

**FILED**

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By Angie Sparks Deputy Clerk

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ATTORNEYS FOR PETITIONER BOARD OF REGENTS OF HIGHER EDUCATION OF THE STATE OF MONTANA

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

BOARD OF REGENTS OF HIGHER  
EDUCATION OF THE STATE OF  
MONTANA,

Petitioner,

v.

THE STATE OF MONTANA, by and  
through Austin Knudsen, Attorney General  
of the State of Montana in his official  
capacity,

Respondent.

) No. BVD 2021-598

) Judge Michael McMahon

) **PETITIONER'S RESPONSE IN**  
) **OPPOSITION TO MOTION FOR**  
) **LEAVE TO FILE AMICUS CURIAE**

Petitioner Board of Regents of Higher Education of the State of Montana (“BOR” or “Board”), by and through its counsel of record, responds to the Motion for Leave to File Amicus Curiae filed by Clark R. Ramsey (the “Motion”). On the date that amicus briefs were due, Clark R. Ramsey moved this Court for leave to extend the deadline for amicus briefs in support of Respondent to November 14, 2021, so that he may file an amicus brief. The Court should decline to allow the late amicus filing for the reasons set forth below.

As a threshold issue, the Motion fails to comport with this Court’s rule requiring that the text of the motion “state that other parties have been contacted and state whether any party objects to the motion.” Uniform District Court Rule 2(a); Montana First Judicial Court Rules, Rule 1 (adopting Uniform District Court Rules). Ramsey’s failure to comply with the Court’s rules on motions is alone enough for the Court to deny the Motion.

Second, Ramsey incorrectly contends that the Court issued a scheduling order on September 1, 2021 to the detriment of Respondent and for the purpose of “stiff[ing] any fair opportunity for amici briefs.”<sup>1</sup> Motion, p. 1. Ramsey’s position fails to recognize that this Court issued its first scheduling order on July 16, 2021, and that it was *Respondent* who requested the existing schedule by filing an unopposed motion. See Order Denying Intervention Motions and Briefing Schedule, p. 14; State of Montana’s Brief in Support of Its Motion for Rule 60 Relief, p. 7. After conferring with BOR, the State again sought its desired schedule by filing an unopposed motion to amend the schedule. Respondent’s Unopposed Motion to Extend Scheduling Order. The Court adopted the State’s proposed schedule in its September 1, 2021 order, resetting the briefing deadlines for the parties, allowing both parties to file motions for

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<sup>1</sup> David Diacon and Daniels County both filed amicus briefs on time, and thus, presumably, did not find the briefing schedule stifling.

summary judgment, and making all amicus briefs due 7 days after the initial brief of the party being supported. Amended Order Setting Briefing Schedule. Thus, directly contrary to Ramsey's contentions, the briefing schedule was amended to accommodate the Respondent's request and to allow amicus briefs from parties other than MSSA and Diacon.

Third, it is not clear from the Motion on whose behalf Ramsey seeks to file an amicus brief. Ramsey notes that he has a close relationship with MSSA (who has not filed an amicus brief), and that he has a personal interest in this case. He also asserts that his law firm is interested in the right to keep and bear arms. It is unclear whether Ramsey intends to file an amicus brief on behalf of himself, his law firm, or some other entity. Without this information, it is not possible for the Court to determine that an amicus brief from Ramsey is "desirable" as Ramsey requests.

Fourth, and perhaps most importantly, this Court has limited amicus participation to the issue raised by BOR's petition: "This case is merely about whether the Legislature or the Executive branch, via the Regents, has the exclusive constitutional authority to regulate firearms on MUS campuses and other locations." Order, July 26, 2021. The Montana Supreme Court has affirmed that limitation. Order, OP21-0377, Sept. 28, 2021. Ramsey's motion indicates that he intends to address issues beyond the scope granted to amicus participants, rendering the participation improper.

For the foregoing reasons, the Court should not extend the deadline for filing an amicus brief supporting Respondent and should disallow Ramsey from filing an amicus brief. In the event this Court grants leave to Ramsey, BOR requests that the briefing be completed by October 7, 2021, to allow BOR opportunity to respond in its briefing due on October 15, 2021.

This brief is signed electronically pursuant to Rule 16(a), Uniform District Court Rules.

Dated this 30th day of September, 2021.

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ATTORNEYS FOR PETITIONER BOARD OF  
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## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was duly served upon the following counsel of record as indicated below, either by e-mail or at the address set forth below, on the 30th day of September, 2021.

<p>David Dewhirst Stuart Segrest Kathleen Smithgall Montana Attorney General Justice Building, Third Floor 315 N. Sanders Helena, MT 59601 <i>Email: <a href="mailto:David.dewhirst@mt.gov">David.dewhirst@mt.gov</a> <a href="mailto:ssegrest@mt.gov">ssegrest@mt.gov</a> <a href="mailto:kathleen.smithgall@mt.gov">kathleen.smithgall@mt.gov</a></i></p>	<p><input type="checkbox"/> U. S. Mail, postage prepaid <input checked="" type="checkbox"/> Electronic Mail <input type="checkbox"/> Facsimile Transmission <input type="checkbox"/> Personal Delivery</p>
<p>Clark R. Ramsey Ramsey Law, PLLC 2722 3rd Ave. North, Suite 320 Billings, MT 59101 <i>Email: <a href="mailto:ramlawmt@gmail.com">ramlawmt@gmail.com</a></i></p>	<p><input checked="" type="checkbox"/> U. S. Mail, postage prepaid <input checked="" type="checkbox"/> Electronic Mail <input type="checkbox"/> Facsimile Transmission <input type="checkbox"/> Personal Delivery</p>

/s/ Kyle Anne Gray

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