

**Montana Board Of Regents Of Higher Education vs. State of Montana**

Filed: 5/27/2021

Subtype: Declaratory Judgment

**Status History**

Closed	2/2/1893
Open	5/27/2021
On Appeal	12/1/2021
Closed	12/13/2021

**Plaintiffs**

Pl. no. 1 Montana Board Of Regents Of Higher Education

**Attorneys**

Sheehy, Martha	(Primary attorney)	Send Notices
Gray, Kyle Anne		Send Notices
McClafferty, Brianne C.		Send Notices
Cross, Emily J.		Send Notices
Bovingdon, Ali		Send Notices

**Defendants**

Def. no. 1 State of Montana

**Attorneys**

Segrest, J. Stuart	(No longer on case)	Do Not Send Notices
Dewhirst, David M.S.	(Primary attorney)	Send Notices
Tokerud, Hannah E	(No longer on case)	Do Not Send Notices
Knudsen, Austin M.		Send Notices
Smithgall, Kathleen L.		Send Notices

**Other Parties**

OP no. 1 Diacon, David W.

**Attorneys**

Pro Se,	(Primary attorney)	Send Notices
---------	--------------------	--------------

OP no. 2 Montana Shooting Sports Association

**Attorneys**

Rhoades, Quentin M.	(Primary attorney)	Send Notices
---------------------	--------------------	--------------

OP no. 3 Daniels County

**Attorneys**

Olson, Logan P.	(Primary attorney)	Send Notices
-----------------	--------------------	--------------

**Judge History**

Date	Judge	Reason for Removal
5/27/2021	McMahon, Michael F	Current

**Register of Actions**

Doc. Seq.	Entered	Filed	Text	Judge
1.000	05/27/2021	05/27/2021	Petition for Declaratory Relief	McMahon, Michael F
2.000	05/27/2021	05/27/2021	(copy) Summons - Attorney General	McMahon, Michael F
3.000	05/28/2021	05/27/2021	(Original) Summons returned served to Alden Tonkay on 05/27/2021 by Ali Bovingdon	McMahon, Michael F

**Montana Board Of Regents Of Higher Education vs. State of Montana****Register of Actions**

Doc. Seq.	Entered	Filed	Text	Judge
4.000	05/28/2021	05/27/2021	Motion for Ex Parte Temporary Restraining Order, Preliminary Injunction and Show Cause Order - Petitioner	McMahon, Michael F
5.000	05/28/2021	05/27/2021	Declaration of Ali Bovingdon	McMahon, Michael F
6.000	05/28/2021	05/27/2021	Declaration of Brianne Rogers	McMahon, Michael F
7.000	05/28/2021	05/27/2021	Petitioner's Brief in Support of Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction and Motion to Show Cause	McMahon, Michael F
8.000	06/01/2021	05/27/2021	Temporary Restraining Order and Show Cause Order	McMahon, Michael F
9.000	06/04/2021	06/04/2021	(email) Notice of Appearance: David M.S. Dewhirst, J. Stuart Segrest, and Hannah E. Tokerud	McMahon, Michael F
10.000	06/04/2021	06/04/2021	(email) Respondent's Brief in Opposition to Preliminary Injunction	McMahon, Michael F
11.000	06/07/2021	06/07/2021	Stricken per ORDER dated 7/16/2021	McMahon, Michael F
12.000	06/07/2021	06/07/2021	(email) Brief in Support of Motion to Intervene - David W. Diacom	McMahon, Michael F
13.000	06/07/2021	06/07/2021	(email) Petition of Intervenor - David W. Diacom	McMahon, Michael F
14.000	06/08/2021	06/07/2021	Petitioner's Reply Brief in Support of Motion for Preliminary Injunction	McMahon, Michael F
15.000	06/08/2021	06/07/2021	Notice of Appearance: David M.S. Dewhirst, J. Stuart Segrest, and Hannah E. Tokerud	McMahon, Michael F
16.000	06/08/2021	06/07/2021	Notice of Constitutional Challenge - Petitioner	McMahon, Michael F
17.000	06/08/2021	06/07/2021	Notice of Typographical Error in Declaration of Regent Brianne Rogers	McMahon, Michael F
18.000	06/08/2021	06/07/2021	Respondent's Brief in Opposition to Preliminary Injunction	McMahon, Michael F
19.000	06/08/2021	06/07/2021	Preliminary Injunction Order	McMahon, Michael F
20.000	06/09/2021	06/08/2021	Montana Shooting Sports Association's Motion to Intervene	McMahon, Michael F
21.000	06/09/2021	06/08/2021	Montana Shooting Sports Association's Principal Brief in Support of Motion to Intervene	McMahon, Michael F
22.000	06/09/2021	06/09/2021	Stricken per ORDER dated 9/16/2021	McMahon, Michael F
23.000	06/09/2021	06/09/2021	Brief in Support of Motion to Intervene - David Diacon	McMahon, Michael F
24.000	06/09/2021	06/09/2021	Petition of Intervenor - David W. Diacon	McMahon, Michael F
25.000	06/10/2021	06/09/2021	Minute Entry (6/7/2021) - Time Set for a Show Cause Hearing	McMahon, Michael F
26.000	06/16/2021	06/16/2021	(email) Stipulation of Electronic Service	McMahon, Michael F
27.000	06/17/2021	06/17/2021	(email) Petitioner's Unopposed Motion for Extension of Time	McMahon, Michael F
28.000	06/21/2021	06/18/2021	Stipulation of Electronic Service	McMahon, Michael F
29.000	06/21/2021	06/21/2021	Petitioner's Unopposed Motion for Extension of Time	McMahon, Michael F

