

ORIGINAL

FILED

07/09/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0328

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0328

FILED

JUL 09 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

EQT CHAP LLC,

Appellant,

v.

ORDER

ENVIRONMENTAL HEALTH SCIENCES,

Appellee,

Appellee Environmental Health Sciences (EHS) has filed an Unopposed Petition for Rehearing relating to this Court's May 27, 2025 Order dismissing this appeal as moot. The petition is filed pursuant to Mont. R. App. P. 20.

Upon the parties' filing a Joint Notice on May 5, 2025, that advised the underlying administrative proceeding was dismissed wherein the subpoena disputed in this proceeding had been issued, this Court determined there was no pending case in which to consider the subpoena and that this appeal should be dismissed. Our order followed the submission of the case to the Court after the completion of briefing and oral argument.

On June 10, 2025, the instant Unopposed Petition for Rehearing was filed representing that an identical subpoena to the one at issue in this appeal had been domesticated in Montana on May 21, 2025, after having been filed in a civil proceeding pending in Pennsylvania. Until now, the Court was unaware that a new, but identical, subpoena had been issued and domesticated in a Montana district court. The requests in the civil action subpoena are identical to the prior administrative subpoena and raise the same choice-of-law issue previously made to this Court. At the time we issued our May 27, 2025 Order, this Court was not aware of the second identical civil subpoena and that it had been domesticated—a material fact.

This Court, pursuant to M. R. App. P. 20 (1)(a)(i), will consider a petition for rehearing upon the ground that it overlooked some fact material to its decision. It was

material to this Court's May 27, 2025 Order that the underlying administrative case in which the domesticated subpoena had been issued was dismissed. The Court has thus been made aware of a material fact that an identical subpoena had been issued in a pending civil matter at the time of its dismissal order.


Accordingly,

IT IS ORDERED that EHS's Unopposed Petition for Rehearing is GRANTED;

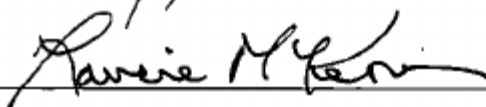
IT IS FURTHER ORDERED that this matter is now deemed submitted to the Court for decision, without further briefing or argument. The Court will issue a decision in due course as expeditiously as possible.

The Clerk is directed to provide a copy of this Order to counsel of record; to the Clerk of the Eighteenth Judicial District Court, Gallatin County; and to Honorable John C. Brown.


DATED this 9th day of July, 2025.



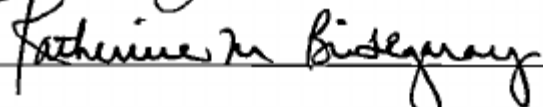
Chief Justice



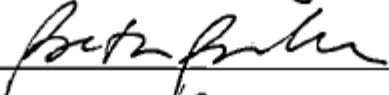
Justice



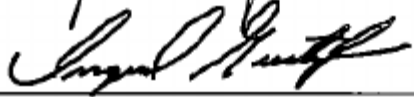
Justice



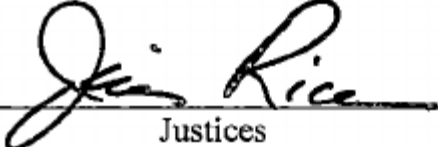
Justice



Justice



Justice



Justice