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* Pro hac vice applications forthcoming

**IN THE FIRST JUDICIAL DISTRICT COURT
LEWIS & CLARK COUNTY**

**JESSICA KALARCHIK, an individual, and
JANE DOE, an individual, on behalf of
themselves and all others similarly situated,**

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;
CHARLES T. BRERERTON, in his official
capacity as the Director of the Montana
Department of Public Health and Human
Services; the MONTANA DEPARTMENT
OF JUSTICE; and AUSTIN KNUDSEN, in
his official capacity as Attorney General of
the State of Montana,**

Defendants.

Case No. DV-25-2024-0000261-CR

Judge Hon. Mike Menahan

**PLAINTIFFS' MOTION FOR RULE 23
CLASS CERTIFICATION,
APPOINTMENT OF CLASS
REPRESENTATIVES, AND
APPOINTMENT OF CLASS COUNSEL**

Plaintiffs Jessica Kalarchik (“Ms. Kalarchik”) and Jane Doe (“Ms. Doe”) (together, “Plaintiffs”) move this Court for an order: 1) certifying this case as a class action pursuant to M.R.Civ.P. 23 with a proposed class consisting of (a) all transgender people born in Montana who currently want, or who in the future will want, to have the sex designation on their Montana birth certificate be consistent with what they know their sex to be, as determined by their gender identity, and (b) all transgender people who currently want, or in the future will want, to have the sex designation changed on their Montana driver’s license, to match what they know their sex to be, as determined by their gender identity; 2) appointing the named Plaintiffs as representatives of the class; and 3) appointing the ACLU Montana Foundation, Inc., the American Civil Liberties Union Foundation, and Nixon Peabody, L.L.P., as class counsel.

Plaintiffs’ counsel provided notice of this motion to Defendants’ counsel on May 16, 2024. Plaintiffs have contemporaneously filed their brief in support of this motion.

Dated: May 17, 2024

Respectfully submitted,

By: /s/ Alex Rate

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