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**IN THE FOURTH JUDICIAL DISTRICT COURT  
MISSOULA COUNTY**

**PHOEBE CROSS, a minor by  
and through his guardians Molly  
Cross and Paul Cross, et al.**

**Plaintiffs,**

**v.**

**STATE OF MONTANA et al.,**

**Defendants.**

**Case No. DV-23-541**

**Judge: Hon. Jason Marks**

**MOTION FOR SUMMARY  
JUDGMENT**

Plaintiffs Phoebe Cross, a minor by and through his guardians Molly Cross and Paul Cross; Molly Cross; Paul Cross; Juanita Hodax, on behalf of herself and her patients; Katherine Mistretta, on behalf of herself and her patients; Jane Doe; and John Doe respectfully submit this motion pursuant to Montana Rule of Civil Procedure 56(a) and (c) and move the Court for summary judgment.

This motion is supported by Plaintiffs' accompanying brief, submitted concurrently.

Defendants oppose this dispositive motion.

Dated: January 15, 2025

Respectfully submitted,

By: /s/ Alex Rate

Alex Rate

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**CERTIFICATE OF SERVICE**

I, Krystel Pickens, hereby certify on this date that a true and accurate copy of the foregoing document was electronically served on counsel for Defendants:

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Electronically signed by Krystel Pickens on behalf of Alex Rate.  
Dated: January 15, 2025.

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I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion for Summary Judgment (Non Government and Government) to the following on 01-15-2025:

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