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UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA
HELENA DIVISION

BOB BROWN; HAILEY SINOFF; and DONALD SEIFERT, *Plaintiffs*, vs. CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State, *Defendant*.	Cause No. 6:21-cv-92-DWM **Plaintiffs' Motion for Temporary Restraining Order or Preliminary Injunction**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs Bob Brown, Hailey Sinoff, and Donald Seifert move for a temporary restraining order or preliminary injunction to prevent Defendant, Montana Secretary of State Christi Jacobsen, from certifying candidates for PSC Districts 1 and 5 pending this Court's determination of the PSC districting plan's constitutionality. Candidate filing opens on January 13, 2022, and Plaintiffs request preliminary relief prior to that date.

The current PSC districting plan is nearly two decades old and grossly malapportioned, in violation of the one-person, one-vote rule of the Fourteenth Amendment. Preliminary relief is appropriate because: (1) plaintiffs are "likely to succeed on the merits" of their claim; (2) plaintiffs are "likely to suffer irreparable harm in the absence of preliminary relief": (3) "the balance of equities tips in [their] favor"; and (4) "an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Constitutional harm is likely in the absence of preliminary relief, and Plaintiffs respectfully ask the Court enjoin Secretary Jacobsen from certifying candidates for PSC Districts 1 and 5 pending a final determination of this matter.

Defendant has not yet entered an appearance in this action. D. Mont. L.R. 7.1(c)(1).

Respectfully submitted this 17th day of December, 2021.

/s/ *Constance Van Kley*
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/s/ *Joel G. Krautter*
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CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the following on December 17, 2021, by certified mail:

Montana Secretary of State
Montana Capitol Building, Rm 260
P.O. Box 202801
Helena, MT 59620-2801

Office of the Attorney General
Justice Building, Third Floor
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

I further certify that courtesy copies were provided via email to chief legal counsel for the Montana Secretary of State and to the Montana Solicitor General.

/s/ *Constance Van Kley*
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