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of Montana d/b/a Acadia Montana and
Jennifer Hedke

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

AMBER J. WILLIAMS,

Plaintiff,

v.

CANDICE OSTERMAN, et al.,

Defendants.

Cause No. CV 20-00023-H-DLC-JTJ

DEFENDANTS KIDS BEHAVIORAL
HEALTH OF MONTANA d/b/a
ACADIA MONTANA AND
JENNIFER HEDKE'S REPLY BRIEF
IN SUPPORT OF MOTION TO
DISMISS PURSUANT TO FED. R.
CIV. P. 12(e) AND 4(m)

On November 24, 2020, Defendants Kids Behavioral Health of Montana d/b/a Acadia Montana (“Acadia”) and Jennifer Hedke (“Ms. Hedke”), moved this Court to dismiss all claims against Defendants Acadia Montana, Ms. Hedke, Heather C. and Karen Galvin pursuant to Federal Rules of Civil Procedure 12(e) and 4(m). (Docs. 36-37.) The twenty-one-day deadline has passed, and Plaintiff

has not filed a response to Acadia and Ms. Hedke's motion. *See* Local Rule 7.1(d)(1)(B)(ii). As a result, Defendants respectfully requests the Court deem their Federal Rules of Civil Procedure 12(e) and 4(m) motion well-taken pursuant to Local Rule 7.1(d)(1)(B)(ii). As demonstrated by the opening brief, because Plaintiff has repeatedly failed to comply with the Court's orders and the Rules of Civil Procedure, dismissal is appropriate.

For the Court's convenience, a proposed order is attached hereto as Exhibit A.

DATED this 22nd day of December, 2020.

/s/ Elizabeth L. Hausbeck
Attorneys for Defendants Kids Behavioral Health
of Montana d/b/a Acadia Montana and
Jennifer Hedke

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(d)(2)(E), I certify that this Defendants Kids Behavioral Health of Montana d/b/a Acadia Montana and Jennifer Hedke's Reply Brief in Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(e) and 4(m) is printed with proportionately spaced Times New Roman text typeface of 14 points; is double-spaced; and the word count, calculated by Microsoft Office Word 2016, is 135 words long, excluding Caption, Certificate of Service and Certificate of Compliance.

/s/ Elizabeth L. Hausbeck
Attorneys for Defendants Kids Behavioral Health
of Montana d/b/a Acadia Montana and
Jennifer Hedke

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2020, a copy of the foregoing document was served on the following persons by the following means:

- Hand Delivery
- 1 Mail
- Overnight Delivery Service
- Fax (include fax number in address)
- E-Mail (include email in address)

1. Amber Williams
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