

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

**UNOPPOSED MOTION FOR LEAVE OF OUTDOOR ATHLETES TO
FILE A BRIEF AS *AMICI CURIAE* IN SUPPORT OF APPELLEES**

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 “Outdoor Athletes 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 applicants.** Proposed *Amici Curiae* comprise a group of professional and competitive athletes who have built their careers and their lives around outdoor recreation and access to Montana’s water, land, air, and wildlife. Proposed *amici* have unique experiences to share that illustrate the power of Montana’s Constitutional protections and the threat posed to the interests of these young Plaintiffs if Montana’s water, land, air, and wildlife are further degraded by GHG pollution and climate change. 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 Montana-based athletes:

- a. Conrad Anker, a climber and mountaineer;
- b. Erin Clark, a professional trail runner;
- c. Anne Gilbert-Chase, a climber and alpine ambassador;
- d. Duncan Hamilton, a professional trail runner;
- e. KT Miller, a mountain guide;

- f. Jeff Mogavero, professional trail runner;
- g. Andy Newell, a professional ski racer and Olympian;
- h. Mike Wolfe, a mountain ultra-runner and hunter; and
- i. Max Yzaguirre, a professional flyfisher and outdoor outfitter.

2. Reasons why a brief of Proposed *Amici Curiae* is desirable. *Amici Curiae* live, work, and recreate in Montana and have done so for many years—in some cases, for their entire lives. As professional athletes, guides, ambassadors for outdoor sports, and recreation-based business owners, *Amici Curiae* Outdoor Athletes are well-positioned to speak to the unique benefits of outdoor recreation on mental, physical, and spiritual well-being. Proposed *Amici Curiae* seek to file a brief with this Court to provide their unique perspectives on these benefits and to provide an overview of the growing body of scientific evidence offering objective support for these experienced benefits. Additionally, proposed *Amici Curiae* seek to explain how the recreation activities in which they engage at the highest professional levels are the same as those the Youth Plaintiffs enjoy participating in throughout Montana, and are the very activities presently being threatened by the State’s actions authorizing continued extractive activities and fossil fuel use without regard for resulting climate change harms.

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.* Proposed *Amici Curiae* and Youth Plaintiffs engage in many of the same outdoor recreational activities in Montana, and experience similar benefits from those activities. Accordingly, Proposed *Amici Curiae* are concerned about the immediate, ongoing, and future harms experienced by the Youth Plaintiffs.

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* on or before March 25, 2024, which is one week from the date of this request and is within ten (10) business days after the Plaintiffs-Appellees filed their response brief.

5. Whether other parties consent to the request. On March 12, counsel for Proposed *Amici Curiae* contacted counsel for Appellants via e-mail, who responded that they are not opposed to the proposed brief.

For the foregoing reasons and for good cause shown, Outdoor Athletes as Proposed *Amici Curiae* respectfully request leave to file a brief in support of Plaintiffs-Appellees on or before March 25, 2024, in the above-captioned matter.

Dated this 18th day of March, 2024.

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CERTIFICATE OF SERVICE

I, Domenic Cossi, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 03-18-2024:

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Electronically signed by Lindsey Jones on behalf of Domenic Cossi
Dated: 03-18-2024