

Akilah Deernose (Bar No. 60742990)  
Alex Rate (Bar No. 11226)  
**ACLU Montana Foundation, Inc.**  
P.O. Box 1968  
Missoula, MT 59806  
Telephone: 406-203-3375  
deernosea@aclumontana.org  
ratea@aclumontana.org

Malita Picasso\*  
Jon W. Davidson\*  
(admitted only in California)  
**American Civil Liberties Union  
Foundation**  
125 Broad Street  
New York, NY 10004  
Telephone: 212-549-2561  
Facsimile: 212-549-2650  
mpicasso@aclu.org  
jondavidson@aclu.org

F. Thomas Hecht\*  
Tina B. Solis\*  
Seth A. Horvath\*  
**Nixon Peabody LLP**  
70 West Madison Street, Suite 3500  
Chicago, IL 60601  
Telephone: 312-977-4443  
Facsimile: 312-977-4405  
fthecht@nixonpeabody.com  
tbsolis@nixonpeabody.com  
sahorvath@nixonpeabody.com

Elizabeth Halverson PC  
1302 24<sup>th</sup> Street West #393  
Billings, MT 59102  
Telephone: 406-698-9929  
ehalverson@halversonlaw.net

\* Admitted *pro hac vice*

**IN THE THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF YELLOWSTONE**

**AMELIA MARQUEZ, an individual; and** )  
**JOHN DOE, an individual,** )  
 )  
 **Plaintiffs,** )  
 )  
 **v.** )  
 )  
 **STATE OF MONTANA; GREGORY** )  
**GIANFORTE, in his official capacity as the** )  
**Governor of the State of Montana; the** )  
**MONTANA DEPARTMENT OF PUBLIC** )  
**HEALTH AND HUMAN SERVICES; and** )  
**CHARLES T. BRERERTON, in his official** )  
**capacity as the Director of the Montana** )  
**Department of Public Health and Human** )  
**Services,** )  
 )  
 **Defendants.** )  
 )

**Case No. DV 21-00873**

**Hon. Michael G. Moses**

**PLAINTIFFS' MOTION FOR MONT. R.  
CIV. P. 56 SUMMARY JUDGMENT**

Pursuant to Mont. R. Civ. P. 56, Plaintiffs respectfully move the Court for summary judgment on ground that SB 280 and the 2021 rule implementing SB 280 (the “2021 Rule”) are unconstitutionally vague on their face and as applied to Plaintiffs. Summary Judgment is appropriate because there are no genuine disputes as to any material facts and Plaintiffs are entitled to judgment as a matter of law. A brief in support of this motion is filed simultaneously.

WHEREFORE Plaintiffs respectfully request that this Court grant their motion for summary judgment; issue a declaratory judgment that SB 280 and the 2021 Rule are unconstitutionally vague in violation of Article II, section 17, of the Montana Constitution; enter a permanent injunction against Defendants’ enforcement of SB 280 and the 2021 Rule; and grant such other relief as the Court deems just, proper, and equitable.

Respectfully submitted this 20<sup>th</sup> day of March, 2023,

By: /s/ Akilah Deernose  
Akilah Deernose

Akilah Deernose (Bar No. 60742990)  
Alex Rate (Bar No. 11226)  
ACLU of Montana Foundation, Inc.  
P.O. Box 1968  
Missoula, MT 59806  
Telephone: 406-203-3375  
deernosea@aclumontana.org  
ratea@aclumontana.org

Malita Picasso\*  
Jon W. Davidson\*  
(admitted only in California)  
American Civil Liberties Union Foundation  
125 Broad Street,  
New York, NY 10004.  
Telephone: 212-549-2561  
mpicasso@aclu.org

jon.davidson@aclu.org

F. Thomas Hecht\*  
Tina B. Solis\*  
Seth A. Horvath\*  
Nixon Peabody LLP  
70 West Madison Street, Suite 3500  
Chicago, IL 60601  
Telephone: 312-977-4443  
Facsimile: 312-977-4405  
fthecht@nixonpeabody.com  
tbsolis@nixonpeabody.com  
sahorvath@nixonpeabody.com

Elizabeth Halverson PC  
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Billings, MT 59102  
406-698-9929  
ehalverson@halversonlaw.net

\* Admitted *pro hac vice*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing **Plaintiffs' Mont. R. Civ. P. 56 Motion for Summary Judgment** was served via electronic filing on counsel for Defendants:

AUSTIN KNUDSEN  
*Montana Attorney General*  
THANE JOHNSON  
MICHAEL RUSSELL  
*Assistant Attorney Generals*  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401  
Phone: 406-444-2026  
Fax: 406-444-3549  
Thane.johnson@mt.gov  
Michael.russell@mt.gov

EMILY JONES  
*Special Assistant Attorney General*  
Jones Law Firm, PLLC  
115 N. Broadway, Suite 410  
Billings, MT 59101  
Phone: 406-384-7990  
emily@joneslawmt.com

Dated: March 20<sup>th</sup>, 2023

/s/ Akilah Deernose

Akilah Deernose  
ACLU OF MONTANA, Foundation  
P.O. Box 1968  
Missoula, MT 59806