

Jonathan McDonald
McDONALD LAW OFFICE, PLLC
P.O. Box 1570
Helena, Montana 59624
Telephone: 406.442.1493
E-mail: jm@mcdonaldlawmt.com

Karl J. Englund
KARL J. ENGLUND, P.C.
P.O. Box 8358
Missoula, Montana 59807
Telephone: 406.721.2729
E-mail: KarlJEnglund@aol.com

Attorneys for Applicant Intervenors

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

KENDRA ESPINOZA, JERI ELLEN
ANDERSON, and JAMIE SCHAEFER,

Plaintiffs,

-v-

MONTANA DEPARTMENT OF
REVENUE, and MIKE KADAS, in his
official capacity as DIRECTOR of the
MONTANA DEPARTMENT OF
REVENUE,

Defendants.

Cause No: DV-15-1152A
Hon. David M. Ortley

**MQEC'S MOTION FOR LEAVE TO
FILE AMICUS CURIAE BRIEF**

COMES NOW the Montana Quality Education Coalition ("MQEC") and moves for leave to file an amicus curiae brief addressing the issues set forth in the Montana Supreme Court's Order dated October 27, 2016, a copy of which is attached as Exhibit A.

"The Montana Rules of Civil Procedure and the Uniform District Court Rules neither provide for nor prohibit the use of briefs by amicus curiae in the district courts." *Eberl v.*

Scofield, 244 Mont. 515, 520, 244 Mont. 515 (1990). As such, there little guidance regarding an appropriate timetable for the filing of such briefs.

In order to keep this matter moving towards a decision by this Court, MQEC requests it be allowed until December 5, 2016 in which to file its amicus brief.

DATED this 31st day of October, 2016.

KARL J. ENGLUND, P.C.
McDONALD LAW OFFICE, PLLC

BY: 

JONATHAN McDONALD

Attorneys for Applicant-Intervenors

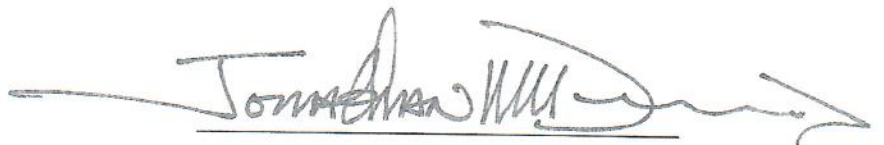
CERTIFICATE OF SERVICE:

This is to certify that on this 31st day of October, 2016, a copy of the foregoing was served upon the following by U.S. Mail, postage prepaid and addressed as following:

William A. Mercer
Holland & Hart
401 N. 31st Street, Ste. 1500
P.O. Box 639
Billings, MT 59103-0639

Daniel J. Whyte
Brendan Beatty
Montana Department of Revenue
P.O. Box 7701
Helena, MT 59604-7701

Richard D. Komer
Erica Smith
Institute for Justice
901 North Glebe Rd, Ste. 900
Arlington, VA 22203



David M. Ortley
District Judge, Department No. 4
Flathead County Justice Center
920 South Main, Suite 310
Kalispell, MT 59901
(406) 758-5906

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

KENDRA ESPINOZA, JERI ELLEN
ANDERSON, and JAMIE SCHAEFER,

Plaintiffs,

-v-

MONTANA DEPARTMENT OF
REVENUE, and MIKE KADAS, in his
official capacity as DIRECTOR of the
MONTANA DEPARTMENT OF
REVENUE,

Defendants.

Cause No: DV-15-1152A
Hon. David M. Ortley

**ORDER GRANTING MQEC LEAVE TO
FILE AMICUS CURIAE BRIEF**

MQEC's Motion for Leave to File Amicus Curiae Brief is granted. The brief shall be
filed on or before: _____, 2016.

DATED this _____ day of November, 2016.

HON. DAVID M. ORTLEY
District Court Judge

c: Daniel Whyte/Brendan Beatty
William Mercer/Richard Komer/Erica Smith
Jonathan McDonald/Karl J. Englund

