

**MONTANA FIRST JUDICIAL DISTRICT COURT
BROADWATER COUNTY**

Cause No. ADV-2026-7

**ORDER – ACLU’S MOTION
FOR LEAVE TO
PARTICIPATE AS
*AMICI CURIAE***

RIKKI HELD; SARIEL SANDOVAL;
EVA LIGHTHISER; KIAN TANNER;
TALEAH HERNANDEZ; OLIVIA
VESOVICH; LANDER BUSSE;
CLAIRE VLASES; KATHRYN
GRACE GIBSON-SNYDER; RUBY
D., by and through her guardian Shane
Doyle; LILIAN D., by and through her
guardian Shane Doyle; MICA K., by
and through his guardian Rachel Kantor;
BADGE B., by and through hi guardian
Sara Busse; JORJA McCORMICK;
ISAAH H., by and through his guardian
Michael Hudson; and JASPER H., by
and through his guardian Michael
Hudson,

Plaintiffs,

v.

STATE OF MONTANA, GOVERNOR
GREG GIANFORTE, and MONTANA
DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Defendants.

1 Before the Court is American Civil Liberties Union of Montana,
2 the American Civil Liberties Union, Disability Rights Montana, the Montana
3 Public Interest Research Group, Planned Parenthood of Montana, and the
4 Montana Environmental Information Center's (collectively "ACLU") motion for
5 leave to participate as *amici curiae*. Defendant State of Montana (State) and
6 Intervenor Brandon Ler (Ler) oppose the motion. Plaintiffs Rikki Held, Sariel
7 Sanfoval, Eva Lighthiser, Kian Tanner, Taleah Hernandez, Olivia Vesovich,
8 Lander Busse, Claire Vlases, Kathryn Grace Gibson-Snider, Ruby D., Lilian D.,
9 Mica K., Badge B., Jorja McCormick, and Jasper H. (Held) do not take a position
10 on the motion. Defendants Governor Greg Gianforte (Gianforte) and Montana
11 Department of Environmental Quality (DEQ) do not take a position on the
12 motion.

13 Alex Rate, Ashlee Rossler and Terry Ding represent the ACLU.
14 Montana Attorney General Austin Knudsen, Michael Russell, and Thane Johnson
15 represent the State. Christian Brian Corrigan and Brent A. Mead represent
16 Brandon Ler. Roger Sullivan, Nathan Bellinger and David Schwartz represent
17 Held. Samuel J. King, Jeremiah R. Langston and Isabelle Nebel represent DEQ.
18 Dale Schowengert represents Gianforte.

19 The ACLU seek to intervene as friends of the court to challenge
20 the "constitutional infirmities" of Senate Bill 97 (SB 97), which amended
21 Montana Code Annotated § 25-2-127 during the 2025 Montana legislative
22 session. In particular, the ACLU intends to submit a brief which "will focus on
23 the ways in which SB 97 violates the separation of-powers doctrine, freedom of
24 expression, equal protection of the laws, and the prohibition on special

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1 legislation.” *Motion for Leave*, p. 4. SB 97 made changes to the venue statutes
2 regarding the proper place of trial for challenges to recent legislative enactments.

3 The State and Ler have challenged venue in this matter based upon
4 the amendments contained in SB 97. They seek to transfer venue to Richland
5 County. Held maintains venue is appropriate in Broadwater County, arguing
6 Broadwater County is an appropriate venue based upon the venue statutes or,
7 alternatively, that SB 97 is unconstitutional. In a separate order, the Court has
8 denied the motion to change venue based upon the venue statutes in the Montana
9 Code Annotated. The Court did not reach the constitutional question in which
10 the ACLU wishes to participate. The ACLU’s constitutional arguments are
11 therefore moot.

12 **ORDER**

13 **IT IS HEREBY ORDERED** the motion for leave to participate as
14 amici curiae of the American Civil Liberties Union of Montana, the American
15 Civil Liberties Union, Disability Rights Montana, the Montana Public Interest
16 Research Group, Planned Parenthood of Montana, and the Montana
17 Environmental Information Center is **DENIED**.

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21 /s/ Mike Menahan
22 MIKE MENAHAN
23 District Court Judge

24 cc via email: Nathan Bellinger
25 Matthew H. Dolphay
Samuel J. King
Isabelle Nevel

1 Michael Russell
2 Dale Schowengerdt
3 David Schwartz
4 Jeremiah R. Langston
5 Thane Johnson
6 Brent Mead
7 Christian Corrigan
8 Roger M. Sullivan
9 Alex Rate
10 Ashlee Rossler
11 Terry Ding

12 MM/sm/Held et al v. State et al Order – ACLU’s Mot Leave To Participate As *Amici Curiae*
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