

**IN THE SUPREME COURT OF THE STATE OF MONTANA
DA 23-0575**

Rikki Held, et al.,

Plaintiffs-Appellees,

v.

State of Montana, et al.,

Defendants-Appellants.

On Appeal from the Montana First Judicial District Court, Lewis and Clark
County Cause No. CDV 2020–307, the Honorable Kathy Seeley, Presiding

**UNOPPOSED MOTION FOR LEAVE FOR THE STATES OF NORTH
DAKOTA, ALABAMA, ALASKA, ARKANSAS, IDAHO, INDIANA, IOWA,
MISSISSIPPI, MISSOURI, NEBRASKA, SOUTH CAROLINA, SOUTH
DAKOTA, UTAH, WYOMING, AND THE COMMONWEALTH OF
VIRGINIA TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF
APPELLANTS AND REVERSAL**

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Pursuant to Montana Rule of Appellate Procedure 12(7), the States of North Dakota, Alabama, Alaska, Arkansas, Idaho, Indiana, Iowa, Mississippi, Missouri, Nebraska, South Carolina, South Dakota, Utah, Wyoming, and the Commonwealth of Virginia (“Amici States”) respectfully move for leave of the Court to file an amicus curiae brief supporting Appellants and reversal.

INTEREST OF AMICI STATES

Our constitutional republic is founded on the separation of powers, but that principle “depends largely upon common understanding of what activities are appropriate to legislatures, to executives, and to courts.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-60 (1992). Amici States have a strong interest in ensuring the foundation of our shared constitutional republic is not eroded by judicial usurpations of power over policy questions of profound consequence.

Amici States also have “quasi-sovereign interests in the health and well-being—both physical and economic—of [their] residents.” *Alfred L. Snapp & Son, Inc. v. Puerto Rico, ex rel., Barez*, 458 U.S. 592, 607 (1982). To the extent compliance with the trial court’s order may undermine the reliability of our country’s already-precarious power grid or interfere with the energy policy decisions made by other States, Amici States have a strong interest in protecting the well-being and policy choices of their own citizens.

WHY AMICUS CURIAE BRIEF IS DESIRABLE

Amici States have a unique interest in this litigation that the current parties or other amici will not present and which may aid the Court in understanding the potential impacts of the trial court's order on States other than Montana.

PARTY WHOSE POSITION AMICUS CURIAE BRIEF SUPPORTS

The proposed amicus curiae brief supports the position of the Appellants and reversal of the trial court's judgment.

DATE UPON WHICH AMICUS CURIAE BRIEF CAN BE FILED

The last Appellant opening brief was filed on February 13, 2024. Amici States request leave to file their amicus curiae brief no later than February 23, 2024.

WHETHER THE PARTIES CONSENT TO THE REQUEST

Counsel for Defendants-Appellants and Plaintiffs-Appellees have been contacted and do not oppose or object to this motion for leave to file an amicus brief.

CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, Amici States respectfully request the Court grant their motion for leave to file an amicus curiae brief.

Respectfully submitted on February 20, 2024,

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CERTIFICATE OF SERVICE

I, Robert Cameron, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 02-20-2024:

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