

Montana



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Case Information

Case Number: DA 23-0572

Jurisdiction: Supreme Court

Original Court: Missoula County District Court

Case Type: Direct Appeal - Injunction

Short Title: Cross et al. v. State et al.

Full Title: PHOEBE CROSS, a minor by and through his guardians Molly Cross and Paul Cross; MOLLY CROSS, an individual; PAUL CROSS, an individual; JANE DOE, an individual; JOHN DOE, an individual; JUANITA HODAX, on behalf of herself and her patients, KATHERINE MISTRETTA, on behalf of herself and her patients, Plaintiffs and Appellees, v. STATE OF MONTANA; GREGORY GIANFORTE, in his official capacity as Governor of the State of Montana; AUSTIN KNUDSEN, in his official capacity as Attorney General; MONTANA BOARD OF MEDICAL EXAMINERS; MONTANA BOARD OF NURSING; MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; CHARLIE BRERETON, in his official capacity as Director of the Montana Department of Public Health and Human Services, Defendants and Appellants.

Citation: 2024 MT 303

Case Filing Date: 2023-09-27

Origination Case Number: DV 2023-541

Party Information ^

Appellate Role	Party Name	Comment	Attorney(s)
Appellant	Austin Miles Knudsen		Alwyn T. Lansing
Appellant	Austin Miles Knudsen		Emily Jones
Appellant	Austin Miles Knudsen		Michael D. Russell
Appellant	Austin Miles Knudsen		Michael Noonan
Appellant	Austin Miles Knudsen		Thane P. Johnson

Appellate Role	Party Name	Comment	Attorney(s)
Appellant	Charlie Brereton		Alwyn T. Lansing
Appellant	Charlie Brereton		Emily Jones
Appellant	Charlie Brereton		Michael D. Russell
Appellant	Charlie Brereton		Michael Noonan
Appellant	Charlie Brereton		Thane P. Johnson
Appellant	Greg Gianforte		Alwyn T. Lansing
Appellant	Greg Gianforte		Emily Jones
Appellant	Greg Gianforte		Michael D. Russell
Appellant	Greg Gianforte		Michael Noonan
Appellant	Greg Gianforte		Thane P. Johnson
Appellee	Juanita Hodax		Akilah Maya Deernose
Appellee	Juanita Hodax		Alexander H. Rate
Appellee	Juanita Hodax		Arijeet Sensharma
Appellee	Juanita Hodax		Courtney Jo Schirr
Appellee	Juanita Hodax		Elizabeth O. Gill
Appellee	Juanita Hodax		Heather Shook
Appellee	Juanita Hodax		Kayla L. Lindgren
Appellee	Juanita Hodax		Kell Olson
Appellee	Juanita Hodax		Malita Vencienzo Picasso
Appellee	Juanita Hodax		Matthew Prairie Gordon

Appellate Role	Party Name	Comment	Attorney(s)
Appellee	Juanita Hodax		Nora W. Huppert
Appellee	Juanita Hodax		Peter C. Renn
Appellee	Juanita Hodax		Sara Cloon
Appellee	Juanita Hodax		Sophia Pelecanos
Appellee	Katherine Mistretta		Akilah Maya Deernose
Appellee	Katherine Mistretta		Alexander H. Rate
Appellee	Katherine Mistretta		Arijeet Sensharma
Appellee	Katherine Mistretta		Courtney Jo Schirr
Appellee	Katherine Mistretta		Elizabeth O. Gill
Appellee	Katherine Mistretta		Heather Shook
Appellee	Katherine Mistretta		Kayla L. Lindgren
Appellee	Katherine Mistretta		Kell Olson
Appellee	Katherine Mistretta		Malita Vencienzo Picasso
Appellee	Katherine Mistretta		Matthew Prairie Gordon
Appellee	Katherine Mistretta		Nora W. Huppert
Appellee	Katherine Mistretta		Peter C. Renn
Appellee	Katherine Mistretta		Sara Cloon
Appellee	Katherine Mistretta		Sophia Pelecanos
Appellee	Molly Cross		Akilah Maya Deernose
Appellee	Molly Cross		Alexander H. Rate

