

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

LENA KNUTSON and SECOND
AMENDMENT FOUNDATION,
INC.,

Plaintiff,

vs.

CHUCK CURRY, in his official
capacity as Sheriff of Flathead County,
Montana, and TIM FOX, in his official
capacity as Attorney General for the
State of Montana,

Defendants.

CV 16-62-M-DWM

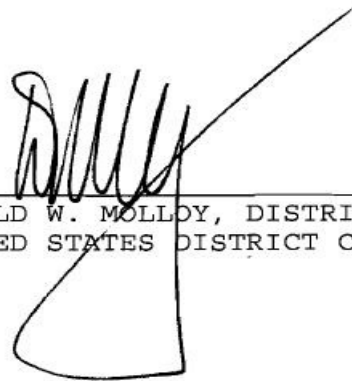
ORDER

Plaintiff and Defendants have moved jointly for an entry of preliminary injunction (Doc. 21) and to vacate litigation deadlines (Doc. 22).

Both motions are DENIED. The preliminary pretrial conference will proceed as scheduled, and will be conducted on the record. Whether a preliminary injunction is appropriate is a serious question. To clarify their positions, all parties should be prepared to discuss (1) Article II, § 12 of the Montana Constitution, (2) *Peruta v. County of San Diego*, 824 F.3d 919 (9th Cir. 2016), and (3) the preliminary injunction standard articulated in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008), as each informs Plaintiff's challenge to

Montana Code Annotated § 45-8-321(1).

DATED this 27th day of October, 2016.

A handwritten signature in black ink, appearing to read 'D. Molloy', is written over a horizontal line. A long, thin diagonal stroke extends from the top right of the signature.

DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT