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

TRACY CAEKAERT, and CAMILLIA
MAPLEY,

Plaintiffs,

vs.

WATCHTOWER BIBLE AND
TRACT SOCIETY OF NEW YORK,
INC., WATCH TOWER BIBLE AND
TRACT SOCIETY OF
PENNSYLVANIA, and BRUCE
MAPLEY SR.,

Defendants.

Cause No. CV 20-52-BLG-SPW

**DEFENDANT WATCHTOWER
BIBLE AND TRACT SOCIETY OF
NEW YORK, INC.'S BRIEF IN
SUPPORT OF MOTION FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION**

WATCHTOWER BIBLE AND
TRACT SOCIETY OF NEW YORK,
INC. }

Cross-Claimant, }

vs. }

BRUCE MAPLEY SR., }

Cross-Claim Defendant. }

COMES NOW, Defendant Watchtower Bible and Tract Society of New York, Inc. (“WTNY”), by and through its attorneys of record, and respectfully submits its Brief in Support of Motion for Leave to File Motion for Reconsideration regarding the Court’s Order dated October 27, 2023 (Doc. 281).

Plaintiffs’ Motion for Leave to File Motion for Reconsideration dated October 6, 2023 (Doc. 272) (hereinafter “Plaintiffs’ Motion”), which sought reconsideration of the Court’s prior interlocutory order regarding the application of the clergy-penitent privilege to Document 39, was filed pursuant to L.R. 7.3. *See* Doc. 272, p. 1. In granting Plaintiffs’ Motion, the Court cited L.R. 7.1(d)(1)(B)(ii) and noted WTNY had not filed a response to Plaintiffs’ Motion. *See* Doc. 281, p. 1. However, L.R. 7.3(d) provides: “Unless the presiding judge orders a response, no response may be filed to a motion seeking reconsideration of an interlocutory order.” Here, since the Court had not ordered WTNY to file a response to Plaintiffs’ Motion, WTNY was

prohibited from filing a response pursuant to L.R. 7.3(d). *See Hogan on behalf of Hogan Clan, Inc. v. Hogan*, 2010 WL 11530744, *1 (D. Mont. 2010); and *Xu v. McLaughlin Research Inst. for Biomedical Sci., Inc.*, 2006 WL 8464758, *1, n. 1 (D. Mont. 2006). L.R. 7.3(b)(1)(A) is also satisfied here because, since WTNY was prohibited from filing a response pursuant to L.R. 7.3(d), it did not have an opportunity to present L.R. 7.3(d) or any other facts or applicable law in response to Plaintiffs' Motion. Since L.R. 7.3(d) prohibited WTNY from filing a response to Plaintiffs' Motion, WTNY respectfully requests leave to file a motion for reconsideration of the Court's Order set forth at Doc. 281.

DATED this 30th day of October, 2023.

By: /s/ Jon A. Wilson
Jon A. Wilson / Brett C. Jensen /
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*Attorneys for Defendant Watchtower
Bible and Tract Society of New York,
Inc.*

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(d)(2)(E), the undersigned hereby certifies this brief complies with L.R. 7.1(d)(2)(A) and 7.3(b). According to the word-processing unit used to prepare this brief, the word count is **317** words excluding caption and certificates of service and compliance.

DATED this 30th day of October, 2023.

By: /s/ Jon A. Wilson
Jon A. Wilson / Brett C. Jensen /
Michael P. Sarabia
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*Attorneys for Defendant Watchtower
Bible and Tract Society of New York,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on October 30, 2023, a copy of the foregoing was served on the following person(s):

1. U.S. District Court, Billings Division
2. Robert L. Stepan/Ryan R. Shaffer/James C. Murnion/Victoria K.M. Gannon
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by the following means:

<u>1-4</u> CM/ECF	<u> </u> Fax
<u> </u> Hand Delivery	<u> </u> E-Mail
<u>5</u> U.S. Mail	<u> </u> Overnight Delivery Services

By: /s/ Jon A. Wilson
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