

IN THE SUPREME COURT OF THE STATE OF MONTANA  
No. DA 25-0200

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MONTANANS AGAINST IRRESPONSIBLE DENSIFICATION, et al.,

Plaintiff and Appellee/Cross-Appellant,

v.

STATE OF MONTANA,

Defendant,

MONTANA LEAGUE OF CITIES AND TOWNS,

Defendant-Intervenor and Appellant/Cross-Appellee,

SHELTER WF, INC.,

Defendant-Intervenor and Appellant/Cross-Appellee

DAVID KUHNLE, CLARNENCE KENCK, MONTANA LEAGUE OF CITIES AND  
TOWNS,

Defendant-Intervenors.

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On Appeal from the Montana Eighteenth Judicial District Court, Gallatin County,  
DA 16-2023-1248DK, the Honorable Mike Salvagni, Presiding

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**UNOPPOSED MOTION FOR LEAVE OF FLATHEAD FAMILIES FOR  
RESPONSIBLE GROWTH TO PARTICIPATE AS *AMICUS CURIAE***

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Flathead Families for Responsible Growth (“FFRG”) respectfully requests leave to submit a brief as *amicus curiae* in the above-captioned matter, pursuant to Montana Rule of Appellate Procedure 12(7).

I. FFRG’s interest

FFRG is a 501(c)(3) not-for-profit organization. Its members represent a diverse cross-section of local residents in Flathead County, Montana. Its mission is to foster responsible growth in Flathead County. FFRG has a strong interest in ensuring that Montana’s land use laws protect the public’s constitutional right to be informed about and meaningfully participate in development proposals in communities throughout Flathead County. They seek to submit a brief to explain how the newly enacted Montana Land Use Planning Act (“MLUPA”), including its 2025 amendments, are inconsistent with the Montana Constitution and will fail to increase housing or housing affordability in Montana.

II. Issues on which FFRG wishes to submit an amicus brief

FFRG seeks this opportunity to submit a brief to explain how MLUPA violates equal protection and the public’s right to know about and participate in development proposals that have a real impact on public health, safety, and the general welfare of communities in Flathead County. FFRG further aims to explain why MLUPA will not increase the supply of affordable housing due to the high cost of urban infrastructure, basic supply and demand economics, and the incentivization

of real estate speculation.

III. Reasons an *amicus* brief is desirable

FFRG has a strong interest in the present case and can assist the Court in the resolution of the significant issues of public importance that it raises with regard to the health, safety, and general welfare of Montana communities and the public's right to be informed about and meaningfully participate in the development of Montana's diverse, unique communities. In particular, FFRG can provide the Court with their knowledge of local ordinances which have been stymied by the Montana Legislature which, unlike MLUPA, would have increased the supply of affordable housing. FFRG can also provide evidentiary support it has submitted with respect to local development proposals that would have had a negative impact on public health and safety – evidentiary support it would now be unable to proffer or have meaningfully considered if MLUPA is upheld.

IV. Party whose position FFRG supports

FFRG seeks to submit their brief in support of Plaintiff and Appellee and in response to the arguments raised by Defendant-Intervenors and Appellants in their opening brief.

V. Parties' positions regarding FFRG's participation

FFRG has contacted the parties to this appeal regarding this motion. No party has stated its opposition or objection to FFRG's participation.

VI. Proposed date for Filing the *Amicus Curiae* Brief

FFRG proposes to file an *amicus* brief on or before June 16, 2025. FFRG will conform to any schedule adopted by the Court.

Respectfully submitted this 9th day of June, 2025.

/s/ Michelle T. Weinberg  
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MT Bar No. 42333158

*Attorney for Proposed Amicus Curiae*

## **CERTIFICATE OF SERVICE**

I, Michelle Tafoya Weinberg, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 06-09-2025:

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