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* *Admitted pro hac vice*

**IN THE FIRST JUDICIAL DISTRICT COURT
 LEWIS & CLARK COUNTY**

**JESSICA KALARCHIK, an individual,)
 and JANE DOE, an individual, on)
 behalf of themselves and all others)
 similarly situated,)**

Plaintiffs,)

v.)

**STATE OF MONTANA; GREGORY)
 GIANFORTE, in his official capacity as)
 the Governor of the State of Montana;)
 the MONTANA DEPARTMENT OF)
 PUBLIC HEALTH AND HUMAN)
 SERVICES; CHARLES T.)
 BRERERTON, in his official capacity)
 as the Director of the Montana)
 Department of Public Health and)
 Human Services; the MONTANA)
 DEPARTMENT OF JUSTICE; and)
 AUSTIN KNUDSEN, in his official)
 capacity as Attorney General of the)
 State of Montana,)**

Defendants.)

Case No. DV-25-2024-0000261-CR

Hon. Mike Menahan

**PLAINTIFFS' OPPOSED MOTION
 FOR LEAVE TO FILE SECOND
 AMENDED COMPLAINT**

Plaintiffs¹ move this Court, in accordance with Rule 15(a) of the Montana Rules of Civil Procedure, for leave to file their second amended complaint against Defendants. Plaintiffs contemporaneously file their brief in support of this motion. Defendants' counsel have advised Plaintiffs' counsel that they oppose this motion.

Dated: August 6, 2026

Respectfully submitted,

By: /s/ Alex Rate
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¹ "Plaintiffs" refers to both named plaintiffs. "Defendants" refers to all named defendants.

CERTIFICATE OF SERVICE

I certify that the foregoing **Plaintiffs' Motion for Leave to File Second Amended Complaint** was served by eService on counsel for Defendants:

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Electronically signed by Joslin Knightstep on behalf of Alex Rate
on August 6, 2026

CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion for Leave to File to the following on 08-06-2026:

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Electronically signed by Joslin Knightstep on behalf of Alexander H. Rate
Dated: 08-06-2026