**Montana Board Of Regents Of Higher Education vs. State of Montana****Register of Actions**

Doc. Seq.	Entered	Filed	Text	Judge
30.000	06/22/2021	06/21/2021	Order Granting Petitioner's Unopposed Motion for Extension of Time	McMahon, Michael F
31.000	06/22/2021	06/22/2021	(email) State of Montana's Response to Motions to Intervene	McMahon, Michael F
32.000	06/29/2021	06/25/2021	Petitioner's Combined Brief in Opposition to Motions to Intervene of Montana Shooting Sports Association and David W. Diacon	McMahon, Michael F
33.000	06/28/2021	06/28/2021	(email) David W. Diacon's Reply Brief to Petitioner's Combined Brief in Opposition to Motions to Intervene	McMahon, Michael F
34.000	06/28/2021	06/28/2021	(email) Notice of Submittal - David Diacon	McMahon, Michael F
35.000	06/29/2021	06/28/2021	State of Montana Response to Motions to Intervene	McMahon, Michael F
36.000	06/29/2021	06/29/2021	(email) Notice of Appearance: Kathleen L Smithgall - Respondent	McMahon, Michael F
37.000	07/01/2021	06/30/2021	(email) State of Montana's Supplemental Response to Motions to Intervene	McMahon, Michael F
38.000	07/01/2021	06/30/2021	Notice of Appearance K Lathleen L. SmithGall (Respondent)	McMahon, Michael F
39.000	07/02/2021	07/01/2021	Notice of Submittal - David Diacon	McMahon, Michael F
40.000	07/06/2021	07/02/2021	David W. Diacon's Reply Brief to Petitioner's Combined Brief in Opposition to Motions to Intervene	McMahon, Michael F
41.000	07/07/2021	07/06/2021	State of Montana's Supplemental Response to Motions to Intervene	McMahon, Michael F
42.000	07/08/2021	07/08/2021	(email) Respondent's Answer to Petition for Declaratory Relief	McMahon, Michael F
43.000	07/12/2021	07/12/2021	(email) Montana Shooting Sports Association's Reply Brief in Support of Motion to Intervene	McMahon, Michael F
44.000	07/13/2021	07/12/2021	Respondent's Answer to Petition for Declaratory Relief	McMahon, Michael F
45.000	07/16/2021	07/15/2021	Montana Shooting Sports Association's Reply Brief in Support of Motion to Intervene	McMahon, Michael F
46.000	07/19/2021	07/16/2021	Order Denying Intervention Motions and Briefing Schedule	McMahon, Michael F
47.000	08/23/2021	08/20/2021	(email) State of Montana's Motion for Rule 60 Relief	McMahon, Michael F
48.000	08/23/2021	08/20/2021	(email) State of Montana's Brief in Support its Motion for Rule 60 Relief	McMahon, Michael F
49.000	08/26/2021	08/26/2021	State of Montana's Motion for Rule 60 Relief	McMahon, Michael F
50.000	08/26/2021	08/26/2021	State of Montana's Brief in Support of Its Motion for Rule 60 Relief	McMahon, Michael F
51.000	08/30/2021	08/27/2021	(email) Notice of Withdrawal of Counsel - Respondent	McMahon, Michael F
52.000	08/31/2021	08/30/2021	Notice of Withdrawal of Counsel - J. Stuart Segrest for Respondent	McMahon, Michael F
53.000	09/01/2021	08/31/2021	(email) Respondent's Unopposed Motion to Amend Scheduling Order	McMahon, Michael F

