FILED
10/27/2026
*Terry Halpin*
CLERK
Yellowstone County District Court
STATE OF MONTANA
By: Jeffery Flechsing
DV-56-2026-0000855-DK
Zink, Ed
68.00

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT**
**YELLOWSTONE COUNTY**

LAUREL CARED,

Plaintiff,

vs.

STATE OF MONTANA,

Defendant.

Cause No.: DV-56-2026-0000855-DK

Judge: Hon. Ed Zink

**ORDER GRANTING LEAVE TO FILE AMICUS CURAIE BRIEF BY CITY OF LAUREL**

Before the Court is the city of Laurel's Motion for Leave to File an Amicus Curaie Brief in this matter to fully inform the Court of the issues regarding City's ownership, operation, planning, and capacity of municipal water and wastewater systems; the extension of municipal services outside City limits; annexation; the effect of existing and approved development upon present and future infrastructure capacity; water-supply reliability, pressure, storage, fire flow, wastewater capacity, and capital needs; the Montana Environmental Policy Act and environmental review of impacts upon municipal systems and governmental functions; eminent domain or other claimed authority affecting City property, utility systems, water rights, easements, or services; fiscal and public-safety impacts; and the respective powers and responsibilities of the State of Montana and municipalities under Montana law as previously outlined in the City's written public comment and attachments that were submitted as the record in this matter.

Plaintiff Laurel CARED consents to said motion. The State of Montana opposes said motion.

While the Montana Rules of Civil Procedure "neither provide for nor prohibit the use of briefs by amicus curiae in district courts," courts may grant leave to file in their discretion. *Eberl v. Scofield* (1990), 244 Mont. 515, 520, 798 P.2d 536, 539. The Montana Supreme Court has stated that "[t]he right to be heard as amicus curiae is within the discretion of the court." *Id.*, 798 P.2d at 539 (citing *State v. Bonner* (1950), 123 Mont. 414, 420–21, 214 P.2d 747, 751).

The City of Laurel submitted written comments in the revised environmental assessment process by the State. Those comments are extensive and are at the heart of the issue in this case. This Court has already found that the record for the first Final EA could be supplemented as information regarding the relevant city of Laurel's ordinances and procedures when considering annexation were necessary to the Court's understanding in this matter as well as whether the annexation requirements and water pressure issues were sufficiently considered by the State of Montana. *See Order*, Dkt. 35, p. 8, lines 11-17. Plaintiff raises related issues in its S*econd Motion for Temporary Restraining Order and Preliminary Injunction and Brief in Support* as to the Revised Final EA. Dkt. 49, 50. While the State of Montana refutes these issues in its *Response Brief*, Dkt. 59, the Court finds that the city of Laurel has information that will assist the Court when considering the revised EA and the record before the Court.

Accordingly, for good cause shown, **IT IS HEREBY ORDERED:**

The City of Laurel's *Motion for Leave to file an Amicus Brief* is **GRANTED.**

ELECTRONICALLY SIGNED AND DATED BELOW.

Cc: Susan Swimley/Tara DePuy
Liz Forster/ Tim Bechtold
Christopher Stoneback
Rob Cameron

Electronically Signed By:
Hon. Judge Ed Zink
Tue, Oct 27 2026 04:40:55 PM