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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

STEVE KELLY and CLARICE DREYER, )

Plaintiffs, )

v. )

BRAD JOHNSON, in his official )  
capacity as Secretary of State of the )  
State of Montana, )

Defendant. )

Civil Action No. CV-08-25-BU-SEH

**EXPEDITED CONSIDERATION  
REQUESTED**

**PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and for the reasons set forth in their brief, the plaintiffs respectfully move this Court for a preliminary injunction prohibiting defendant Brad Johnson, in his official capacity as Secretary of State, and all those persons in active concert or participation with him from enforcing Montana's ballot-access scheme for independent and minor-party candidates seeking to run for non-presidential offices in the November general election, requiring Johnson to place Plaintiff Steve Kelly's name on the ballot as an independent candidate for the United States Senate, and for such other relief as the Court deems equitable and just.

Opposing counsel has been contacted and objects to this motion.

Respectfully submitted,

/s/ Elizabeth L. Griffing  
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