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Martha Sheehy
Sheehy Law Firm
P.O. Box 584
Billings, MT 59103-0584
Telephone: (406) 252-2004
msheehy@sheehylawfirm.com

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

Kyle A. Gray
Brianna C. McClafferty
Emily J. Cross
HOLLAND & HART LLP
401 North 31st Street, Suite 1500
P.O. Box 639
Billings, MT 59103-0639
Telephone: 406.252.2166
Facsimile: 406.252.1669
kgray@hollandhart.com
ejcross@hollandhart.com
bcmclafferty@hollandhart.com

Ali Bovingdon
MUS Chief Legal Counsel
Office of Commissioner of Higher Education
P.O. Box 203201
Helena, MT 59620-3201
abovingdon@montana.edu

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 MOTION FOR**
) **SUMMARY JUDGMENT**
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Pursuant to the September 1, 2021 Amended Order Setting Briefing Schedule, and Mont. R. Civ. P. 56, Petitioner Board of Regents of Higher Education of the State of Montana (“the Board”), cross-moves for summary judgment against the State of Montana on the Board’s claims set forth in its Petition for Declaratory Relief, and requests that this Court direct the Clerk of Court to enter judgment in the Board’s favor.

In agreeing to the amended scheduling order, counsel for the parties have been in contact and agreed to file cross-motions for summary judgment, with each opposing the other’s motion.

Dated this 15th day of October, 2021.

s/ Martha Sheehy

Martha Sheehy
Sheehy Law Firm

/s/ Kyle A. Gray

Kyle A. Gray
Brianna C. McClafferty
Emily Cross
Holland & Hart LLP
P.O. Box 639
Billings, MT 59103-0639

/s/ Ali Bovingdon

Ali Bovingdon
MUS Chief Legal Counsel

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REGENTS OF HIGHER EDUCATION OF
THE STATE OF MONTANA

CERTIFICATE OF SERVICE

This is to certify that the foregoing was e-mailed to the following persons by United States mail, postage prepaid on the date herein.

David Dewhirst Kathleen Smithgall Montana Attorney General Justice Building, Third Floor 315 N. Sanders Helena, MT 59601 <i>Email: David.dewhirst@mt.gov kathleen.smithgall@mt.gov</i>	<input type="checkbox"/> U. S. Mail, postage prepaid <input checked="" type="checkbox"/> Electronic Mail <input type="checkbox"/> Facsimile Transmission <input type="checkbox"/> Personal Delivery
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Dated this 15th day of October, 2021.

/s/ Kyle A. Gray

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