

ORIGINAL

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

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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

FORWARD MONTANA; LEO
GALLAGHER; MONTANA
ASSOCIATION OF CRIMINAL
DEFENSE LAWYERS; GARY ZADICK,

Plaintiffs,

vs.

THE STATE OF MONTANA, by and
through GREG GIANFORTE, Governor,

Defendant.

Cause No. ADV-2021-611

Hon. Mike Menahan

**STATE'S MOTION TO STRIKE
AMARA REESE-HANSELL
AFFIDAVIT OR,
ALTERNATIVELY, TO VACATE
HEARING AND PROCEED
WITH DISCOVERY**

Defendant State of Montana moves to strike Amara Reese-Hansell's affidavit introduced in Plaintiffs' reply brief in support of its motion for summary judgment because it is untimely and the Court has disallowed discovery in this matter. The submission of new facts in a reply brief supporting a motion for summary judgment

STATE'S MOTION TO STRIKE AMARA REESE-HANSELL AFFIDAVIT OR, ALTERNATIVELY, TO VACATE HEARING AND PROCEED WITH DISCOVERY | 1

therefore runs afoul of the Montana Rules of Civil Procedure and this Court's December 7, 2021, Order. Alternatively, because Plaintiffs' interjection of new material in their reply clearly demonstrates the existence of disputed material facts, the State moves to vacate the hearing on Plaintiffs' motion for partial summary judgment scheduled for January 25, 2022, to allow for discovery into Plaintiffs' claims and allegations.

Opposing counsel has been contacted and oppose this Motion.

DATED this 12th day of January, 2022.

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CERTIFICATE OF SERVICE

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

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Date: January 12, 2022


BUFFY EKOLA, PARALEGAL