**Montana Board Of Regents Of Higher Education vs. State of Montana****Register of Actions**

Doc. Seq.	Entered	Filed	Text	Judge
54.000	09/01/2021	08/31/2021	(email) Respondent's Brief in Support of Unopposed Motion to Amend Scheduling Order	McMahon, Michael F
55.000	09/01/2021	09/01/2021	Respondent's Unopposed Motion to Amend Scheduling Order	McMahon, Michael F
56.000	09/01/2021	09/01/2021	Respondent's Brief in Support of Unopposed Motion to Amend Scheduling Order	McMahon, Michael F
57.000	09/02/2021	09/01/2021	Amended Order Setting Briefing Schedule	McMahon, Michael F
58.000	09/09/2021	09/03/2021	(Email) Notice of Withdrawal of Counsel - Respondent	McMahon, Michael F
59.000	09/09/2021	09/07/2021	(Email) Petitioner Board of Regents' Response to State's Rule 60 Motion	McMahon, Michael F
60.000	09/09/2021	09/07/2021	Notice of Withdrawal of Counsel - Respondent	McMahon, Michael F
61.000	09/13/2021	09/09/2021	Petitioner Board of Regents' Response to State's Rule 60 Motion	McMahon, Michael F
62.000	09/14/2021	09/13/2021	Summary Response of Board of Regents to Petition for Writ of Supervisory Control of Montana Shooting Sports Association	McMahon, Michael F
63.000	09/16/2021	09/15/2021	(Email) State of Montana's Motion for Summary Judgment	McMahon, Michael F
64.000	09/16/2021	09/15/2021	(Email) State of Montana's Brief in Support of Motion for Summary Judgment	McMahon, Michael F
65.000	09/22/2021	09/21/2021	(email) Unopposed Motion for Leave for Daniels County to Participate as Amicus Curiae - Daniels County	McMahon, Michael F
66.000	09/23/2021	09/22/2021	(email) Brief of Amicus Curiae David W. Diacon	McMahon, Michael F
67.000	09/23/2021	09/23/2021	Unopposed Motion for Leave for Daniels County to Participate as Amicus Curiae - County of Daniels	McMahon, Michael F
68.000	09/24/2021	09/24/2021	(em) Notice of Submittal - Respondent	McMahon, Michael F
69.000	09/24/2021	09/24/2021	(email) State of Montanan's Reply in Support of Its Motion for Rule 60 Relief	McMahon, Michael F
70.000	09/24/2021	09/24/2021	Brief of Amicus Curiae David W. Diacon	McMahon, Michael F
71.000	09/28/2021	09/27/2021	Motion For Extended Amicus Briefing Schedule; Motion For Leave to File Amicus Curiae	McMahon, Michael F
72.000	09/28/2021	09/27/2021	County of Daniels Amicus Curiae Brief	McMahon, Michael F
73.000	09/28/2021	09/27/2021	State of Montana's Reply in Support of its Motion for Rule 60 Relief	McMahon, Michael F
74.000	09/28/2021	09/27/2021	Notice of Submittal	McMahon, Michael F
75.000	09/30/2021	09/29/2021	(supreme Court) Order - Petition for Writ of Supervisory Control is Denied and Dismissed	McMahon, Michael F
76.000	09/30/2021	09/29/2021	Order on Rule 60 Motion - Denied	McMahon, Michael F
77.000	10/01/2021	09/30/2021	(Email) Petitioner's Response in Opposition to Motion for Leave to File Amicus Curiae	McMahon, Michael F
78.000	10/05/2021	10/04/2021	Petitioner's Response in Opposition to Motion for Leave to File Amicus Curiae	McMahon, Michael F
79.000	10/19/2021	10/15/2021	(email) Petitioner's Motion For Summary Judgment	McMahon, Michael F

