

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 25-0602

PLANNED PARENTHOOD OF MONTANA; ALL FAMILIES
HEALTHCARE; BLUE MOUNTAIN CLINIC; SAMUEL DICKMAN,
M.D., and HELEN WEEMS, APRN-FNP, on behalf of themselves and
their patients,

Plaintiffs and Appellees/Cross-Appellants,

v.

STATE OF MONTANA; MONTANA DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES; and CHARLIE BRERETON, in
his official capacity as Director of the Department of Public Health and
Human Services,

Defendants and Appellants/Cross-Appellees.

**MOTION OF AMERICAN COLLEGE OF OBSTETRICIANS AND
GYNECOLOGISTS, SOCIETY FOR MATERNAL-FETAL MEDICINE, AND
OTHER MEDICAL ORGANIZATIONS FOR LEAVE TO APPEAR AS *AMICI
CURIAE***

On Appeal from the Montana First Judicial District Court, Lewis and
Clark County, Cause No. ADV-2023-299
The Honorable Mike Menahan, Presiding

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The American College of Obstetricians and Gynecologists, Society for Maternal-Fetal Medicine, and other similar medical organizations (“*Amici*”) respectfully request the Court grant them leave to submit an amicus curiae brief in this matter, pursuant to Mont. R. App. P. 12(7). In support of their motion, *Amici* state as follows:

I. *Amici’s* interest

Amici are leading medical societies representing physicians and other medical professionals who serve patients in Montana and beyond. Collectively, these groups include hundreds of thousands of medical professionals. Among other things, *Amici* advocate for patients and practitioners, educate the public about reproductive health, and work to advance the ethical practice of medicine.

Amici are interested in this matter because the resolution of the issue before the Court impacts the health and safety of Montanans and has the potential to significantly interfere with patient-physician relationships. *Amici’s* extensive collective experience uniquely situates them to discuss how the rule adopted by Defendant-Appellant Montana Department of Public Health and Human Services (“DPHHS”) at Montana Administrative Register Notice 37-1024 amending Mont.

Admin. R. 37.82.102 and 37.86.104 (“the Rule”), House Bill 544 (“HB 544”), and House Bill 862 (“HB 862”) lack any medical justification and harm rural and low-income Montanans.

II. Issue on which *Amici* wish to submit an amicus brief

Amici wish to submit an amicus brief regarding the numerous negative impacts to patients and physicians that the Rule, HB 544, and HB 862 will produce.

III. Reasons an amicus brief is desirable

Patients, in consultation with their health care providers, should determine the appropriate course of their medical care based on medical evidence and the patient’s own individualized needs, medical history, and preferences. *Amici* are dedicated to ensuring access to the full spectrum of safe and appropriate health care, and work to preserve the patient-physician relationship. *Amici* oppose the Rule, HB 544, and HB 862, as there is no medical justification for the legislation, and it threatens pregnant Montanans—both their physical well-being and their ability to make independent health decisions.

The Rule, HB 544, and HB 862 will adversely impact Montana patients and physicians. An amicus brief from *Amici* will provide the

Court relevant background information related to the harmful medical impacts pregnant patients will face under the challenged legislation. *Amici's* brief will also inform the Court about the ways the Rule, HB 544, and HB 862 undermine Montana physicians' ability to effectively perform their jobs.

IV. Party whose position *Amici* support

Amici support the position of the Plaintiffs-Appellees/Cross-Appellants, Planned Parenthood of Montana, All Families Healthcare, Blue Mountain Clinic, Samuel Dickman, M.D., and Helena Weems, APRN-FNP, on behalf of themselves and their patients.

V. Parties' positions regarding *Amici's* participation

The parties have been contacted regarding *Amici's* participation as amicus. Defendants-Appellants/Cross-Appellees take no position on *Amici's* participation, and Plaintiffs-Appellees/Cross-Appellants do not object to *Amici's* participation.

VI. Date *Amici's* brief can be filed

If this motion is granted, *Amici* propose to file their amicus brief on Friday, January 30, 2026. However, *Amici* will conform to any schedule set by the Court.

Respectfully submitted this 29th day of January, 2026.

/s/ K.N. McCleary

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CERTIFICATE OF SERVICE

I, K.N. McCleary, hereby certify that I have served true and accurate copies of the foregoing Motion - Amicus to the following on 01-29-2026:

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Dated: 01-29-2026