

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

RIKKI HELD, et al.,

Plaintiffs / Appellees

v.

STATE OF MONTANA, et al.,

Defendants / Appellants

**MOTION FOR LEAVE OF MONTANA TRIAL LAWYERS ASSOCIATION
TO APPEAR AS *AMICUS CURIAE* IN SUPPORT OF APPELLEES**

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

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COMES NOW the Montana Trial Lawyers Association (“MTLA”), and respectfully seeks leave of the court to file an *amicus curiae* brief in this matter. Pursuant to M. R. App. P. 12(7), MTLA provides the following:

Statement of Interest

MTLA is a member organization of approximately 500 Montana attorneys who represent litigants to secure a just result for the injured, the accused, and those whose rights are jeopardized. Its members represent claimants injured in negligence actions, premises liability claims, governmental liability claims, product liability actions, insurance matters, and constitutional questions.

Reasons Why MTLA’s Amicus Brief Is Desirable

MTLA periodically appears in the Montana Supreme Court as *amicus* on matters involving civil justice and constitutional issues. On these issues, the Montana Supreme Court has historically welcomed MTLA to participate as *amicus*.

MTLA is interested in this matter because resolution of the issues upon which MTLA seeks to participate affects the continuing development of Montana law and trial practice regarding access to justice and M. R. Civ. P. 35. This case raises important constitutional and procedural issues for all Montana claimants who have suffered any kind of injury, specifically regarding the importance of trial to resolve disputed facts, standing, and the scope of M. R. Civ. P. 35.

Identity of Party Whose Position MTLA Supports

MTLA supports the position of Plaintiffs/Appellees Rikki Held, *et al.*, in this matter.

The Proposed Date for Filing MTLA’s *Amicus* Brief

MTLA seeks to file its *amicus curiae* Brief on or before March 21, 2024, seven days after the Brief of the Plaintiffs/Appellees is due, and in conformity with the deadline established by the Court for other *amicus curiae* briefs in support of the Plaintiffs/Appellees.

Whether the Other Parties Object to MTLA’s Participation

MTLA affirms that above-listed counsel for Defendants/Appellants and for Plaintiffs/Appellees has been contacted. The Plaintiffs/Appellees responded that they do not object to MTLA’s participation in this matter. Defendants/Appellants have not responded as of the time of filing this motion.

WHEREFORE, based on the foregoing, MTLA respectfully requests leave from the Court to participate in this matter as *amicus curiae*. A proposed order to allow MTLA’s participation is submitted herewith.

RESPECTFULLY SUBMITTED this 13th day of March, 2024.

MONTANA TRIAL LAWYERS ASSOCIATION

By:  _____

Justin P. Stalpes, Esq.
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CERTIFICATE OF SERVICE

I, Justin P. Stalpes, hereby certify that I have served true and accurate copies of the foregoing Motion - Amicus to the following on 03-13-2024:

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Electronically signed by David W. McGoldrick on behalf of Justin P. Stalpes
Dated: 03-13-2024