

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

**Supreme Court No. OP 21-0125**

---

**BOB BROWN, DOROTHY BRADLEY, VERNON FINLEY, MAE NAN  
ELLINGSON, and the LEAGUE OF WOMEN VOTERS OF MONTANA,**

**Petitioners,**

**v.**

**GREG GIANFORTE, Governor of Montana,**

**Respondent.**

---

**PETITIONERS' RESPONSE TO PENDING MOTIONS**

---

(Appearances on next page)

## APPEARANCES

A. Clifford Edwards  
Edwards & Culver  
1648 Poly Drive, Suite 206  
Billings, MT 59102  
Ph: (406) 256-8155  
Fax: (406) 256-8159  
Email: cliff@edwardslawfirm.org

James H. Goetz  
Goetz, Baldwin & Geddes, P.C.  
PO Box 6580  
35 North Grand Avenue  
Bozeman, MT 59715  
Ph: (406) 587-0618  
Fax: (406) 587-5144  
Email: jim@goetzlawfirm.com

*Attorneys for Petitioners*

Austin Knudsen  
Montana Attorney General  
Derek Oestreicher  
General Counsel  
215 N. Sanders  
P.O. Box 201401  
Helena, MT 59620  
Ph: (406) 444-2026  
Fax: (406) 444-3549  
Email: derek.oestreicher@mt.gov

Anita Milanovich  
General Counsel  
Office of the Montana Governor  
P.O. Box 200801  
Helena, MT 59620  
Ph: (406) 444-5554  
Email: anita.milanovich@mt.gov

*Attorneys for Respondent*

Respondent Governor Greg Gianforte, represented by the Montana Attorney General, has moved: (1) to disqualify Judge Krueger; and (2) for a stay in proceedings. The Governor also requests that the Court produce to the parties the voting results of Administrator McLaughlin's poll regarding SB 140. This is Petitioners' response.

First, on the motion to disqualify Judge Kreuger, Judge Krueger has now recused himself, so that motion is moot.

On the motion to stay proceedings, Petitioners oppose. First, the stay is requested "until all the communications and poll results related to SB 140 are released to the parties and the panel is duly recomposed." Motion at 10. There is no need to "recompose the panel." Judge Krueger has recused himself and presumably this Court will appoint a replacement. This Court has previously set a deadline of April 7 for Respondent and *amicus* parties to file their briefs. There is no reason to alter that schedule. Accordingly, Petitioners oppose the motion for stay.

As to the request for the "results of Administrator McLaughlin's poll regarding SB 140[,]" Petitioners leave that to the sound discretion of the Court.

Respectfully submitted this 2nd day of April, 2021.

EDWARDS & CULVER

/s/ A. Clifford Edwards  
A. Clifford Edwards

and

GOETZ, BALDWIN & GEDDES, P.C.

/s/ James H. Goetz  
James H. Goetz

*Attorneys for Petitioners*

## CERTIFICATE OF SERVICE

I, James H. Goetz, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 04-02-2021:

A. Clifford Edwards (Attorney)

1648 Poly Drive

Bilings MT 59102

Representing: Dorothy Bradley, Bob Brown, Mae Nan Ellingson, Vernon Finley, Montana League of Women Voters

Service Method: eService

Austin Miles Knudsen (Govt Attorney)

215 N. Sanders

Helena MT 59620

Representing: Greg Gianforte

Service Method: eService

Sean P. Goicoechea (Attorney)

PO Box 7370

kalispell MT 59901

Representing: Montana Defense Trial Lawyers Association

Service Method: eService

Colin Michael Gerstner (Attorney)

PO Box 2359

Billings MT 59103

Representing: Montana Trial Lawyers Association

Service Method: eService

Seamus Michael Molloy (Attorney)

283 West Front Street

Suite 203

Missoula MT 59802

Representing: Montana Trial Lawyers Association

Service Method: eService

Anita Yvonne Milanovich (Attorney)

100 E Broadway Street, The Berkeley Room

Butte MT 59701

Representing: Greg Gianforte

Service Method: eService

Derek Joseph Oestreicher (Attorney)

215 N Sanders St

Helena MT 59601

Representing: Greg Gianforte

Service Method: Conventional

Electronically signed by Luke Nelson on behalf of James H. Goetz

Dated: 04-02-2021