

IN THE SUPREME COURT OF THE STATE OF MONTANA  
No. DA 23-0575

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RIKKI HELD, et al.,

*Plaintiffs / Appellees*

v.

STATE OF MONTANA, et al.,

*Defendants / Appellants*

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**MOTION FOR LEAVE OF PUBLIC HEALTH EXPERTS AND DOCTORS  
TO FILE A BRIEF AS *AMICI CURIAE* IN SUPPORT OF APPELLEES**

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

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Proposed “Public Health Experts and Doctors as *Amici Curiae*” hereby file this Motion Seeking Leave to File a Brief as *Amici Curiae* in Support of Petitioners. Pursuant to Rule 12, paragraph 7, of the Montana Rules of Appellate Procedure, the Proposed *Amici Curiae* provide the following information in support of their motion:

1. **The Interest of the Applicant.** Proposed *Amici Curiae* comprise a group of nationally recognized experts in medicine who bring a broad spectrum of scientific insight into the public health benefits of climate solutions and the corollary health dangers of inaction. A complete list of *Amici Curiae* would be appended to any brief filed with this Court and would include, but not be limited to, the following medical professionals:
  - a. Caren Solomon, MD, MPH, an Associate Professor of Medicine at Harvard Medical School, Deputy Editor, New England Journal of Medicine, and a physician at Brigham and Women's Hospital;
  - b. Regina Larocque, MD, MPH, an Associate Professor of Medicine, Harvard Medical School a Fellow, Infectious Diseases Society of America, and a physician at Massachusetts General Hospital, Division of Infectious Diseases;
  - c. James Recht, MD, a psychiatrist with Cambridge Health Alliance and a Lecturer on Psychiatry, Harvard Medical School; and

d. Elizabeth Pinsky, MD, a child and adolescent psychiatrist and pediatrician at Massachusetts General Hospital.

2. **Reasons why a Brief of Proposed *Amici Curiae* is Desirable.** Through their research and clinical work, the assembled *Amici Curiae* have observed and documented the public and environmental health impacts of climate change on patients and patient's communities. Proposed *Amici Curiae* seek to file a brief with this Court to explain how the medical literature on public health strongly supports the District Court's findings that adverse health impacts of climate change are being realized today by the Youth Plaintiffs. That is, the specific injuries that the Youth Plaintiffs have been found to be experiencing in Montana (*e.g.*, respiratory harms, injuries linked to extreme heat, and mental health impacts associated with climate change) are consistent with what is seen in high-quality, peer-reviewed, scientific studies.
3. **Party Whose Position Proposed *Amici Curiae* Would Support.** The Proposed *Amici Curiae* would file their brief in support of Plaintiffs-Appellees, Rikki Held, *et al.* The harms experienced by the Youth Plaintiffs are acute and immediate.
4. **Date Upon which the Brief can be Filed.** The Proposed *Amici Curiae* request that they be permitted to file their brief as *Amici Curiae* seven (7) days after the brief after the Plaintiffs-Appellees have filed their brief in response, *i.e.*,

on or before March 21, 2024. Proposed *Amici Curiae*'s request is modeled after the Rule 37.3 of the Rules of the Supreme Court of the United States (“An *amicus curiae* brief in a case before the Court for oral argument ... may be filed if it is submitted within 7 days after the brief for the party supported is filed ...”).

5. **Whether Other Parties Consent to the Request.** The Proposed *Amici Curiae* request affirm that they have reached out by email to counsel for Appellants, who responded that they are not opposed.

WHEREFORE, Public Health Experts and Doctors as *Amici Curiae* seek leave to file a brief in support of Plaintiffs-Appellees on or before March 21, 2024, in the above-captioned matter.

Respectfully submitted February 27, 2024,

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I, Timothy M. Bechtold, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 02-27-2024:

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Dated: 02-27-2024