Appellate Role	Party Name	Comment	Attorney(s)
Appellee	Molly Cross		Arijeet Sensharma
Appellee	Molly Cross		Courtney Jo Schirr
Appellee	Molly Cross		Elizabeth O. Gill
Appellee	Molly Cross		Heather Shook
Appellee	Molly Cross		Kayla L. Lindgren
Appellee	Molly Cross		Kell Olson
Appellee	Molly Cross		Malita Vencienzo Picasso
Appellee	Molly Cross		Matthew Prairie Gordon
Appellee	Molly Cross		Nora W. Huppert
Appellee	Molly Cross		Peter C. Renn
Appellee	Molly Cross		Sara Cloon
Appellee	Molly Cross		Sophia Pelecanos
Appellant	Montana Board of Medical Examiners		Alwyn T. Lansing
Appellant	Montana Board of Medical Examiners		Emily Jones
Appellant	Montana Board of Medical Examiners		Michael D. Russell
Appellant	Montana Board of Medical Examiners		Michael Noonan
Appellant	Montana Board of Medical Examiners		Thane P. Johnson
Appellant	Montana Board of Nursing		Alwyn T. Lansing
Appellant	Montana Board of Nursing		Emily Jones
Appellant	Montana Board of Nursing		Michael D. Russell

Appellate Role	Party Name	Comment	Attorney(s)
Appellant	Montana Board of Nursing		Michael Noonan
Appellant	Montana Board of Nursing		Thane P. Johnson
Appellant	MT Dept of Public Health & Human Services		Alwyn T. Lansing
Appellant	MT Dept of Public Health & Human Services		Emily Jones
Appellant	MT Dept of Public Health & Human Services		Michael D. Russell
Appellant	MT Dept of Public Health & Human Services		Michael Noonan
Appellant	MT Dept of Public Health & Human Services		Thane P. Johnson
Appellee	Paul Cross		Akilah Maya Deernose
Appellee	Paul Cross		Alexander H. Rate
Appellee	Paul Cross		Arijeet Sensharma
Appellee	Paul Cross		Courtney Jo Schirr
Appellee	Paul Cross		Elizabeth O. Gill
Appellee	Paul Cross		Heather Shook
Appellee	Paul Cross		Kayla L. Lindgren
Appellee	Paul Cross		Kell Olson
Appellee	Paul Cross		Malita Vencienzo Picasso
Appellee	Paul Cross		Matthew Prairie Gordon
Appellee	Paul Cross		Nora W. Huppert
Appellee	Paul Cross		Peter C. Renn
Appellee	Paul Cross		Sara Cloon

Appellate Role	Party Name	Comment	Attorney(s)
Appellee	Paul Cross		Sophia Pelecanos
Appellee	Phoebe Cross		Akilah Maya Deernose
Appellee	Phoebe Cross		Alexander H. Rate
Appellee	Phoebe Cross		Arijeet Sensharma
Appellee	Phoebe Cross		Courtney Jo Schirr
Appellee	Phoebe Cross		Elizabeth O. Gill
Appellee	Phoebe Cross		Heather Shook
Appellee	Phoebe Cross		Kayla L. Lindgren
Appellee	Phoebe Cross		Kell Olson
Appellee	Phoebe Cross		Malita Vencienzo Picasso
Appellee	Phoebe Cross		Matthew Prairie Gordon
Appellee	Phoebe Cross		Nora W. Huppert
Appellee	Phoebe Cross		Peter C. Renn
Appellee	Phoebe Cross		Sara Cloon
Appellee	Phoebe Cross		Sophia Pelecanos
Appellant	State of Montana		Alwyn T. Lansing
Appellant	State of Montana		Emily Jones
Appellant	State of Montana		Michael D. Russell
Appellant	State of Montana		Michael Noonan
Appellant	State of Montana		Thane P. Johnson

Register of Actions

Document Description	Filing Date	Document
Event - Case Closed - electronic record	12/27/2024	Document ▼
Notice - Outgoing - Opinion Release Notice Issued	12/27/2024	Document ▼
Notice - Outgoing - Remittitur Issued	12/27/2024	Document ▼
Opinion - Synopsis of Opinion	12/11/2024	Document ▼
Opinion - Published - Justice Baker - Affirmed	12/11/2024	Document ▼
Event - Sent to Court-Pleading	09/17/2024	Document ▼
Notice - Incoming - State of Montana's 4th Supplemental Authority	09/17/2024	Document ▼
Order - Dismiss - Partial - IT IS HEREBY ORDERED that Scarlet van Garderen, Jessica van Garderen and Ewout van Garderen be dismissed from the appeal in this matter. All future filings shall recaption the case as stated in this Order.	09/06/2024	Document ▼
Motion - Unopposed - Dismiss - Appellees Van Garteren's Motion to Dismiss	09/06/2024	Document ▼
Event - Sent to Court-Pleading	09/04/2024	Document ▼
Notice - Incoming - Appellant's Supplemental Authority	09/04/2024	Document ▼
Event - Sent to Court-Pleading - Appellee's Supplemental Authority	08/22/2024	Document ▼


