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Of Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION

**PORTLAND GENERAL ELECTRIC  
COMPANY, AVISTA  
CORPORATION, PACIFICORP, and  
PUGET SOUND ENERGY, INC.,**

Plaintiffs,

v.

**NORTHWESTERN CORPORATION;  
TALEN MONTANA, LLC; AUSTIN  
KNUDSEN, in his official capacity as  
Attorney General for the State of Montana,**

Defendants.

Case No. 1:21-cv-00047-BLG-  
SPW-KLD

**PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT REGARDING  
THEIR FIRST, SECOND, AND  
THIRD CLAIMS FOR RELIEF**

**ORAL ARGUMENT  
REQUESTED**

### **L.R. 7.1(C)(1) STATEMENT**

Plaintiffs have contacted counsel for defendants Northwestern Corporation and Talen Montana, LLC. Northwestern takes no position on this Motion “at this time.” Talen opposes the Motion. Plaintiffs also informed defendant Attorney General Austin Knudsen about the Motion, which is not directed at him. The Attorney General “reserve[s] the right to respond to Plaintiff[s]’] motion for summary judgment if needed. Therefore, to the extent a position is required, we oppose.”

### **MOTION**

Pursuant to Federal Rule of Civil Procedure 56, plaintiffs Portland General Electric Company, Avista Corporation, PacifiCorp, and Puget Sound Energy, Inc. respectfully move this Court to grant summary judgment in their favor on their First, Second, and Third Claims for Relief.

This motion is supported by the concurrently-filed Brief in Support of Motion for Partial Summary Judgment, by the concurrently-filed Statement of Undisputed Facts, by the previously-filed declarations of Ronald J. Roberts, Jason

R. Thackston, Brett Greene, and Mike Johanson, by the concurrently-filed declarations of Brett Greene and Harry B. Wilson, and by the record in this matter.

Dated this 17th day of August, 2021.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2021, a copy of the foregoing document was served on the following persons:

Via ECF:

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Dated this 17th day of August, 2021.

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