

AUSTIN KNUDSEN  
 Montana Attorney General  
 DAVID M.S. DEWHIRST  
 Solicitor General  
 KATHLEEN L. SMITHGALL  
 Assistant Solicitor General  
 PATRICK M. RISKEN  
 JEREMIAH LANGSTON  
 Assistant Attorneys General  
 215 North Sanders  
 P.O. Box 201401  
 Helena, MT 59620-1401  
 Phone: 406-444-2026  
 Fax: 406-444-3549  
 david.dewhirst@mt.gov  
 kathleen.smithgall@mt.gov  
 prisken@mt.gov  
 jeremiah.langston@mt.gov

*Attorneys for Defendants*

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
 YELLOWSTONE COUNTY

<p>           AMELIA MARQUEZ, an individual;            and JOHN DOE, an individual,   <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p>           STATE OF MONTANA; GREGORY            GIANFORTE, in his official capacity            as Governor of the State of Montana;            the MONTANA DEPARTMENT OF            PUBLIC HEALTH AND HUMAN            SERVICES; and ADAM MEIER, in            his official capacity as the Director of            the Montana Department of Public            Health and Humant Services,   <p style="text-align: center;">Defendants.</p> </p>	<p>DV-21-00873</p> <p>Hon. Michael G. Moses</p> <p><b>DEFENDANTS' MOTION TO DISMISS PURSUANT TO MONT. R. CIV. P. 12(b)(6)</b></p>
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Pursuant to Mont. R. Civ. P. 12(b)(6), Defendants move this Court to dismiss this case because Plaintiffs lack standing and they fail to state a claim upon which relief can be granted. The motion is supported by the accompanying brief.

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

DATED this 17th day of August, 2021.

AUSTIN KNUDSEN  
Montana Attorney General  
P.O. Box 201401  
Helena, MT 59620-1401

By: /s/ David M.S. Dewhirst  
DAVID M.S. DEWHIRST  
Solicitor General

Attorney for Defendants

## CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing was delivered by email

to the following:

Akilah Lane  
Alex Rate  
ACLU of Montana  
lanea@aclumontana.org  
ratea@aclumontana.org

John Knight  
ACLU Foundation LGBTQ & HIV  
Project  
jknight@aclu-il.org

F. Thomas Hecht  
Tina B. Solis  
Seth A. Horvath  
Nixon Peabody LLP  
fthecht@nixonpeabody.com  
tbsolis@nixonpeabody.com  
sahorvath@nixonpeabody.com

Elizabeth Halverson PC  
ehalverson@halversonlaw.net

Date: August 17, 2021

  
ROCHELL STANDISH