Document Description	Filing Date	Document
Notice - Incoming - Appellee's Supplemental Authority	08/22/2024	Document ▼
Event - Sent to Court-Pleading - Appellant's AG's Notice of Supplemental Authority	08/16/2024	Document ▼
Notice - Incoming - Appellant's Notice of Supplemental Authority	08/16/2024	Document ▼
Event - Sent to Court-Pleading - Appellant's AG's Supplemental Authority	08/01/2024	Document ▼
Notice - Incoming - Appellant's AG's Supplemental Authority	08/01/2024	Document ▼
Order - Classified - En Banc	07/17/2024	Document ▼
Order - Pro Hac Vice - Allow Participation - SOPHIA PELECANOS	05/16/2024	Document ▼
Motion - Unopposed - Second Pro Hac Vice - State Bar Certification and Application - Sophia Pelacanos	05/15/2024	Document ▼
Order - IT IS THEREFORE ORDERED that Appellee's motion to allow Pelecanos to appear pro hac vice in the above-entitled cause is DENIED.	05/10/2024	Document ▼
Motion - Unopposed - Pro Hac Vice - State Bar Certification and Application - Sophia Pelecanos	05/09/2024	Document ▼
Event - Case Sent to Court	05/08/2024	Document ▼
Notice - Outgoing - Brief Filed	05/08/2024	Document ▼
Brief - Appellant Reply	05/07/2024	Document ▼
Notice - Outgoing - Compassion & Choices Amicus Brief Filed	04/19/2024	Document ▼

Document Description	Filing Date	Document
Notice - Incoming - Errata - American Academy of Pediatrics and Additional National and State Medical and Mental Health Organizations	04/19/2024	Document ▼
Brief - Amicus - Compassion & Choices	04/18/2024	Document ▼
Motion - Pro Hac Vice - State Bar Certification and Application - SOPHIA PELECANOS (Copy sent to Court)	04/17/2024	Document ▼
Order - Appellant is granted an extension of time to and including May 7, 2024, within which to prepare, file, and serve Appellant's reply brief on appeal. No further extensions will be granted.	04/17/2024	Document ▼
IT IS ORDERED that Compassion & Choices may file an Amicus Curiae brief. The brief shall be filed on or before April 18, 2024.	04/17/2024	Document ▼
Motion - Unopposed - Amicus - Leave to Participate - Compassion & Choices	04/16/2024	Document ▼
Motion - Unopposed - Extension of Time - Brief - Appellant's Reply Brief	04/16/2024	Document ▼
Order - Pro Hac Vice - Allow Participation - WILLIAM R. ISASI	04/15/2024	Document ▼
Order - Pro Hac Vice - Allow Participation - D. JEAN VETA	04/15/2024	Document ▼
Notice - Outgoing - Brief Filed - GLBTQ Legal Advocates & Defenders and The National Center for Lesbian Rights.	04/12/2024	Document ▼
Brief - Amicus - GLBTQ Legal Advocates & Defenders and The National Center for Lesbian Rights.	04/12/2024	Document ▼
Motion - Pro Hac Vice - State Bar Certification and Application - ISASI (copy to Court)	04/12/2024	Document ▼
Motion - Pro Hac Vice - State Bar Certification and Application - VETA - (copy to Court)	04/12/2024	Document ▼
Notice - Outgoing - Brief Filed	04/11/2024	Document ▼


Document Description	Filing Date	Document
Brief - Amicus - American Academy of Pediatrics and Additional National and State Medical and Mental Health Organizations	04/11/2024	Document ▼
Notice - Outgoing - Brief Filed - Elliot Page and Fifty-six Other Individuals	04/10/2024	Document ▼
Notice - Outgoing - Brief Filed - Appellee's Response	04/10/2024	Document ▼
Order - Academy of Pediatrics and Additional National and State Medical and Mental Health Organizations -Amici are granted leave to file an amicus brief on or before April 11, 2024.	04/09/2024	Document ▼
Brief - Amicus - Elliot Page and Fifty-six Other Individuals	04/09/2024	Document ▼
Brief - Appellee's Response	04/09/2024	Document ▼
Motion - Unopposed - Amicus - Leave to Participate - American Academy of Pediatrics and Additional National and State Medical and Mental Health Organizations	04/09/2024	Document ▼
Notice - Outgoing - Brief Filed	04/09/2024	Document ▼
Brief - Amicus - Biomedical Ethics and Public Health Scholars	04/09/2024	Document ▼
Order - Pro Hac Vice - Allow Participation - JORDAN D. HERSHMAN for GLBTQ Legal Advocates & Defenders	04/05/2024	Document ▼
Motion - Pro Hac Vice - State Bar Certification and Application - JORDAN D. HERSHMAN (Copy to Court)	04/03/2024	Document ▼
Notice - Outgoing - Brief Filed	04/03/2024	Document ▼
Brief - Amicus - Montana Family Foundation	04/03/2024	Document ▼
Order - Amicus-Grant Participation - GLBTQ Legal Advocates & Defenders and The National Center For Lesbian Rights shall be filed on or before April 12, 2024.	04/01/2024	Document ▼

