

AUSTIN KNUDSEN
Montana Attorney General
KRISTIN HANSEN
Lieutenant General
DEREK OESTREICHER
General Counsel
P.O. Box 201401
Helena, MT 59620-1401
Tel: (406) 444-2026
Fax: (406) 444-3549
khansen@mt.gov
derek.oestreicher@mt.gov

FILED

JUN 23 2021

ANGIE SPARKS, Clerk of District Court
By *[Signature]* Deputy Clerk

Attorneys for Respondents

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

<p>JUSTICE JIM RICE, Petitioner, vs. THE MONTANA STATE LEGISLATURE, by Senator Mark Blasdel, President of the Senate, and Wylie Galt, Speaker of the House of Representatives, Respondents.</p>	<p>Cause No. BDV-2021-451 Hon. Michael F. McMahon RESPONDENTS' MOTION TO DISMISS</p> <p><i>(email)</i> .00</p>
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The Legislature respectfully moves to dismiss this proceeding because it is now moot. The Legislature hereby provides notice that the subpoenas issued to the Department of Administration ("DOA"), Supreme Court Administrator Beth McLaughlin, and the Supreme Court Justices, including Justice Rice, have been rescinded and withdrawn. Accordingly, the Legislature will not seek enforcement of

these subpoenas. Letters have been sent to the aforementioned parties formally rescinding and withdrawing these subpoenas, and copies of these letters are attached as Appendix A.

The Legislature has consistently maintained that the only appropriate path to resolution in this dispute between co-equal branches of government is for the branches to negotiate and make accommodations in good faith. The Legislature rescinds its subpoenas as a measure of good faith that will hopefully encourage the judiciary to interact in good faith with its sister branch of government. To be clear, the Legislature's justified interests in the underlying matters, and in pursuing negotiations, remain. But to the extent the pending subpoenas, including the subpoena issued to Justice Rice, may have contributed to a stalemate between the parties, the Legislature is pleased to take the first step and remove that obstacle. This first step will lay a foundation for amicable discussions between the Judicial and Legislative branches.

By rescinding and withdrawing the subpoenas at issue, this proceeding is moot. To the extent this matter was ever properly before the Court, it can be no longer. The subpoenas at issue have been rescinded and withdrawn. There is accordingly no justiciable case or controversy, and this matter should be dismissed.

Opposing counsel has been contacted with regard to this Motion, but as of the time of filing, opposing counsel had not yet determined whether the Petitioner opposes.

CONCLUSION

Based on the foregoing, the Legislature respectfully moves to dismiss this proceeding.

DATED the 23rd day of June, 2021.

AUSTIN KNUDSEN
Montana Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: 
DEREK OESTREICHER
General Counsel

Attorney for Respondents

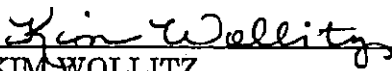
CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document by email to the following addresses:

Jim Rice
Montana Supreme Court
215 North Sanders
PO Box 203001
Helena, MT 59620-3301
jrice@mt.gov

Curt Drake
Attorney at Law
111 Last Chance Gulch, Ste. 3J
Helena, MT 59601
curt@drakemt.com

Date: June 23, 2021


KIM WOLLITZ
Legal Secretary

APPENDIX A

AUSTIN KNUDSEN



STATE OF MONTANA

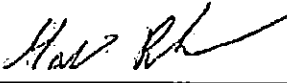
June 22, 2021


Justice Beth Baker
Montana Supreme Court
Justice Building
215 N. Sanders St.
Helena, MT 59601

Justice Baker:

Please take notice that the Subpoenas issued to you on the 14th and 15th of April, 2021, are hereby withdrawn by the Montana State Legislature. The Legislature's withdrawal of these Subpoenas extinguishes any obligation for you to comply with the Subpoenas and produce the requested documentation and information.

Sincerely,

By: 
Senator Mark Blasdel, President of the Montana Senate

By: 
Representative Wylie Galt, Speaker of the Montana House of Representatives

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

(406) 444-2026
Contactdoj@mt.gov
mtdoj.gov

AUSTIN KNUDSEN



STATE OF MONTANA

June 22, 2021

Director Misty Ann Giles
Department of Administration
State of Montana
Mitchell Building, 125 N. Roberts St.
Helena, MT 59620

Director Giles:

Please take notice that the Subpoena issued to you on the 8th of April, 2021, is hereby withdrawn by the Montana State Legislature. The Legislature's withdrawal of this Subpoena extinguishes any obligation for you to comply with the Subpoenas and produce the requested documentation and information.

Sincerely,

By: 

Senator Mark Blasdel, President of the Montana Senate

By: 

Representative Wylie Galt, Speaker of the Montana House of Representatives

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

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mtdoj.gov

AUSTIN KNUDSEN



STATE OF MONTANA

June 22, 2021


Justice Ingrid Gustafson
Montana Supreme Court
Justice Building
215 N. Sanders St.
Helena, MT 59601

Justice Gustafson:

Please take notice that the Subpoenas issued to you on the 14th and 15th of April, 2021, are hereby withdrawn by the Montana State Legislature. The Legislature's withdrawal of these Subpoenas extinguishes any obligation for you to comply with the Subpoenas and produce the requested documentation and information.

