

FILED

DEC 07 2021

ANGIE SPARKS, Clerk of District Court
By J. G. Gianforte Deputy Clerk

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

FORWARD MONTANA, LEO
GALLAGHER, MONTANA ASSOCIATION
OF CRIMINAL DEFENSE LAWYERS, and
GARY ZADICK,

Plaintiffs,

v.

THE STATE OF MONTANA, by and through
GREG GIANFORTE, Governor,

Defendant.

Cause No. ADV-2021-611

**ORDER ON
MOTION FOR
PROTECTIVE ORDER**

This matter is before the Court on the motion of Plaintiffs Forward Montana, Leo Gallagher, Montana Association of Criminal Defense Lawyers and Gary Zadick seeking a protective order to stay discovery pursuant to Montana Rule of Civil Procedure 26(c)(1). Defendant State of Montana (State) opposes.

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1 Raph Graybill, Rylee Sommers-Flanagan and Constance Van Kley represent
2 Plaintiffs. Assistant Solicitor General Brent Mead and Assistant Attorney
3 General Patrick M. Risken represent the State.

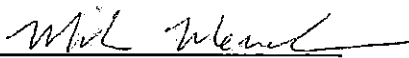
4 Pursuant to Montana Rule of Civil Procedure 26(c)(1), a “court
5 may, for good cause, issue an order to protect a party or person from . . . undue
6 burden or expense” by issuing a protective order while the action is pending.
7 Plaintiffs seek a protective order to stay discovery pending resolution of its
8 motion for summary judgment. The motion for summary judgment is unrelated
9 to the information the State seeks and may resolve this case on the merits.
10 According to Plaintiffs, staying discovery when a dispositive motion is pending
11 supports judicial economy, efficiency, and the just and speedy resolution of the
12 matter. Moreover, because this Court has previously determined Plaintiffs have
13 standing, the issue upon which the State seeks discovery is no longer at issue and
14 the State has preserved its objections. The Court agrees.

15 Accordingly,

16 **ORDER**

17 **IT IS HEREBY ORDERED** the Plaintiffs’ motion for a
18 protective order to stay discovery is **GRANTED**.

19 DATED this 7th day of December 2021.

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22 **MIKE MENAHAN**
23 **District Court Judge**

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8 MFMTM/ADV-2021-611 Forward Montana, et al. v. State of Montana - Order on Motion to Stay Discovery
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