

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 21-0173

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BETH McLAUGHLIN,

Petitioner,

v.

The MONTANA STATE LEGISLATURE, and the  
MONTANA DEPARTMENT OF ADMINISTRATION,

Respondents.

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**THE MONTANA STATE LEGISLATURE'S  
MOTION TO DISMISS AS MOOT**

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APPEARANCES:

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ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT  
MONTANA STATE LEGISLATURE

Pursuant to Rule 16 of the Montana Rules of Appellate Procedure, the Legislature respectfully moves to dismiss this proceeding because it is now moot. The Legislature hereby provides notice that the subpoenas issued to the Department of Administration (“DOA”), Supreme Court Administrator Beth McLaughlin, and the Supreme Court Justices have been rescinded and withdrawn. Accordingly, the Legislature will not seek enforcement of these subpoenas. Letters have been sent to the aforementioned parties formally rescinding and withdrawing these subpoenas, and copies of these letters are attached as Appendix A.

In various filings before this Court, the Legislature has consistently maintained that the only appropriate path to resolution in this dispute between co-equal branches of government is for the branches to negotiate and make accommodations in good faith. That path has been foreclosed because the Court has used this action—initiated by its appointed employee—to spurn any such negotiations. The Legislature also rescinds its subpoenas as a measure of good faith that will hopefully encourage the judiciary to interact in good faith with its sister branch of government.

To be clear, the Legislature's justified interests in the underlying matters, and in pursuing negotiations, remain. But to the extent the pending subpoenas may have contributed to a stalemate between the parties, the Legislature is pleased to take the first step and remove that obstacle. This first step will lay a foundation for amicable discussions between the Judicial and Legislative branches.

By rescinding and withdrawing the subpoenas at issue, this proceeding is moot. To the extent this matter was ever properly before the Court, it can be no longer. There is accordingly no justiciable case or controversy, and this matter should be dismissed.

### **CONCLUSION**

Based on the foregoing, the Legislature respectfully moves to dismiss this proceeding.

Counsel for the Legislature has contacted counsel for the Department of Administration and counsel for Beth McLaughlin. The Department of Administration does not object to this motion. Ms. McLaughlin's counsel has not yet determined if Ms. McLaughlin will object.

Respectfully submitted this 22nd day of June, 2021.

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By: /s/ *Kristin Hansen*  
Kristin Hansen  
Lieutenant General

## CERTIFICATE OF COMPLIANCE

Pursuant to Rules 11 of the Montana Rules of Appellate Procedure, I certify that this pleading is printed in a proportionately spaced Century Schoolbook, 14-point font; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is 340 words, excluding certificate of service and certificate of compliance.

By: /s/ *Kristin Hansen*  
Kristin Hansen  
Lieutenant General

## CERTIFICATE OF SERVICE

I, Kristin N. Hansen, hereby certify that I have served true and accurate copies of the foregoing Motion - Dismiss to the following on 06-22-2021:

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Electronically signed by Rochell Standish on behalf of Kristin N. Hansen  
Dated: 06-22-2021