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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY**

Montana Democratic Party, Mitch Bohn,

*Plaintiffs,*

Western Native Voice, Montana Native  
Vote, Blackfeet Nation, Confederated  
Salish and Kootenai Tribes, Fort Belknap  
Indian Community, and Northern  
Cheyenne Tribe,

*Plaintiffs,*

Montana Youth Action; Forward  
Montana Foundation; and Montana  
Public Interest Research Group,

*Plaintiffs,*

vs.

CHRISTI JACOBSEN, in her official  
capacity as Montana Secretary of State,

*Defendant.*

Cause No. DV 21-0451

Hon. Michael Moses

**YOUTH PLAINTIFFS'  
BRIEF IN OPPOSITION  
TO DEFENDANT'S MOTION TO  
SUSPEND PRELIMINARY  
INJUNCTION PENDING APPEAL**

Plaintiffs Montana Youth Action, Forward Montana Foundation, and Montana Public Interest Research Group (“Youth Plaintiffs”), submit this Brief in Opposition to Defendant’s Motion to Suspend Preliminary Injunction Pending Appeal (“Def.’s Mot.”), and join in full the briefs in opposition also filed on April 14, 2022, by the Montana Democratic Party (“MDP”) and Western Native Voice (“WNV”) plaintiffs.

While the Secretary argues that there “is no precise formula governing when a stay of injunction should be granted,” Def.’s Mot. at 3, there are four established principles to guide the Court’s order: “1. Whether the stay applicant has made a strong showing that he is likely to succeed on the merits. 2. Whether the applicant will be irreparably injured absent a stay. 3. Whether issuance of the stay will substantially injure the other parties interested in the proceeding. 4. Where the public interest lies.” *Pinnacle Gas Res. v. Diamond Cross Props.*, Cause No. DV 07-150, 2008 Mont. Dist. LEXIS 240, \*2 (Mont. Dist. Ct. 16th Dist.). So, the court “determines whether to grant a stay by balancing competing interests and considering whether the public welfare or convenience will be benefitted by a stay.” *State v. Mont. First Jud. Dist. Ct.*, 361 Mont. 536, 264 P.3d 518 (2011) (citing *Henry v. Seventeenth Jud. Dist. Ct.*, 198 Mont. 8, 13, 645 P.2d 1350, 1353 (1982)). Moreover, the bar for Defendant’s motion is high. *Pinnacle Gas*, 2008 Mont. Dist. LEXIS 240, at \*2 (Rosebud County) (“[The] standard for suspending an injunction pending appeal is essentially the same as the standard for granting the injunction in the first place.”).

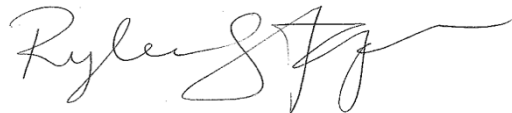
The Secretary bears the burden of showing that she is entitled to a stay of the preliminary injunction, and she has failed to do so.

With respect to House Bill 506 (“HB506”), Youth Plaintiffs do not oppose Defendant’s request that the Court narrow its injunction to prohibit enforcement only of Section 2. *See* Def.’s Mot. at 12–13. Youth Plaintiffs sought relief to ensure that registered voters who will be eligible to vote on or before election day, but who are not yet 18 or have not yet lived in their voting precinct for 30 days, will have equal access to the ballot as other similarly situated voters. *See* Youth Plaintiffs Compl., ¶¶ 5, 68–78. Only Section 2 of HB506 impedes that objective. Youth Plaintiffs therefore do not object to modification of the preliminary injunction so that it enjoins only HB506, Section 2.

### CONCLUSION

For the reasons set forth above and in MDP and WNV Plaintiffs’ opposition briefs, the Secretary’s motion to suspend the preliminary injunction should be denied.

Respectfully submitted this 14th of April, 2022.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above was duly served upon the following on the 14th day of April, 2022, by email.

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I, Rylee Sommers-Flanagan, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Brief in Opposition to the following on 04-14-2022:

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