

FILED

JUL 23 2021

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

**MONTANA FIRST JUDICIAL DISTRICT COURT,
LEWIS & CLARK COUNTY**

**TOM WINTER AND BARBARA
BESSETTE,**

Plaintiffs,

v.

**STATE OF MONTANA, BY AND
THROUGH GREG GIANFORTE,
IN HIS OFFICIAL CAPACITY AS
GOVERNOR OF MONTANA,**

Defendant.

Cause No. BDV-2021-699

Hon. Michael F. McMahon
(email)

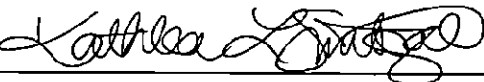
**STATE OF MONTANA'S
MOTION TO DISMISS**

Pursuant to Mont. R. Civ. P. 12(b)(6), Defendant moves this Court to dismiss this case because Plaintiffs lack standing and because *Brown v. Gianforte*, 2021 MT 149, 404 Mont. 269, 488 P.3d 548, controls this case.

Counsel for Defendant contacted opposing counsel, who oppose this motion.

DATED the 23rd day of July, 2021.

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By: 
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CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing was delivered by first class, postage paid mail and email to the following:

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Date: July 23, 2021


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