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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MONTANA MEDICAL ASSOCIATION, ET. AL.,

PLAINTIFFS,

AND

MONTANA NURSES ASSOCIATION,

PLAINTIFF-INTERVENORS,

v.

AUSTIN KNUDSEN, ET AL.,

DEFENDANTS.

CV-21-108-M-DWM

**DEFENDANTS' MOTION
FOR CLARIFICATION OF
PRELIMINARY
INJUNCTION**

Defendants hereby submit this Motion for Clarification and accompanying Brief in Support to respectfully request that the Court clarify its March 18, 2022, Order, Doc. 53, granting in part and denying in part Plaintiffs' motion for preliminary injunction. Defendants seek clarification regarding COVID-19 "booster doses," the CMS Omnibus Covid-19 Health Care Staff Vaccination Interim Final Rule, 86 Fed. Reg. 61,568 (Nov. 5, 2021) ("CMS Rule"), and enforcement of MCA § 49-2-312. Defendants believe enforcement of MCA § 49-2-312 against health care facilities requiring employees to receive a COVID-19 booster dose is not prohibited by this Court's Order because the CMS Rule only requires staff to be "fully vaccinated," which is defined as "2 weeks or more since they completed a primary vaccination series for COVID-19." 86. Fed. Reg. at 61571. Defendants, however, in an abundance of caution and with due respect for the Court's March 18 Order, seek clarification prior to taking any further action.

Counsel for Plaintiffs and Plaintiffs-Intervenors were contacted via email and have indicated that they oppose this Motion for Clarification.

DATED this 11th day of April, 2022.

Respectfully submitted.

/s/ Christian Corrigan

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CERTIFICATE OF SERVICE

I certify that on this date, an accurate copy of the foregoing document was served electronically through the Court's CM/ECF system on registered counsel.

Dated: April 11, 2022

/s/ Christian Corrigan
CHRISTIAN CORRIGAN