

FILED

MAY 04 2023

MONTANA FIRST JUDICIAL DISTRICT COURT,  
LEWIS AND CLARK COUNTY

ANGIE SPARKS, Clerk of District Court  
Deputy 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  
and Human Services,

Defendants.

Cause No.: ADV-2023-231

Judge Mike Menahan

**TEMPORARY RESTRAINING  
ORDER AND ORDER SETTING  
HEARING ON PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION ON  
HOUSE BILL 575 (DIRECT  
TO PATIENT MEDICATION  
BAN)**

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 Amended 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 575 (2023) ("HB 575") presents a likely constitutional violation. HB 575 impermissibly infringes on Montanans' constitutional right to a pre-viability abortion both by requiring all patients to undergo an ultrasound before receiving an abortion and by suggesting that advanced practice registered nurses cannot perform abortions. Immediate and irreparable harm is also present by the immediate effective date of HB 575. 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 575 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 Plaintiffs' motion for a preliminary injunction.
3. Plaintiffs and their patients are entitled to the relief requested in the Motion for an *Ex Parte* Temporary Restraining Order.

Therefore, IT IS HEREBY ORDERED as follows:

The Effective Date for HB 575, 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 1 and 2 is hereby temporarily stayed and enjoined, and the State of Montana and its officers, agents, employees, and attorneys are hereby temporarily restrained from enforcing, threatening to enforce, or otherwise applying HB 575 until further order of this Court following the below-ordered hearing.

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**ORDER SETTING HEARING ON PRELIMINARY INJUNCTION**

IT IS FURTHER ORDERED that there will be a hearing to consider Plaintiffs' Application for Preliminary Injunction before this Court at 11 o'clock A.M. on May 12, 2023, at the Courthouse in Helena, Montana.

Mike Menahan

The Hon. Judge Mike Menahan  
District Court Judge

May 4, 2023