**Montana Board Of Regents Of Higher Education vs. State of Montana****Register of Actions**

Doc. Seq.	Entered	Filed	Text	Judge
80.000	10/19/2021	10/15/2021	(email) Petitioner's Brief in Support of Motion For Summary Judgment and in Opposition to State's Motion For Summary Judgment	McMahon, Michael F
81.000	10/19/2021	10/18/2021	Petitioner's Motion For Summary Judgment	McMahon, Michael F
82.000	10/19/2021	10/18/2021	Petitioner's Brief in Support of Motion For Summary Judgment and in Opposition to State's Motion For Summary Judgment	McMahon, Michael F
83.000	10/29/2021	10/27/2021	Minute Entry (10/27/2021) - Hearing on Summary Judgment	McMahon, Michael F
84.000	10/29/2021	10/29/2021	(email) State of Montana's Reply Brief in Support of Motion for Summary Judgment and Response in Opposition of Petitioner's Motion for Summary Judgment	McMahon, Michael F
85.000	11/09/2021	11/08/2021	Order Granting County of Daniels Leave to Participate as Amicus Curiae	McMahon, Michael F
86.000	11/09/2021	11/08/2021	(Email) Petitioner's Reply Brief in Support of Motion for Summary Judgment and In Opposition to State's Motion for Summary Judgment	McMahon, Michael F
87.000	11/15/2021	11/12/2021	State of Montana's Reply Brief in Support of Motion for Summary judgment and Response in Opposition of Petitioner's Motion for Summary Judgment	McMahon, Michael F
88.000	11/15/2021	11/12/2021	Petitioner's Reply Brief in Support of Motion for Summary Judgment and in Opposition to State's Motion for Summary Judgment	McMahon, Michael F
89.000	12/01/2021	11/30/2021	Summary Judgment Order	McMahon, Michael F
90.000	12/02/2021	11/30/2021	(email) State of Montana's Request for Transcripts	McMahon, Michael F
91.000	12/02/2021	12/01/2021	Notice of Filing (Appeal) - Supreme Court	McMahon, Michael F
92.000	12/07/2021	12/02/2021	Minute Entry (11/30/2021) Time set for Summary Judgment	McMahon, Michael F
93.000	12/07/2021	12/06/2021	State of Montana's Request for Transcripts	McMahon, Michael F
94.000	12/10/2021	12/10/2021	Notice of Filing Proposed Judgment and Permanent Injunction - Petitioner	McMahon, Michael F
95.000	12/15/2021	12/10/2021	Order (Supreme Court) - No further action until entry of judgement by First Judicial District Court	McMahon, Michael F
96.000	12/22/2021	12/13/2021	Judgment and Permanent Injunction	McMahon, Michael F
97.000	01/12/2022	01/10/2022	(Supreme Court) Notice of Filing	McMahon, Michael F
98.000	07/20/2022	07/19/2022	(Supreme Court) Remittitur (Affirmed) - Decision of the District Court is Affirmed	McMahon, Michael F