

COPY

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FILED APR 07 2011

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By _____ Deputy

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MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY

COUNTY OF MISSOULA, NATIONAL
WILDLIFE FEDERATION, MONTANA
ENVIRONMENTAL INFORMATION
CENTER, MONTANA CHAPTER OF THE
SIERRA CLUB,

Plaintiffs,

vs.

MONTANA DEPARTMENT OF
TRANSPORTATION, an agency of the
State of Montana, and JIM LYNCH, in his
capacity as Director of Montana
Department of Transportation,
Defendants.

) Cause. No. DV-11-424

) Dept. No. 3

) **PLAINTIFFS' MOTION FOR LEAVE
TO FILE OVER-LENGTH BRIEF IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

1 Plaintiffs request that the Court grant Plaintiffs leave to file a brief in
2 support of Plaintiffs' Motion for Preliminary Injunction in excess of the twenty
3 (20) page limit set forth in Local Rule 3(G)(1).

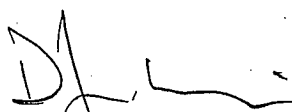
4 The subject of Plaintiffs' Complaint and Motion for Preliminary
5 Injunction, the Kearsarge Module Transport Project ("KMTP"), is an extensive
6 project, covering more than 300 miles of Montana highway and roads and to
7 be implemented over a period of twelve months or more. The administrative
8 record of MDT's development of the KMTP is extensive. Consistent with the
9 geographic and chronological scope of the KMTP, Plaintiffs allege that this
10 project poses the risk of extensive impacts across a broad spectrum of
11 resources and interests.

12 Plaintiffs request leave of the Court to file a single over-length brief.
13 Through a single brief, Plaintiffs may present their arguments in a
14 synthesized fashion and thereby serve the interest of promoting judicial
15 economy.

16 In light of these factors, Plaintiffs respectfully request the Court's leave
17 to file a single, consolidated brief in support of the Motion for Preliminary
18 Injunction with twenty (20) additional pages, for a total of forty (40) pages,
19 exclusive of indexes and appendices. The original of the proposed over-
20 length brief is attached hereto pursuant to Rule 3, Montana Fourth Judicial
21 District Court Rules.

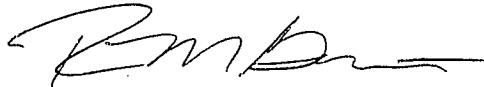
22 RESPECTFULLY submitted this 7th day of April, 2011.

23 *For Plaintiff Missoula County*

24 

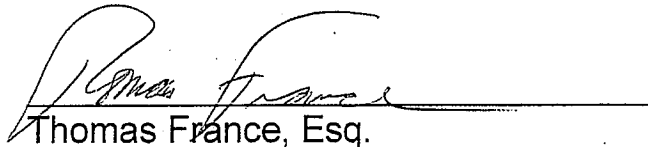
25 D. James McCubbin, Deputy
26 Missoula County Attorney's Office

*For Plaintiffs Montana Environmental
Information Center and Sierra Club*

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2
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5 Robert M. Gentry

6 *For Plaintiff National Wildlife Federation*

7 

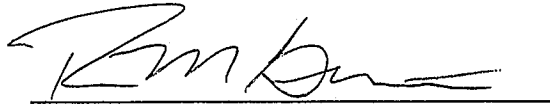
8 Thomas France, Esq.

9
10 CERTIFICATE OF SERVICE

11 This is to certify that a true and correct copy of the foregoing was
12 mailed, postage prepaid first class, this 7th day of April, 2011, to:

13 Timothy J. Reardon
14 Montana Department of Transportation
15 2701 Prospect Avenue
16 PO Box 201001
17 Helena, MT 59620-1001

18 [courtesy copy to IO counsel]
19 Stephen R. Brown
20 Garlington, Lohn and Robinson
21 PO Box 7909
22 Missoula, MT 59807

23
24
25
26 

1 Hon. John W. Larson
2 Montana Fourth Judicial District Court
3 Department 3
4 200 West Broadway
5 Missoula, MT 59802
6
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8

9 MONTANA FOURTH JUDICIAL DISTRICT COURT,
10 MISSOULA COUNTY

11 MISSOULA COUNTY, MONTANA)
12 ENVIRONMENTAL INFORMATION)
13 CENTER, NATIONAL WILDLIFE)
14 FEDERATION, SIERRA CLUB,)

15 Plaintiffs,)

16 vs.)

17 MONTANA DEPARTMENT OF)
18 TRANSPORTATION, and JIM LYNCH, in)
19 his capacity of Director of the Montana)
20 Department of Transportation)

21 Defendants.)
22)
23)
24)
25)
26)

CAUSE NO. DV-11-424
Department 3

ORDER

**GRANTING PLAINTIFFS' MOTION
FOR LEAVE TO FILE AN OVER-
LENGTH BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiffs' Motion for Leave to File an Over-Length Brief in Support of
Plaintiffs' Motion for Preliminary Injunction is GRANTED.

DATED this ___ day of April, 2011.

Hon. John W. Larson