

**IN THE SUPREME COURT OF THE STATE OF MONTANA**  
**No. DA 24-0369**

---

PARKER NOLAND,

Appellant,

v.

STATE OF MONTANA, et al.,

Appellees,

EVERGREEN DISPOSAL, INC.,

Appellee-Intervenor.

---

**APPELLANT'S UNOPPOSED MOTION TO FILE**  
**AN OVERLENGTH BRIEF**

---

Appeal from the Montana Eleventh District Court, Flathead County  
No. DV-15-2022-0001308-CR, Honorable Judge Amy Eddy

---

APPEARANCES:<sup>1</sup>

ETHAN W. BLEVINS  
Montana Bar No. 37415893  
Pacific Legal Foundation  
839 W 3600 S  
Bountiful, UT 84010-8423  
Telephone: (916) 288-1392  
eblevins@pacificlegal.org

JACK E. BROWN\*\*  
Montana Bar No. P68806792  
Pacific Legal Foundation  
3100 Clarendon Boulevard, Ste. 1000  
Arlington, VA 22201  
Telephone: (202) 888-6881  
jbrown@pacificlegal.org

AUSTIN KNUDSEN  
Montana Attorney General  
MICHAEL RUSSELL  
ALWYN LANSING  
THANE JOHNSON  
Assistant Attorney General  
Montana Department of Justice  
P.O. Box 201401  
Helena, MT 59620-1401  
Michael.Russell@mt.gov  
Alwyn.Lansing@mt.gov  
Thane.Johnson@mt.gov  
*Counsel for Appellees*

---

<sup>1</sup> Additional counsel continued on inside cover

GLENN E. ROPER\*\*  
Montana Bar No. P68806825  
Pacific Legal Foundation  
1745 Shea Center Dr., Ste. 400  
Highlands Ranch, CO 80129  
Telephone: (916) 419-7111  
geroper@pacificlegal.org  
*Counsel for Plaintiff Parker Noland*

JACQUELINE R. PAPEZ  
JACK G. CONNORS  
Doney Crowley P.C.  
P.O. Box 1185  
Helena, MT 59624-1185  
jpapez@doneylaw.com  
jconnors@doneylaw.com  
*Counsel for Appellee-Intervenor  
Evergreen Disposal, Inc.*

\*\*Pro Hac Vice

Pursuant to Mont. R. App. P. 12(10), Appellant Parker Noland moves for permission to file an overlength reply brief.

The attached affidavit of counsel discusses the case and reasons for this motion. Appendix A to this motion is the overlength brief that counsel will file should this Court grant the motion. “Motions to file over-length briefs ... will not be routinely granted.” Mont. R. App. P. 12(10). Nevertheless, Appellant’s burden under his due process and equal protection claims in this case, the need to respond to issues raised in the two response briefs filed by the government Defendants and Intervenor-Defendant Evergreen Disposal, Inc., and counsel’s efforts to make the brief as word-efficient as possible (as hopefully seen in the brief itself), renders this an unusual situation that justifies leave for an overlength brief.

Accordingly, Mr. Noland requests an order from this Court granting leave to file a reply brief of no more than 7,500 words. Appellees have been contacted and do not object to this motion.

Respectfully submitted this 31st day of January 2025.

JACK E. BROWN\*  
Montana Bar No. P68806792  
Pacific Legal Foundation  
3100 Clarendon Boulevard  
Suite 1000  
Arlington, VA 22201  
Telephone: (202) 888-6881  
jbrown@pacificlegal.org

/s/ Ethan W. Blevins  
ETHAN W. BLEVINS  
Montana Bar No. 37415893  
Pacific Legal Foundation  
839 W 3600 S  
Bountiful, UT 84010-8423  
Telephone: (916) 288-1392  
eblevins@pacificlegalfoundation.org

GLENN E. ROPER\*  
Montana Bar No. P68806825  
Pacific Legal Foundation  
1745 Shea Center Dr., Suite 400  
Highlands Ranch, CO 80129  
Telephone: (916) 419-7111  
geroper@pacificlegal.org

*Counsel for Plaintiff Parker Noland*

*\*Pro Hac Vice*

## CERTIFICATE OF SERVICE

I, Ethan Winfred Blevins, hereby certify that I have served true and accurate copies of the foregoing Motion - File Enlarged Brief to the following on 01-31-2025:

Thane P. Johnson (Govt Attorney)  
215 N SANDERS ST  
P.O. Box 201401  
HELENA MT 59620-1401

Representing: James Brown, Jennifer Fielder, Montana Public Service Commission, Tony O'Donnell,  
Randy Pinocci, State of Montana  
Service Method: eService

Alwyn T. Lansing (Govt Attorney)  
215 N. Sanders St.  
Helena MT 59620

Representing: James Brown, Jennifer Fielder, Montana Public Service Commission, Tony O'Donnell,  
Randy Pinocci, State of Montana  
Service Method: eService

Michael D. Russell (Govt Attorney)  
215 N Sanders  
Helena MT 59620

Representing: James Brown, Jennifer Fielder, Montana Public Service Commission, Tony O'Donnell,  
Randy Pinocci, State of Montana  
Service Method: eService

Austin Miles Knudsen (Govt Attorney)  
215 N. Sanders  
Helena MT 59620

Representing: James Brown, Jennifer Fielder, Montana Public Service Commission, Tony O'Donnell,  
Randy Pinocci, State of Montana  
Service Method: eService

Jacqueline Racquel Papez (Attorney)  
P.O. Box 1185  
Helena MT 59624

Representing: Evergreen Disposal, Inc.  
Service Method: eService

Jack Connors (Attorney)

P.O. Box 1185  
Helena MT 59624  
Representing: Evergreen Disposal, Inc.  
Service Method: eService

Jack Emerson Brown (Attorney)  
3100 Clarendon Blvd., Suite 1000  
Arlington VA 22201  
Representing: Parker Noland  
Service Method: eService

Glenn E. Roper (Attorney)  
1745 Shea Center Dr.  
Ste. 400  
Highlands Ranch CO 80129  
Representing: Parker Noland  
Service Method: eService

James Robert Zadick (Attorney)  
P.O. Box 1746  
#2 Railroad Square, Suite B  
Great Falls MT 59403  
Representing: Montana Solid Waste Contractors, Inc.  
Service Method: eService

Walter D Clapp (Attorney)  
5 Pepsi Drive, Suite 107  
Box 2043  
Red Lodge MT 59068  
Representing: Goldwater Institute  
Service Method: eService

Matthew G. Monforton (Attorney)  
32 Kelly Court  
Bozeman MT 59718  
Representing: Cato Institute, Mountain States Legal Foundation  
Service Method: eService

Electronically Signed By: Ethan Winfred Blevins  
Dated: 01-31-2025