude.” *Id.* The appellate court further noted that “at least some of the information restricted by the gag order is already in the public domain,” which “reduces the effectiveness of the gag order, as well as undercuts any claim that the danger of harm is imminent.” *Id.* The court also “observe[d] that the parents can

be meaningfully involved in the public policy discussions in which they are interested while simultaneously striving to minimize discussion of specific medical information about T.T.” *Id.* The court thus held, “a restraint on speech against disclosure to the public about a juvenile because it is in the juvenile’s ‘best interest,’ as the juvenile court found, is an insufficiently justified prior restraint on speech.” *Id.*

Other courts have also applied the *Landmark* standard to gag orders issued in proceedings involving minors. See, e.g., *Baskin v. Hale*, 787 S.E.2d 785, 791-92 (Ga. App. 2016) (vacating gag order entered in child custody case due to trial court’s failure to apply *Landmark* standard); *In re L.M.*, 37 P.3d 1188, 1194-96 (Utah App. 2001) (remanding case to juvenile court to apply *Landmark* standard to juvenile court’s gag order).

The court’s ruling in *In re T.T.* is on all fours with the case at bar. Just like the initial disclosure to the *Wall Street Journal* in *In re T.T.* triggered the prior restraint in that case, the video posted by the Parents to their Facebook page on January 18 resulted in the District Court issuing a prior restraint later that day. **Exhibit 5.** And like the parents in *In re T.T.*, the Parents here have sought to “exercise their right of free speech in the arena where public policy is formed, rather than merely for their own personal ends.” *Id.* at 620. As the District Court acknowledged, “[t]his matter implicates issues beyond the purview of the Court,

such as the political, religious, and personal beliefs of the Youth’s parents.”

Exhibit 7, pp. 4-5. The Parents have spoken publicly on these issues and intend to continue doing so.

What makes the Gag Order against the Parents particularly odious is the Gianforte Administration’s smear campaign against them. Governor Gianforte and his staff are publicly insinuating that H.K.’s seizure was necessitated by some horrifying fact, such as the Parents’ “living in absolute filth,” operating “meth labs,” or being “dealers and addicts.” **Exhibit 9**. But the Parents risk jail time by responding to the Governor’s lies. This amounts to viewpoint discrimination and is “an egregious form of content discrimination.” *Reed v. Town of Gilbert*, 576 U.S. 155, 168 (2015).

And, as with the juvenile court’s gag order in *In re T.T.*, the District Court’s Gag Order fails to satisfy the *Landmark* standard. Like *In re T.T.*, no witness testified that further disclosure of H.K.’s transgenderism posed imminent physical or emotional harm to H.K., nor did the District Court’s Gag Order include any such findings. Moreover, H.K. was discharged from the Wyoming psychiatric facility in September 2023. **Exhibit 2**, ¶21. She is currently in a group home and has been authorized by the District Court to reside with her birthmother in Canada. **Exhibit 7**, p.5. H.K. is clearly not facing an imminent risk of suicide.

The Gag Order in this case is far broader, and far more violative of the First Amendment, than the one struck down in *In re T.T.*, which was limited to disclosures of the juvenile’s medical information. The District Court’s Gag Order, by contrast, applies not only to H.K.’s medical information but also to any statements about her “involvement in the above-referenced dependency and neglect matter.” **Exhibit 5.** To the extent that any gag order was needed, the District Court could have tailored it much more narrowly. For example, it could have simply ordered the Parents to refrain from using their daughter’s real name in public discussions about her – something they have been careful to do in all of their public statements.

Because this matter “implicates issues beyond the purview of the [District] Court, such as the political, religious, and personal beliefs of the Youth’s parents,” **Exhibit 7**, pp.4-5, the Parents’ speech on these issues “occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.” *Snyder v. Phelps*, 562 U.S. 443, 452 (2011). On the other hand, the Gag Order is not supported by any findings by the District Court. *Landmark*, 435 U.S. at 845 (requiring a “solidity of evidence” to support contempt orders prohibiting speech). Nor was the Gag Order narrowly tailored. Therefore, this Court must vacate it.

III. THIS COURT SHOULD ISSUE AN IMMEDIATE STAY OF THE DISTRICT COURT'S CONTEMPT PROCEEDINGS

Rule 14(7)(c) authorizes this Court to stay the District Court's contempt proceedings scheduled for February 21, 2024. The Court should do so to allow this matter to be fully briefed and the Court provided with ample time to analyze the crucial constitutional issues presented by this Petition. Additionally, undersigned counsel notes that he has ordered transcripts of the January 2024 District Court proceedings and has been informed that they will likely be prepared later this week. He will promptly seek leave to file them under seal with this Court.

CONCLUSION

For all of the foregoing reasons, Petitioners respectfully request that this Court (1) stay all contempt proceedings in the District Court and (2) vacate the District Court's Gag Order.

DATED: February 7, 2024

Respectfully submitted,

MONFORTON LAW OFFICES, PLLC

/s/ Matthew G. Monforton
Matthew G. Monforton
Attorney for Petitioners

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this brief is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced except for footnotes and quoted and indented material; and the word count calculated by Microsoft Word is exactly 3979 words, excluding caption page, Table of Contents, Table of Authorities, Certificate of Compliance and Certificate of Service.

DATED: February 7, 2024

Respectfully submitted,

/s/ Matthew G. Monforton
Matthew G. Monforton

APPENDIX

Montana Supreme Court Order in OP 24-0071 (Feb 6, 2024)	Exhibit 1
Declaration of K.K. (Feb. 4, 2024).....	Exhibit 2
State’s Petition In <i>In the Matter of H.K.</i> , Cause No. DN-2023-03, filed Aug. 25, 2024	Exhibit 3
Facebook Message from Rep. Kerri Seekins-Crowe (Jan 18, 2024).....	Exhibit 4
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District Court Order (Jan. 25, 2024).....	Exhibit 7
District Court Order (Jan. 29, 2024).....	Exhibit 8
John Jackson / Gianforte Administration Tweet (Jan. 29, 2024)	Exhibit 9
Greg Gianforte Tweet (Jan. 29, 2024)	Exhibit 10

CERTIFICATE OF SERVICE

I, Matthew G. Monforton, hereby certify that I have served true and accurate copies of the foregoing Petition - Writ to the following on 02-07-2024:

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Electronically Signed By: Matthew G. Monforton
Dated: 02-07-2024