Sincerely,

By: 
Senator Mark Blasdel, President of the Montana Senate

By: 
Representative Wylie Galt, Speaker of the Montana House of Representatives

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

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AUSTIN KNUDSEN



STATE OF MONTANA

June 22, 2021


Chief Justice Mike McGrath
Montana Supreme Court
Justice Building
215 N. Sanders St.
Helena, MT 59601

Chief Justice McGrath:

Please take notice that the Subpoenas issued to you on the 14th and 15th of April, 2021, are hereby withdrawn by the Montana State Legislature. The Legislature's withdrawal of these Subpoenas extinguishes any obligation for you to comply with the Subpoenas and produce the requested documentation and information.

Sincerely,

By: 
Senator Mark Blasdel, President of the Montana Senate

By: 
Representative Wylie Galt, Speaker of the Montana House of Representatives

DEPARTMENT OF JUSTICE

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PO Box 201401
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STATE OF MONTANA

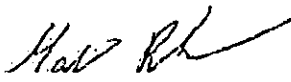
June 22, 2021

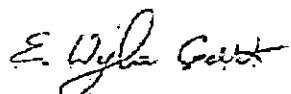
Justice Laurie McKinnon
Montana Supreme Court
Justice Building
215 N. Sanders St.
Helena, MT 59601

Justice McKinnon:

Please take notice that the Subpoenas issued to you on the 14th and 15th of April, 2021, are hereby withdrawn by the Montana State Legislature. The Legislature's withdrawal of these Subpoenas extinguishes any obligation for you to comply with the Subpoenas and produce the requested documentation and information.

Sincerely,

By: 
Senator Mark Blasdel, President of the Montana Senate

By: 
Representative Wylie Galt, Speaker of the Montana House of Representatives

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
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STATE OF MONTANA

June 22, 2021

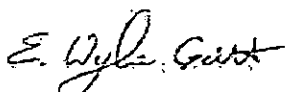
Beth McLaughlin
Supreme Court Administrator
Montana Supreme Court
Justice Building
215 N. Sanders St.
Helena, MT 59601

Ms. McLaughlin:

Please take notice that the Subpoena issued to you on the 14th of April, 2021, is hereby withdrawn by the Montana State Legislature. The Legislature's withdrawal of this Subpoena extinguishes any obligation for you to comply with the Subpoena and produce the requested documentation and information.

Sincerely,

By: 
Senator Mark Blasdel, President of the Montana Senate

By: 
Representative Wylie Galt, Speaker of the Montana House of Representatives

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

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AUSTIN KNUDSEN



STATE OF MONTANA

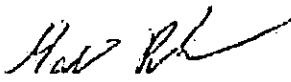
June 22, 2021


Justice James Rice
Montana Supreme Court
Justice Building
215 N. Sanders St.
Helena, MT 59601

Justice Rice:

Please take notice that the Subpoenas issued to you on the 14th and 15th of April, 2021, are hereby withdrawn by the Montana State Legislature. The Legislature's withdrawal of these Subpoenas extinguishes any obligation for you to comply with the Subpoenas and produce the requested documentation and information.

Sincerely,

By: 
Senator Mark Blasdel, President of the Montana Senate

By: 
Representative Wylie Galt, Speaker of the Montana House of Representatives

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
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STATE OF MONTANA

June 22, 2021

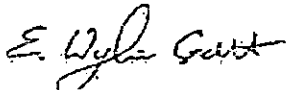
Justice Dirk Sandefur
Montana Supreme Court
Justice Building
215 N. Sanders St.
Helena, MT 59601

Justice Sandefur:

Please take notice that the Subpoenas issued to you on the 14th and 15th of April, 2021, are hereby withdrawn by the Montana State Legislature. The Legislature's withdrawal of these Subpoenas extinguishes any obligation for you to comply with the Subpoenas and produce the requested documentation and information.

Sincerely,

By: 
Senator Mark Blasdel, President of the Montana Senate

By: 
Representative Wylie Galt, Speaker of the Montana House of Representatives

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

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AUSTIN KNUDSEN



STATE OF MONTANA

June 22, 2021

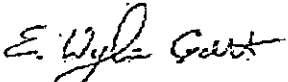
Justice James Jeremiah Shea
Montana Supreme Court
Justice Building
215 N. Sanders St.
Helena, MT 59601

Justice Shea:

Please take notice that the Subpoenas issued to you on the 14th and 15th of April, 2021, are hereby withdrawn by the Montana State Legislature. The Legislature's withdrawal of these Subpoenas extinguishes any obligation for you to comply with the Subpoenas and produce the requested documentation and information.

Sincerely,

By: 
Senator Mark Blasdel, President of the Montana Senate

By: 
Representative Wylie Galt, Speaker of the Montana House of Representatives

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