

ORIGINAL

FILED

08/17/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 21-0395

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 21-0395

FILED

AUG 17 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

L.B. individually and on behalf of D.B., a Minor,

Plaintiff and Appellant,

v.

UNITED STATES OF AMERICA; BUREAU OF
INDIAN AFFAIRS; DANA BULLCOMING,
agent of the Bureau of Indian Affairs sued in his
individual capacity,

Defendants and Appellees.

ORDER

In accordance with M. R. App. P. 15, the Ninth Circuit Court of Appeals has certified to this Court the following question of law, which has arisen in that court's Cause No. 20-35514:

Under Montana law, do law-enforcement officers act within the course and scope of their employment when they use their authority as on-duty officers to sexually assault members of the public?

This Court accepts the certified question on the relevant facts set forth in the Ninth Circuit Court's certification of the question. In accordance with M. R. App. P. 15(4), we reserve any determination whether to reformulate the question pending full consideration of the issue. We will answer the question in due course following briefing.

IT IS THEREFORE ORDERED that the parties shall, in accordance with the Montana Rules of Appellate Procedure, prepare, file, and serve briefs addressing the certified question set forth above, with the opening brief of the Plaintiff and Appellant to be filed within 30 days of the date of this Order. Thereafter, additional briefing shall proceed in accordance with the Montana Rules of Appellate Procedure.

The Clerk is directed to provide copies of this Order to all counsel of record for the parties in the Ninth Circuit Court of Appeals Cause No. 20-35514, and to the Clerk of Court for the Ninth Circuit Court of Appeals.

DATED this 17th day of August, 2021.



Chief Justice













Justices