

FILED

JUN 04 2021

RAPH GRAYBILL
Graybill Law Firm, PC
300 4th Street North
PO Box 3586
Great Falls, MT 59403
Phone: (406) 452-8566
Email: rgraybill@silverstatelaw.net

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

RYLEE SOMMERS-FLANAGAN
Upper Seven Law
1008 Breckenridge St.
Helena, MT 59601
Phone: (406) 396-3373
Email: rylce@uppersevenlaw.com

Attorneys for Plaintiffs

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

<p>FORWARD MONTANA; LEO GALLAGHER; MONTANA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS; GARY ZADICK,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>THE STATE OF MONTANA, by and through GREG GIANFORTE, Governor,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">Cause No. <u>BDV-2021-611</u></p> <p style="text-align: center;">APPLICATION FOR PRELIMINARY INJUNCTION</p>
--	---

Plaintiffs Forward Montana, Leo Gallagher, Montana Association of Criminal Defense Lawyers, and Gary Zadick, through counsel of record, move for a preliminary injunction.

Plaintiffs have “demonstrated either a prima facie case that they will suffer some degree of harm and are entitled to relief (§ 27-19-201(1), MCA) or a prima facie case that they will suffer an ‘irreparable injury’ through the loss of a constitutional right (§ 27-19-201(2), MCA).”

Driscoll v. Stapleton, 2020 MT 247, ¶ 17, 401 Mont. 405, 414, 473 P.3d 386, 392.

First, Plaintiffs have made out a prima facie case that Senate Bill 319 (“SB319”) violates Montana’s “single subject rule” as well as the separate prohibition against so altering bills as they pass into law that their original purpose is changed, as set forth respectively under Article V, Section 11, Paragraphs (3) and (1) of the Montana Constitution. SB319 contains at least three subjects: the creation of joint fundraising committees, prohibitions on political speech in certain public university settings, and the creation of a new judicial recusal scheme. And, SB319 was so altered during the legislative process by the addition of sweeping new provisions that the bill’s original purpose—to create and regulate joint fundraising committees—was changed.

Second, a preliminary injunction is necessary to preserve the status quo and to prevent grave and irreparable injury to Plaintiffs. SB319 becomes effective on July 1, 2021. If SB319 takes effect during the pendency of this litigation, it will cause a chaos of substitutions in pending cases in district courts in Montana, substantially disrupting the judicial system and injuring Plaintiffs.

Accordingly, and for the reasons detailed in the concurrently filed brief, the Court should issue an order requiring cause to be shown that a preliminary injunction should not be granted.

Respectfully submitted this 4th day of June, 2021.

/s/ Raphael Graybill
Raphael J.C. Graybill
Graybill Law Firm, PC

/s/ Rylee K. Sommers-Flanagan
Rylee K. Sommers-Flanagan
Upper Seven Law
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above was duly served upon the following on the 4th day of June, 2021, by U.S. certified mail in a sealed, postage paid envelope.

Office of the Attorney General
Justice Building, Third Floor
215 North Sanders Street
PO Box 201401
Helena, MT 59620-1401

Office of the Governor
PO Box 200801
Helena, MT 59620-0801

/s/ Raphael Graybill
Graybill Law Firm, PC