

Anita Y. Milanovich (Mt. No. 12176)  
General Counsel  
OFFICE OF THE GOVERNOR  
1301 E. 6th Ave.  
Helena, MT 59601  
Ph.: 406/444-5554  
Email: anita.milanovich@mt.gov  
*Counsel for Defendant*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

---

**DO NO HARM,**

Plaintiff,

v.

**GREG GIANFORTE**, in his official  
capacity as Governor of the State of  
Montana,

Defendant.

---

Case No. 6:24-cv-00024-BMM-KLD

**DEFENDANT'S MOTION TO  
DISMISS**

Pursuant to F.R.C.P. 12(b)(1) and L.R. 7.1, Defendant Governor Greg Gianforte moves the Court to grant his *Motion to Dismiss*. As more fully explained in the accompanying brief, the Court lacks subject matter jurisdiction because Plaintiff lacks standing and asserts a claim that is both unripe and moot.

Defendant's counsel conferred with opposing counsel, who confirmed that Plaintiff opposes this motion.

**WHEREFORE**, Defendant respectfully requests this Court grant his *Motion to Dismiss*.

Dated: May 3, 2024

Respectfully Submitted,

/s/ Anita Y. Milanovich

Anita Y. Milanovich (Mt. No. 12176)

General Counsel

OFFICE OF THE GOVERNOR

1301 E. 6th Ave.

Helena, MT 59601

Ph.: 406/444-5554

Email: anita.milanovich@mt.gov

*Counsel for Defendant*

### **Certificate of Service**

I hereby certify that a true and correct copy of the foregoing document was served on Plaintiff via CM/ECF electronic notice.

*/s/ Anita Y. Milanovich*  
Anita Y. Milanovich