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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
HELENA DIVISION**

ROYAL DAVIS, GARY MARBUT, TOM
HARSCH, TERESA HARSCH,

Plaintiffs,

v.

COREY STAPLETON, in his official capacity
as Montana Secretary of State,

Defendant.

and

MONTANA DEMOCRATIC PARTY, a
Montana domestic nonprofit corporation,
RYAN FILZ, MADELINE NEUMEYER, and
REBECCA WEED, individual electors,

Proposed Intervenor-Defendants.

)
) Case No. CV 20-62-M-DLC
)

) **PLAINTIFFS' WITHDRAWAL OF**
) **OBJECTION TO INTERVENTION**
) **BY THE MONTANA**
) **DEMOCRATIC PARTY**

Proposed Intervenor Defendants notified Plaintiffs Royal Davis, Gary Marbut, Tom

Harsch, and Teresa Harsch (hereinafter, "Green Candidates & Voters" or

"Greens") yesterday that they intended to file a motion to intervene in this matter.

The Green Candidates and Voters believed the Proposed Intervenors lacked standing and therefore objected to the motion.

Proposed Intervenors filed their motion late in the afternoon yesterday.

Docs 8 & 9. The Green Candidates and Voters have reviewed Intervenors' brief and have concluded that the authorities cited therein show the Montana Democratic Party (MDP) does, in fact, have standing. Doc. 9 at 24-26.¹

In light of these authorities and the extremely tight deadline looming over this matter, the Green Candidates and Voters hereby withdraw their objection to intervention by the MDP.² The very limited time available to the Court and counsel should instead be devoted to analyzing the merits, which the Greens believe tip sharply in their favor.

The MDP asserts that it can respond by August 17, 2020, to the motion for a TRO and preliminary injunction. Doc. 9 at 9. The Green Candidates and Voters respectfully request an opportunity to submit a reply on August 18, 2020.

¹ The Greens' citations to documents filed in the Court utilize the page numbers assigned by the Court's ECF system.

² Plaintiffs do not concede that the three petition signers also named as potential intervenors have standing. But because at least one intervenor does, the point is moot. *Carey v. Population Services Int'l*, 431 U.S. 678, 682 (1977).

DATED: August 14, 2020

Respectfully submitted,

/s/ Matthew G. Monforton

Matthew G. Monforton

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 14th day of August, 2020, that a copy of the foregoing will be delivered this day via the Court's ECF system to:

Peter M. Meloy,
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Attorneys for Proposed Intervenor- Defendants

I HEREBY CERTIFY this 14th day of August, 2020, that a copy of the foregoing will be delivered this day via electronic mail to:

Austin James
Chief Legal Counsel
Secretary of State's Office
P.O. Box 202801
Helena, MT 59620-2801
austin.james@mt.gov
Counsel for Defendant Corey Stapleton

DATED: August 14, 2020

Respectfully submitted,

/s/ Matthew G. Monforton
Matthew G. Monforton
Attorney for Plaintiffs