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**FILED**

NOV 10 2021

ANGIE SPARKS, Clerk of District Court  
By *[Signature]* Deputy Clerk

**MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY**

FORWARD MONTANA, LEO  
GALLAGHER, MONTANA ASSOCIATION  
OF CRIMINAL DEFENSE LAWYERS, and  
GARY ZADICK,

Plaintiffs,

v.

THE STATE OF MONTANA, by and through  
GREG GIANFORTE, Governor,

Defendant.


Cause No. ADV-2021-611

**ORDER ON  
MOTION TO STAY  
DISCOVERY**

On October 29, 2021, Plaintiffs filed a motion for a protective order to stay discovery until this Court has ruled on Plaintiffs pending motion for summary judgment. Plaintiffs note that Defendant State of Montana is seeking to depose certain individual Plaintiffs in the next few weeks and moves for an emergency order precluding that discovery. Briefing on the motion for a protective order is not complete. Accordingly, the Court will not issue an order

1 on the merits of the motion at this time. However, in the interests of efficiency  
2 and fairness, and pursuant to Montana Rule of Civil Procedure 26(c), discovery  
3 in this matter is stayed until briefing is complete and the Court has ruled on the  
4 merits of Plaintiffs' motion for a protective order.

5 DATED this 10<sup>th</sup> day of November 2021.

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8 MIKE MENAHAN  
9 District Court Judge

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11 cc: Raph Graybill, (via email to: rgraybill@silverstatelaw.net)  
12 Ryle Sommers-Flanagan, (via email to: rylee@uppersevenlaw.com)  
13 Constance Van Kley, (via email to: constance@uppersevenlaw.com)  
14 David M.S. Dewhirst, (via email to: david.dewhirst@mt.gov)  
15 Patrick M. Risken, (via email to: prisken@mt.gov)  
16 Aislinn W. Brown, (via email to: aislinn.brown@mt.gov)

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MFm/tm/ADV-2021-611 Forward Montana, et al. v. State of Montana - Order on Motion to Stay Discovery