

FILED

Clerk of District Court

APR 10 2023

MONTANA FIRST JUDICIAL DISTRICT COURT,
LEWIS AND CLARK COUNTY

By ANGIE SPARKS, Clerk

PLANNED PARENTHOOD OF MONTANA,
and SAMUEL DICKMAN, 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, the MONTANA DEPARTMENT OF
PUBLIC HEALTH & HUMAN SERVICES, and
CHARLIE BRERETON, in his official capacity
as Director of the Department of Public Health
& Human Services,

Defendants.

Cause No.: CDV-2023-231

Judge: KATHY SEELEY
CHRISTOPHER D'ABOTT
PRESIDING JUDGE

~~PROPOSED~~ DENIAL OF
TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE

This Petition came before the Court on the application of Plaintiffs/Petitioners for a Temporary Restraining Order. The Court, having considered Plaintiffs' Motion for an *Ex Parte* Temporary Restraining Order, supporting brief, and Verified Complaint, hereby finds as follows:

1. Immediate and irreparable injury, loss, and damage will result to the Plaintiffs and their patients before notice can be given and the Defendants/Respondents or their attorney(s) can be heard in opposition. Plaintiffs have established facts, which if proven as true, establish that House Bill 721 (2023) ("HB 721") presents a prima facie constitutional violation. Immediate and irreparable harm is also present by the immediate effective date for Section 3 of HB 721. The delay caused by notice of any hearing would seriously impair the remedies sought by Plaintiffs in that the Plaintiffs seek a Temporary Restraining Order to enjoin Defendants from enforcing HB 721 until further order of this Court.
2. The balance of equities weighs in favor of granting Plaintiffs and their patients temporary relief. Whereas Plaintiffs and their patients face immediate, irreparable harm, Defendants

will not be harmed by the issuance of a Temporary Restraining Order that preserves the status quo. Finally, the public interest weighs in favor of preserving the status quo and in ensuring access to constitutionally protected health care services pending adjudication of a preliminary injunction.

3. Plaintiffs and their patients are entitled to the relief requested in the Motion for an *Ex Parte* Temporary Restraining Order unless good cause to the contrary be shown.

Therefore, IT IS HEREBY ORDERED as follows:

The Effective Date for HB 721, Section 3 is hereby temporarily stayed and enjoined until and unless this Court orders otherwise following the below ordered hearing regarding Plaintiffs' application for a preliminary injunction. The enforcement of Sections 3, 4, and 5 is hereby temporarily stayed and enjoined, and the State of Montana, the Department of Public Health and Human Services, and their officers, agents, employees, and attorneys are hereby temporarily restrained from enforcing, threatening to enforce, or otherwise applying the challenged provisions of HB 721 until further order of this Court following the below-ordered hearing.

ORDER TO SHOW CAUSE

IT IS FURTHER ORDERED that the above-named Defendants appear before this Court at ____ o'clock ____ M. on _____, 2023, or as soon thereafter as counsel can be heard, at the Courthouse in Helena, Montana, to show cause why a preliminary injunction should not be issued during the pendency of this action.

The Hon. _____
District Court Judge

*No bill has
been argued. Thus,
no "law" to enjoin today.
DENIED
as premature.*