

David W. Diacon
2319 Livingston Ave.
Missoula MT 59801
(406) 770-9226
dwdiacon@diacon.us.com
Pro se

FILED

JUN -7 2021

ANGIE SPARKS, Clerk of District Court
By: *[Signature]* Deputy Clerk

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

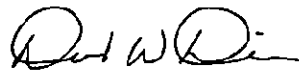
<p>BOARD OF REGENTS OF HIGHER EDUCATION OF THE STATE OF MONTANA,</p> <p>Petitioner,</p> <p>v.</p> <p>THE STATE OF MONTANA, by and through Austin Knudsen, Attorney General of the State of Montana in his official capacity,</p> <p>Respondent.</p>	<p>Cause No. BDV-2021-598</p> <p>MOTION TO INTERVENE</p> <p><i>pd.</i> <i>(email)</i></p>
---	---

COMES NOW David W. Diacon, *pro se*, and hereby moves to Intervene in the above captioned cause. Movant (hereinafter David) supports this motion with a brief in support and concurrently files *Intervenor's Petition* which sets out the claim for which intervention is sought. David has emailed the existing parties prior to filing this motion but due to the late hour and emergency nature of this motion they have had little time to respond so this motion may be deemed as opposed.

David seeks to intervene in this matter to protect his right to self-protection guaranteed under the Second Amendment of the U.S. Constitution and Article II, Sections 3 and 12 of the Montana Constitution. Movant intervenes to oppose permanent injunction issued in favor of the Board of Regents because the right of individual citizens of Montana are the central and underlying issue in this matter making the issuance of a permanent injunction inappropriate. The resolution of the issue between the Board of Regents and the State of Montana will likely span months or years while an inevitable appeal is sought by the losing party, regardless of who that may be. The rights of individual citizens of Montana must be considered and protected while the parties to this action seek a determination of their respective authority.

WHEREFORE, David seeks to be admitted as Intervenor to challenge the issuance of a permanent injunction and to protect his individual rights.

Respectfully submitted this 7th day of June, 2021.



David W. Diacon

Pro se

Certificate of Service

I, the undersigned, hereby certify that I have served a true and correct copy of the foregoing Motion to Intervene by email and USPS, 1st-class postage prepaid, upon the following:

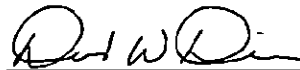
Kristin Hansen
David Dewhirst
215 N. Sanders
Helena, MT 59601
khansen@mt.gov
david.dewhirst@mt.gov

Ali Bovingdon
Office of Commissioner of Higher Education
P.O. Box 203201
Helena, MT 59620-3201
ali.govingdon@montana.edu

Martha Sheehy
Sheehy Law Firm
P.O. Box 584 Billings, MT 59103
msheehy@sheehylawfirm.com

Kyle A. Gray
Holland & Hart, LLP
P.O. Box 639
Billings, MT 59103-0639
kgray@hollandandhart.com

Respectfully submitted this 7th day of June, 2021.



David W. Diacon
Pro se