

Hon. Shane A. Vannatta
District Court Judge, Dept. 5
Missoula County Courthouse
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Missoula, MT 59802-4292
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MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

CASEY PERKINS, an individual;
SPENCER MCDONALD, an
individual; KASANDRA
REDDINGTON, an individual; JANE
DOE, an individual; and JOHN DOE,
an individual,

Plaintiffs,

v.

STATE OF MONTANA; GREGORY
GIANFORTE, in his official capacity
as Governor of the State of Montana;
and AUSTIN KNUDSEN, in his
official capacity as Attorney General of
the State of Montana,

Defendants.

Dept. 5

Cause No.: DV-32-2025-282

ORDER & RATIONALE GRANTING
REP. KERRI SEEKINS-CROWE'S
MOTION TO INTERVENE

This matter comes before the Court upon *Representative Kerri Seekins-Crowe's Mont. R. Civ. P. 24 Motion To Intervene As A Defendant* and brief in support ("Motion") (Dkt #s 20, 21) filed May 13, 2025. On May 27, 2025, Plaintiffs identified in the caption ("Plaintiffs") filed a Response. (Dkt # 27). On May 29, 2025, Proposed Intervenor-Defendant, Representative Kerri Seekins-Crowe ("Rep. Seekins-Crowe"), filed a Reply and a Notice of Issue. (Dkt #s 29, 30).

The Motion has been fully briefed. The Court has considered the record before it and deems the matter submitted for ruling.

ORDER

Based on the following Rationale, the Court GRANTS the Motion. Rep. Seekins-Crowe shall file her responsive pleading within five (5) business days of the date of this Order.

RATIONALE

Rep. Seekins-Crowe seeks to intervene as a defendant in this matter pursuant to Mont. Code Ann. § 5-2-107 and Mont. R. Civ. P. 24(a)(1). Plaintiffs do not dispute that Mont. Code Ann. § 5-2-107(2) allows Rep. Seekins-Crowe to intervene in the case. However, Plaintiffs argue that Rep. Seekins-Crowe has not made the required showing to intervene under Mont. R. Civ. P. 24(a)(2) or 24(b).

The officers of the legislature and a legislator in the legislator's capacity as the primary sponsor of legislation at issue who voted for passage and approval of the legislation may intervene as of right, individually or jointly, in declaratory judgment actions involving alleged constitutional or statutory violations of state law.

[Mont. Code Ann. § 5-2-107\(2\).](#)

Plaintiffs' Complaint for Declaratory and Injunctive Relief (Dkt # 1) alleges that House Bill 121 (2025) ("HB 121") violates their rights under Montana's Constitution. Rep. Seekins-Crowe was the primary sponsor of HB 121. As such, Mont. Code Ann. § 5-2-107(2) allows Rep. Seekins-Crowe to intervene as of right.

“On timely motion, the court *must* permit anyone to intervene who is given an unconditional right to intervene by statute.” [Mont. R. Civ. P. 24\(a\)\(1\)](#) (*emphasis added*). Pleadings are not yet closed, and Plaintiffs do not argue that the Motion is untimely made. The Motion having been timely made, the Court must permit Rep. Seekins-Crowe to intervene as Mont. Code Ann. § 5-2-107(2) gives her an unconditional right to intervene.

Plaintiffs’ argument that Rep. Seekins-Crowe has not made the required showing pursuant to Rule 24(a)(2) or 24(b) is unavailing. Rule 24(a)(1) is the applicable section of the Rule therefore Rep. Seekins-Crowe is not required to make a showing pursuant to Rule 24(a)(2) or 24(b).

Plaintiffs further ask the Court to enter an order requiring Rep. Seekins-Crowe to make a motion to establish need and proportionality to serve any interrogatories and requests for production separate from those propounded by the Defendants to ensure that any discovery Rep. Seekins-Crowe seeks is not cumulative or duplicative of the Defendants’ requests. The Court declines to rule on the requested relief as the issue is not ripe. Until the entry of this Order, Rep. Seekins-Crowe was not a party to this case. Furthermore, this case is in its early stages and Rep. Seekins-Crowe has not yet propounded discovery requests. This ruling does not prohibit Plaintiffs from seeking future relief pursuant to the rules of civil procedure when ripe and upon motion.

ELECTRONICALLY SIGNED AND DATED BELOW.

c: attorneys of record