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*Attorneys for Defendant Christi Jacobsen, in her
official capacity as Montana Secretary of State*

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party,

Plaintiff,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV-56-2021-451

Hon. Michael Moses

**DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

WESTERN NATIVE VOICE, Montana Native
Vote, Blackfeet Nation, Confederated Salish
and Kootenai Tribes, Fort Belknap Indian
Community, and Northern
Cheyenne Tribe,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Defendant Christi Jacobsen, in her official capacity as Montana Secretary of State, submits this Motion for Summary Judgment pursuant to Montana Rule of Civil Procedure 56(c)(3). Summary judgment is appropriate because there are no genuine issues of material fact, and Defendant is entitled to judgment as a matter of law.

Defendant specifically requests the Court enter summary judgment in her favor on all claims Plaintiffs have pled in this consolidated docket. The factual and legal bases for Defendant's Motion for Summary Judgment are set out in detail in Defendant's Brief in Response to Plaintiffs' Preliminary Injunction Motions and in Support of Defendant's Motion for Summary Judgment, which is filed concurrently with this Motion. Boiled down, the

undisputed material facts at issue confirm Plaintiffs cannot carry their “heavy burden” of proving the various statutes they have challenged are “unconstitutional ‘beyond a reasonable doubt.’” *Brown v. Gianforte*, 2021 MT 149, ¶ 32, 404 Mont. 269, 488 P.3d 548 (citations omitted). Defendant also has filed a Statement of Undisputed Facts, with attached exhibits, in support of this Motion.

Counsel for all Plaintiffs in this matter have been contacted, and all Plaintiffs all oppose Defendant’s Motion for Summary Judgment.

Dated this 16th day of February, 2022.

By Dale Schowengerdt

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CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion for Summary Judgment (Government) to the following on 02-17-2022:

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