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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

PLANNED PARENTHOOD OF MONTANA and)
JOEY BANKS, M.D., on behalf of themselves)
and their patients,)

Plaintiffs,)

vs.)

STATE OF MONTANA, by and through Austin)
Knudsen, in his official capacity as Attorney)
General,)

Defendant.)

Cause No. DV-21-00999

Judge: Michael G. Moses

**PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION OR,
IN THE ALTERNATIVE, A
TEMPORARY RESTRAINING
ORDER**

Plaintiffs Planned Parenthood of Montana and Joey Banks, M.D., by and through counsel, move the Court as follows:

1. For a Preliminary Injunction prohibiting Defendant, its agents, employees, appointees, or successors from enforcing, threatening to enforce, or otherwise applying the challenged provisions of House Bills 136 (“HB 136”), 171 (“HB 171”), and 140 (“HB 140”), pending final judgment, on the ground that immediate and irreparable injury will result to Plaintiffs and their patients, § 27-19-201(2), MCA, and because Plaintiffs have made out a prima facie case that they are entitled to the relief demanded, § 27-19-201(1), MCA. Before this case was reassigned to Your Honor, Plaintiffs’ request for preliminary relief was fully briefed before and argued in front of the Honorable Gregory R. Todd. The transcript from the show cause hearing is attached as Appendix A to the Declaration of Michelle Nicole Diamond, filed with this Motion, and supports Plaintiffs’ requested relief.
2. In the alternative, for a Temporary Restraining Order prohibiting Defendant, its agents, employees, appointees, or successors from enforcing, threatening to enforce, or otherwise applying the challenged provisions of HB 136, HB 171, and HB 140, until this Court can rule on Plaintiffs’ motion for a preliminary injunction.

This Motion is based upon the Declaration of Michelle Nicole Diamond, the Appendix attached thereto, Plaintiffs’ brief in support of this motion, and Plaintiffs’ prior briefing and affidavits in support of their motion for a preliminary injunction. Plaintiffs also enclose a proposed preliminary injunction order and a proposed temporary restraining order.

Respectfully submitted this 30th day of September, 2021.

/s/ Raphael Graybill

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above was duly served upon the following individuals on the 30th day of September, 2021, via e-mail to:

David Dewhirst, David.Dewhirst@mt.gov

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Brent Mead, Brent.Mead2@mt.gov

Katie Smithgall, Kathleen.Smithgall@mt.gov

/s/ Raphael Graybill

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