

RYLEE SOMMERS-FLANAGAN

Upper Seven Law

P.O. Box 31

Helena, MT 59624

Phone: (406) 396-3373

Email: rylee@uppersevenlaw.com

RYAN AIKIN

Aikin Law Office, PLLC

P.O. Box 7277

Missoula, MT 59807

Phone: (406) 840-4080

Email: ryan@aikinlawoffice.com

*Attorneys for Plaintiffs*

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY**

Montana Democratic Party, Mitch Bohn,

*Plaintiffs,*

Western Native Voice, Montana Native  
Vote, Blackfeet Nation, Confederated  
Salish and Kootenai Tribes, Fort Belknap  
Indian Community, and Northern  
Cheyenne Tribe,

*Plaintiffs,*

Montana Youth Action; Forward  
Montana Foundation; and Montana  
Public Interest Research Group,

*Plaintiffs,*

vs.

CHRISTI JACOBSEN, in her official  
capacity as Montana Secretary of State,

*Defendant.*

Cause No. DV 21-0451

Hon. Michael Moses

**YOUTH PLAINTIFFS'  
BRIEF IN OPPOSITION  
TO DEFENDANT'S MOTION TO  
SUSPEND PRELIMINARY  
INJUNCTION PENDING APPEAL**

Plaintiffs Montana Youth Action, Forward Montana Foundation, and Montana Public Interest Research Group (“Youth Plaintiffs”), submit this Brief in Opposition to Defendant’s Motion to Suspend Preliminary Injunction Pending Appeal (“Def.’s Mot.”), and join in full the briefs in opposition also filed on April 14, 2022, by the Montana Democratic Party (“MDP”) and Western Native Voice (“WNV”) plaintiffs.

While the Secretary argues that there “is no precise formula governing when a stay of injunction should be granted,” Def.’s Mot. at 3, there are four established principles to guide the Court’s order: “1. Whether the stay applicant has made a strong showing that he is likely to succeed on the merits. 2. Whether the applicant will be irreparably injured absent a stay. 3. Whether issuance of the stay will substantially injure the other parties interested in the proceeding. 4. Where the public interest lies.” *Pinnacle Gas Res. v. Diamond Cross Props.*, Cause No. DV 07-150, 2008 Mont. Dist. LEXIS 240, \*2 (Mont. Dist. Ct. 16th Dist.). So, the court “determines whether to grant a stay by balancing competing interests and considering whether the public welfare or convenience will be benefitted by a stay.” *State v. Mont. First Jud. Dist. Ct.*, 361 Mont. 536, 264 P.3d 518 (2011) (citing *Henry v. Seventeenth Jud. Dist. Ct.*, 198 Mont. 8, 13, 645 P.2d 1350, 1353 (1982)). Moreover, the bar for Defendant’s motion is high. *Pinnacle Gas*, 2008 Mont. Dist. LEXIS 240, at \*2 (Rosebud County) (“[The] standard for suspending an injunction pending appeal is essentially the same as the standard for granting the injunction in the first place.”).

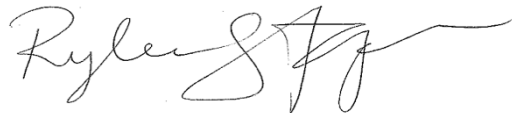
The Secretary bears the burden of showing that she is entitled to a stay of the preliminary injunction, and she has failed to do so.

With respect to House Bill 506 (“HB506”), Youth Plaintiffs do not oppose Defendant’s request that the Court narrow its injunction to prohibit enforcement only of Section 2. *See* Def.’s Mot. at 12–13. Youth Plaintiffs sought relief to ensure that registered voters who will be eligible to vote on or before election day, but who are not yet 18 or have not yet lived in their voting precinct for 30 days, will have equal access to the ballot as other similarly situated voters. *See* Youth Plaintiffs Compl., ¶¶ 5, 68–78. Only Section 2 of HB506 impedes that objective. Youth Plaintiffs therefore do not object to modification of the preliminary injunction so that it enjoins only HB506, Section 2.

### CONCLUSION

For the reasons set forth above and in MDP and WNV Plaintiffs’ opposition briefs, the Secretary’s motion to suspend the preliminary injunction should be denied.

Respectfully submitted this 14th of April, 2022.



