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Pro Querente

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

**MONTANA SPORTS SHOOTING
ASSOCIATION, INC., and GARY
S. MARBUT,**

Plaintiffs,

v.

**THE STATE OF MONTANA, THE
MONTANA DEPARTMENT OF
FISH, WILDLIFE, AND PARKS,**

Defendants.

**Cause No. DV-07-154
Dept. No. 4**

[PROPOSED]TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE

Upon Plaintiffs' Application for Temporary Restraining Order, Order to Show Cause and Preliminary Injunction, and principal brief in support, filed on February 1, 2007, the Court finds that if it does not issue a TRO immediately, officials of Defendant Montana Department of fish, Wildlife and Parks, will continue in conduct which appears to the Court to be in violation of Montana law. The injury likely to be caused by such conduct is the illegal influencing of the political actions of the Montana Legislature, its committees and its

members. The injury is irreparable in that it cannot be quantified, compensated, or cured by any later order or judgment of the Court. Thus, a TRO should be issued without notice to DFWP to prevent further such irreparable injury to Plaintiffs and the public.

Accordingly, pursuant to Mont. Code Ann. § 27-19-316,¹

IT IS HEREBY ORDERED that:

1. The application for TRO is GRANTED. As of February, ____, 2007, at __:__ o'clock, __. m., Defendants are, pending further hearing, enjoined from attempting to influence the political actions of any person or body by (a) lobbying the Montana Legislature or its members; (b) appearing before an committee or subcommittee thereof as either an opponent or proponent of any bill; or (c) or any other means.

2. The TRO does not extend to DFWP employees' rights to vote as they may please or to express their opinions as private citizens on all political questions provided they do so in their individual capacities, and not on behalf of DFWP.

3. Any representative of Defendants shall appear before this Court on _____, _____, 2007, at _____ o'clock, __. M., 200 West Broadway, Missoula County Courthouse, Missoula, Montana,

¹ Mont. Code Ann. § 27-19-316 reads:

Each temporary restraining order granted without notice must:

(1) be endorsed with the date and hour of its issuance;

(2) be filed immediately in the clerk's office and entered in the record;

(3) define the injury and state why the injury is irreparable and why the order was granted without notice; and

(4) except as provided in 40-4-121 or Title 40, chapter 15, expire by its terms within the time after entry, not to exceed 10 days, as the court or judge fixes.

then and there show cause why Plaintiffs' Application for Preliminary Injunction should not be granted.

4. Plaintiffs shall serve Defendants with reasonable notice of this Order to Show Cause Pursuant to Mont. Code Ann. § 27-19-301.

SO ORDERED this ____ day of February, 2007.

Hon. Douglas G. Harkin
District Court Judge

C: SULLIVAN, TABARACCI & RHOADES

Robert N. Lane
John F. Lynch_____