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

**PORTLAND GENERAL ELECTRIC  
COMPANY; AVISTA CORPORATION;  
PACIFICORP; and PUGET SOUND  
ENERGY, INC.,**

Plaintiffs,

v.

**NORTHWESTERN CORPORATION;  
TALEN MONTANA, LLC; AUSTIN  
KNUDSEN, in his official capacity as  
Attorney General for the State of Montana,**

Defendants.

Case No. 1:21-cv-00047-SPW-KLD

**PLAINTIFFS' MOTION FOR  
ENTRY OF AN ORDER  
FURTHER DEFINING TERMS  
AND SCOPE OF  
PRELIMINARY INJUNCTION  
ISSUED OCTOBER 13, 2021**

**PLAINTIFFS' MOTION FOR ORDER  
FURTHER DEFINING TERMS AND SCOPE OF  
PRELIMINARY INJUNCTION**

**L.R. 7.1(c)(1) STATEMENT**

Plaintiffs have contacted counsel for Defendants. Attorney General Knudsen and Talen Montana, LLC oppose the Motion. NorthWestern Corporation is awaiting review of the motion papers before deciding whether to oppose the Motion.

**MOTION**

Plaintiffs Portland General Electric Company, Avista Corporation, PacifiCorp, and Puget Sound Energy, Inc. (“the PNW Owners”) respectfully move this Court for entry of an Order further defining the terms and scope of the preliminary injunction issued by the Court on October 13, 2021. (Doc. 100.) This Motion does not seek different or additional relief than what was sought by the PNW Owners in their Motion for Preliminary Injunction (Doc. 37) and granted by the Court in its October 13 Order. Instead, this Motion seeks entry of the requested Order to ensure technical compliance with Federal Rule of Civil Procedure 65(d)(1).

The PNW Owners move this Court to enter an order against defendant Austin Knudsen, in his official capacity as the Montana Attorney General, as follows:

1. Defendant Austin Knudsen is enjoined from enforcing Montana Code Annotated Title 30, Chapter 14, Part 27 (2021 Montana Laws Ch. 377; Senate Bill 266) (“the Act”) against the PNW Owners concerning the coal-fired electrical generation units in Colstrip, Montana, including taking any steps to commence civil actions under the Act to enforce compliance with the Act; to seek temporary, preliminary, or permanent injunctive relief as provided in the Act; or to seek civil fines as provided in the Act.
2. The conduct enjoined as described in paragraph 1 shall pertain to purported violations of the Act that arise out of conduct or actions taken by any PNW Owners on or after January 1, 2021, including future conduct or actions taken by any PNW Owners after entry of the Order.
3. The Order shall remain in full force and effect pending further order by the Court or entry of final judgment in this action.

This motion is supported by the concurrently filed Brief in Support of Motion for Entry of an Order Further Defining the Terms and Scope of Preliminary Injunction, by the concurrently filed declaration of Jeffrey M. Hanson in support of this Motion, by the previously filed Motion for Preliminary Injunction and supporting brief and declarations (Docs. 37 through 39-6, 67), the Court’s Findings

of Fact, Conclusions of Law, and Order on Preliminary Injunction (Doc. 100), and by the record in this matter.

DATED this 4th day of November, 2021.

HANSBERRY & JOURDONNAIS, PLLC

/s/ Charles E. Hansberry

Charles E. Hansberry  
Jenny M. Jourdonnais

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Corporation, PacifiCorp, and Puget Sound  
Energy, Inc.*

/s/ Harry H. Schneider, Jr.

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