

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

Case No. DA 23-0575

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RIKKI HELD; LANDER B., by and through his guardian Sara Busse; BADGE B., by and through his guardian Sara Busse; SARIEL SANDOVAL; KIAN T., by and through his guardian Todd Tanner; GEORGIANNA FISCHER; KATHRYN GRACE GIBSON-SNYDER; EVA L., by and through her guardian Mark Lighthiser; MIKA K., by and through his guardian Rachel Kantor; OLIVIA VESOVICH; JEFFREY K., by and through his guardian Laura King; NATHANIEL K., by and through his guardian Laura King; CLAIRE VLASES; RUBY D., by and through her guardian Shane Doyle; LILIAN D., by and through her guardian Shane Doyle; TALEAH HERNÁNDEZ,

Plaintiffs/Appellees,

v.

STATE OF MONTANA, GOVERNOR GREG GIANFORTE, MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY, MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, and MONTANA DEPARTMENT OF TRANSPORTATION,

Defendants/Appellants.

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

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**APPELLANTS' JOINT MOTION TO EXTEND DEADLINE  
FOR REPLY BRIEF**

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Pursuant to M. R. App. P. 26, Appellant the State of Montana (State), and Appellants the Department of Environmental Quality, Department of Natural Resources and Conservation, Department of Transportation, and Governor Gianforte (Agency Appellants) jointly move the Court for an order granting a thirty (30) day extension of the deadline for filing their reply briefs. The current deadline for the State's and Agency Appellants' reply is March 27, and Appellants request an extension to April 26, 2024. Counsel for Appellees was contacted regarding this motion, and state that they are opposed to a thirty day extension.

This is the first request by Appellants for an extension of time to file the reply brief. Support for this motion is shown in the declarations of Mark Stermitz and Dale Schowengerdt, counsel for the State and Agency Appellants,

respectively. The declarations of counsel demonstrate good cause to extend the deadline as requested. Those grounds include the length of Appellee's response brief, the extraordinary number of amicus curiae filings, and the other law practice demands of counsel.

Wherefore, Appellants respectfully request an order extending the deadline for their reply briefs from March 27 to April 26, 2024.

RESPECTFULLY SUBMITTED this 19th day of March, 2024.

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## **CERTIFICATE OF SERVICE**

I, Mark L. Stermitz, hereby certify that I have served true and accurate copies of the foregoing Motion - Extension of Time to the following on 03-19-2024:

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Electronically signed by Rose Dumont on behalf of Mark L. Stermitz

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