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Rylee Sommers-Flanagan  
Upper Seven Law

Ryan Aikin  
Aikin Law Office, PLLC

*Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above was duly served upon the following on the 14th day of April, 2022, by email.

David M.S. Dewhirst  
Office of the Attorney General  
Justice Building, Third Floor  
215 North Sanders Street  
P.O. Box 201401  
Helena, MT 59620-1401  
david.Dewhirst@mt.gov

Austin Marcus James  
Office of the Secretary of State  
Montana Capitol Building, Room 260  
P.O. Box 202801  
Helena, MT 59620-2801  
austin.james@mt.gov

Dale Schowengerdt  
Ian McIntosh  
Crowley Fleck, PLLP  
900 North Last Chance Gulch, Suite 200  
Helena, MT 59601  
P.O. Box 797  
Helena, MT 59624-0797  
DSchowengerdt@crowleyfleck.com  
imcintosh@crowleyfleck.com

/s/ Rylee Sommers-Flanagan  
Upper Seven Law

## CERTIFICATE OF SERVICE

I, Rylee Sommers-Flanagan, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Brief in Opposition to the following on 04-14-2022:

Ryan Ward Aikin (Attorney)  
1018 Hawthorne St.  
Missoula MT 59802  
Representing: Forward Montana Foundation, Montana Youth Action  
Service Method: eService

Alexander H. Rate (Attorney)  
713 Loch Leven Drive  
Livingston MT 59047  
Representing: Western Native Voice  
Service Method: eService

John C. Heenan (Attorney)  
1631 Zimmerman Trail, Suite 1  
Billings MT 59102  
Representing: Mitch Bohn, Montana Democratic Party  
Service Method: eService

Jonathan Patrick Hawley (Attorney)  
1700 Seventh Avenue  
Suite 2100  
Seattle WA 98101  
Representing: Mitch Bohn, Montana Democratic Party  
Service Method: eService

Matthew Prairie Gordon (Attorney)  
1201 Third Ave  
Seattle WA 98101  
Representing: Mitch Bohn, Montana Democratic Party  
Service Method: eService

Peter M. Meloy (Attorney)  
2601 E. Broadway  
2601 E. Broadway, P.O. Box 1241  
Helena MT 59624  
Representing: Mitch Bohn, Montana Democratic Party

Service Method: eService

David M.S. Dewhirst (Govt Attorney)  
215 N Sanders  
Helena MT 59601  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

William McIntosh Morris (Attorney)  
1915 S. 19th Ave.  
P.O. Box 10969  
Bozeman MT 59719  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

Ian McIntosh (Attorney)  
1915 S. 19th Ave  
P.O. Box 10969  
Bozeman MT 59719  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

Dale Schowengerdt (Attorney)  
900 N. Last Chance Gulch  
Suite 200  
Helena MT 59624  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

John Mark Semmens (Attorney)  
900 N. Last Chance Gulch  
Suite 200  
Helena MT 59601  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

David Francis Knobel (Attorney)  
490 N. 31st St., Ste 500  
Billings MT 59101  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

Clayton H. Gregersen (Attorney)  
P.O. Box 2529  
Billings MT 59101  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

E. Lars Phillips (Attorney)

1915 S. 19th Ave  
Bozeman MT 59718  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

Leonard Hudson Smith (Attorney)  
P.O. Box 2529  
Billings MT 59103  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

Austin Markus James (Attorney)  
1301 E 6th Ave  
Helena MT 59601  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

Confederated Salish And Kootenai Tribes (Plaintiff)  
Service Method: Email

Blackfeet Nation (Plaintiff)  
Service Method: Email

Northern Cheyenne Tribe (Plaintiff)  
P.O. Box 128  
Lame Deer 59043  
Service Method: Email

Fort Belknap Indian Community (Plaintiff)  
Service Method: Email

Jonathan Topa (Attorney)  
125 Broad Street 18th Floor  
New York 10004  
Representing: Western Native Voice  
Service Method: Email

Henry James Brewster (Attorney)  
10 G Street NE, Ste 600  
Washington 20002  
Representing: Mitch Bohn, Montana Democratic Party  
Service Method: Email

Kathleen Lynn Smithgall (Attorney)  
P.O. Box 201401  
Helena 59620  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: Email

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Electronically Signed By: Rylee Sommers-Flanagan  
Dated: 04-14-2022

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