

**FILED**

MAY 27 2021

ANGIE SPARKS CLERK of District Court  
By K. KRESGE Deputy Clerk

**MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY**

BOARD OF REGENTS OF HIGHER  
EDUCATION OF THE STATE OF  
MONTANA,

Petitioner,

v.

THE STATE OF MONTANA, by and  
through Austin Knudsen, Attorney  
General of the State of Montana in his  
official capacity,

Respondent.

Cause No.: BDV-2021-598

**TEMPORARY RESTRAINING  
ORDER AND  
SHOW CAUSE ORDER**

On May 27, 2021, the Montana Higher Education Board of Regents (Board) sought, among other things, a Temporary Restraining Order. Under Montana law, a temporary restraining order's purpose is to "preserve the status quo until a hearing can be held to determine whether an injunction should

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1 be granted.” *Montana Tavern Ass’n v. State*, 224 Mont. 258, 264, 729 P.2d 1310,  
2 1315 (Mont. 1986). In this regard, a “court or judge may enjoin the adverse  
3 party, until the hearing and decision of the application, by an order which is  
4 called a temporary restraining order.” Mont. Code Ann. § 27-19-314 (2019)  
5 (emphasis added). Such an order, however, should be issued only if the  
6 threatened injury is imminent and if delay would cause immediate and irreparable  
7 injury to the applicant.

8           Having reviewed the Board’s *ex parte* Temporary Restraining  
9 Order motion, its supporting brief, the Board’s Declaratory Relief Petition’s  
10 allegations, its exhibits as well as Ali Bovington and Regent Brianne Rogers’  
11 respective Declarations the Court concludes under Mont. Code Ann. § 27-19-315  
12 that:

13           1.     The Board will suffer immediate and irreparable injury, loss  
14 and damage before notice and an opportunity to be heard can be given to the  
15 State of Montana, through the Attorney General;

16           2.     The delay caused by notice of any hearing would seriously  
17 impair the remedies sought by the Board since it seeks to enjoin Montana from  
18 applying House Bill 102’s (HB 102) open and conceal carry legislation as to the  
19 Board, the Montana University System (“MUS”), and MUS campuses and  
20 locations; and

21           3.     The Board is entitled to the temporary relief requested in its  
22 Petition and in its *ex parte* Temporary Restraining Order motion until good cause  
23 to the contrary can be shown.

24           Accordingly, **IT IS HEREBY ORDERED** as follows:

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