

Lindsey R. Simon
Agency Counsel
MONTANA DEPARTMENT OF LABOR AND INDUSTRY
P.O. Box 1728
Helena, MT 59624-1728
Telephone: (406) 444-5466
Email: lindsey.simon2@mt.gov

Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

GLACIER COUNTY REGIONAL PORT AUTHORITY,	Cause No. CV-22-81-GF-BMM-JTJ
Plaintiff,	Judge: Hon. Brian Morris
vs.	DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT
LAURIE ESAU, MONTANA HUMAN RIGHTS BUREAU,	
Defendant.	

Defendants Laurie Esau, Commissioner of the Montana Department of Labor and Industry, and the Montana Human Rights Bureau (MHRB) move this Court to dismiss Plaintiff's *Amended Complaint for Declaratory Judgment* (Doc. 3). Fed. R. Civ. P. 12(b)(6) requires dismissal of Defendant MHRB on sovereign immunity grounds and the entirety of the *Amended Complaint* on the grounds of *Younger* abstention and failure to exhaust administrative remedies. Additionally,

Fed. R. Civ. P. 12(b)(1) requires dismissal for lack of subject matter jurisdiction given that the matter is not ripe for judicial consideration.

This motion is supported by the *Brief in Support of Defendants' Motion to Dismiss Amended Complaint*, filed contemporaneously herewith.

DATED this 20th day of October, 2022.

/s/ Lindsey R. Simon
LINDSEY R. SIMON
Montana Department of Labor and Industry
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED this 20th day of October, 2022.

By: /s/ Lindsey R. Simon
LINDSEY R. SIMON
Montana Department of Labor and Industry
Attorney for Defendants