

IN THE SUPREME COURT OF THE STATE OF MONTANA
OP 24-182

MONTANANS SECURING REPRODUCTIVE RIGHTS and SAMUEL
DICKMAN, M.D.,

Petitioners,

v.

AUSTIN KNUDSEN, in his official capacity as MONTANA ATTORNEY
GENERAL; and CHRISTI JACOBSEN, in her official capacity as MONTANA
SECRETARY OF STATE,

Respondents.

**RESPONSE IN OPPOSITION TO PETITIONERS' MOTION
FOR LEAVE TO FILE REPLY BRIEF**

APPEARANCES:

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Respondents oppose Petitioners' Motion for leave to file a reply brief. The time for Respondents to file their substantive response was shortened due to Petitioners' claims of urgency. (*See* Or. Granting Mot. to Set Expedited Briefing Schedule). Petitioners implied throughout their brief that the Attorney General has intentionally delayed Petitioners' signature gathering efforts, even though Petitioners, not Respondents, are the masters of their proposed amendment, including its contents and timing. Now, Petitioners inject delay into these proceedings by requesting a reply not allowed by the Montana Rules of Appellate Procedure.

“An original proceeding in the form of a declaratory judgment action may be commenced in the supreme court when urgency or emergency factors exist making litigation in the trial courts and the normal appeal process inadequate and when the case involves purely legal questions of statutory or constitutional interpretation which are of state-wide importance.” Mont. R. App. P. 14 (4). “Upon the filing of a petition, the supreme court may order that a summary response be filed, or the supreme court may dismiss the petition without ordering a response. A summary response shall summarize the arguments and authorities for rejecting jurisdiction and shall otherwise comply with (5)(b)(ii) and (iii) and, to the extent necessary, (5)(b)(iv) of this rule. No separate memorandum of law or brief shall be filed with the summary

response. No reply memorandum shall be filed to the summary response, except on order of the supreme court.” Mont. R. App. P. 14(7)(a) (emphasis added).

Petitioners’ request for leave to file a reply should be denied. If Petitioners are granted leave to file a Reply, Respondents request leave to file a Surreply in the interest of fairness.

DATED this 1st day of April, 2024.

Austin Knudsen
MONTANA ATTORNEY GENERAL

/s/ Michael Noonan
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CERTIFICATE OF SERVICE

I, Michael Noonan, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 04-01-2024:

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Electronically signed by Deborah Bungay on behalf of Michael Noonan
Dated: 04-01-2024