

AUSTIN KNUDSEN  
Montana Attorney General

KRISTEN HANSEN  
*Lieutenant General*

DAVID M.S. DEWHIRST  
*Solicitor General*

BRENT MEAD  
*Assistant Solicitor General*

ALWYN LANSING  
*Assistant Attorney General*

215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401  
Phone: 406-444-2026  
Fax: 406-444-3549  
david.dewhirst@mt.gov  
brent.mead2@mt.gov  
alwyn.lansing@mt.gov

*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MONTANA MEDICAL  
ASSOCIATION, FIVE VALLEYS  
UROLOGY, PLLC, PROVIDENCE  
HEALTH & SERVICES – MT,  
WESTERN MONTANA CLINIC,  
PC, PAT APPLEBY, MARK  
CARPENTER, LOIS  
FITZPATRICK, JOEL PEDEN,  
DIANA JO PAGE, WALLACE L.  
PAGE, and CHEYENNE SMITH,

Plaintiffs,

CV 21-108-M-DWM

**DEFENDANTS' MOTION  
TO DISMISS UNDER  
FED. R. CIV. P. 12**

v.

AUSTIN KNUDSEN, Montana Attorney General, and LAURIE ESAU, Montana Commissioner of Labor and Industry,  
Defendants.

Defendant moves to dismiss Plaintiffs' complaint under Rule 12. This motion is supported by Defendant's Brief in Support of Motion to Dismiss. Pursuant to Local Rule 7.1(c)(1), the opposing party has been contacted and opposes this motion.

DATED this 21st day of October, 2021.

AUSTIN KNUDSEN  
Montana Attorney General

KRISTIN HANSEN  
*Lieutenant General*

DAVID M.S. DEWHIRST  
*Solicitor General*

/s/ Brent Mead  
BRENT MEAD  
*Assistant Solicitor General*  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401  
p. 406.444.2026  
brent.mead2@mt.gov

*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, an accurate copy of the foregoing document was served electronically through the Court's CM/ECF system on registered counsel.

Dated: October 21, 2021

/s/ Brent Mead

BRENT MEAD