Document Description	Filing Date	Document
Motion - Amicus - Leave to Participate - Leave to Participate for GLBTQ Legal Advocates and National Center for Lesbian Rights	04/01/2024	Document ▼
Order - Pro Hac Vice - Allow Participation for KATELYN KANG	04/01/2024	Document ▼
Order - Pro Hac Vice - Allow Participation for VALERIA PELETE DEL TORO.	04/01/2024	Document ▼
Motion - Pro Hac Vice - State Bar Certification and Application - KATELYN KANG (Copy to Court)	03/28/2024	Document ▼
Motion - Pro Hac Vice - State Bar Certification and Application - VALERIA PELET del TORO (Copy to Court)	03/28/2024	Document ▼
Order - Elliot Page and Nicole Maines IT IS HEREBY ORDERED that the motion is GRANTED. Amici shall file their amicus brief on or before the same date that the Appellees' response brief is due.	03/28/2024	Document ▼
Motion - Unopposed - Amicus - Leave to Participate - Elliot Page, Nicole Maines, and Fifty-five other individuals	03/27/2024	Document ▼
Order - Montana Family Foundation (MFF) - IT IS HEREBY ORDERED that the motion is GRANTED, MFF shall file their amicus curiae brief on or before April 3, 2024.	03/22/2024	Document ▼
Motion - Amicus - Leave to Participate - Montana Family Foundation	03/22/2024	Document ▼
IT IS HEREBY ORDERED that the motion is Granted, and Amici Biomedical Ethics and Public Health Scholars are granted leave to file their amicus brief on Tuesday, April 9, 2024.	03/14/2024	Document ▼
Motion - Unopposed - Amicus - Leave to Participate - Biomedical Ethics and Public Health Scholars	03/13/2024	Document ▼
IT IS HEREBY ORDERED that the motion for overlength brief is GRANTED. Appellees' brief shall consist of no more than 15,000 words. IT IS FURTHER ORDERED that the motion for a 60-day extension to file the response brief is DENIED. Counsel shall have until April 9, 2024, to file their response brief. No further extensions will be granted.	03/01/2024	Document ▼
Motion - Unopposed - Extension of Time - Appellee's Brief (First Request 30 Days)	02/29/2024	Document ▼

Document Description	Filing Date	Document
Notice - Outgoing - Brief Filed	02/13/2024	Document ▼
Brief - Appellant's Opening	02/09/2024	Document ▼
Order - Briefing/Scheduling - Appellants' Motion is GRANTED. Appellants may file an over-length Opening Brief consisting of no more than 20,000 words.	01/09/2024	Document ▼
Motion - Unopposed - Appellant's Brief - Enlarged	01/08/2024	Document ▼
Appellants are granted an extension to and including Friday, February 9, 2024 to prepare, serve, and file their Opening Brief	11/15/2023	Document ▼
Motion - Unopposed - Appellant's Extension of Time - Brief (First Request 60 Days)	11/15/2023	Document ▼
Notice - Outgoing - District Court Record Filed	11/09/2023	Document ▼
Record - Electronic DC Record Filed for Cause No. DV 2023-0541 consisting of 1 thru 137 and the Case Register	11/09/2023	Document ▼
Notice - Outgoing - Transcript Filed	10/31/2023	Document ▼
Record - Electronic Transcript Filed for Cause No. DV-23-541 of 09/18/2023 hearing	10/31/2023	Document ▼
Notice - Outgoing - Amended Appeal Notice	09/28/2023	Document ▼
Notice - Incoming - Amended Notice of Appeal Filed	09/28/2023	Document ▼
Notice - Outgoing - Notice Requiring Filing of Amended Notice of Appeal	09/28/2023	Document ▼
Notice - Outgoing - Appeal Notice	09/28/2023	Document ▼

Document Description	Filing Date	Document
Notice - Incoming - Notice of Appeal Filed	09/27/2023	Document 

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