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*\*Motions for Admission Pro Hac Vice Forthcoming*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MONTANA PUBLIC INTEREST  
RESEARCH GROUP,

Plaintiff,

v.

STATE OF MONTANA and CHRISTI  
JACOBSEN, in her official capacity as  
Montana Secretary of State,

Defendants.

9:25-cv-00082-KLD

BRIEF IN SUPPORT OF  
MOTION TO REMAND

In this case, Plaintiff Montana Public Interest Research Group alleges that the newly enacted House Bill 413 (“HB 413”) violates the Montana Constitution and

seeks a permanent injunction against its enforcement. While Defendants' notice of removal was based on four federal claims included in Plaintiff's original complaint, Plaintiff's Amended Complaint does not include any federal claims. Pl.'s Am. Compl., ECF No. 6. Instead, it states claims for injunctive relief against the State of Montana and its Secretary of State, Christi Jacobsen, based entirely on violations of the Montana Constitution.

In these circumstances—where the Amended Complaint includes no federal claims—this Court lacks subject matter jurisdiction and must remand the case to the Montana state court. *See Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. 22, 30 (2025).

## **I. BACKGROUND**

Plaintiff filed its original complaint in Montana's Fourth Judicial District Court on May 6, 2025, alleging violations of the Montana Constitution and the U.S. Constitution. Doc. 1-2. On June 11, Defendants filed a notice of removal in this Court pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446. Doc. 1.

On June 18, Defendants filed an Answer to Plaintiff's original complaint. Doc. 5. The following day, Plaintiff's counsel contacted Defendants' counsel to express Plaintiff's intention to amend the complaint to remove the federal claims and seek Defendants' position on a remand to state court. Defendants oppose.

On June 23, Plaintiff filed an Amended Complaint, which no longer includes any federal claims and seeks relief only under the Montana Constitution. ECF. No. 6. This motion to remand follows.

## II. ARGUMENT

In *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. 22 (2025), the Supreme Court unanimously held: “When a plaintiff amends her complaint following her suit’s removal, a federal court’s jurisdiction depends on what the new complaint says. If (as here) the plaintiff eliminates the federal-law claims that enabled removal, leaving only state law behind, the court’s power to decide the dispute dissolves. With the loss of federal-question jurisdiction, the court loses as well its supplemental jurisdiction over the state claims.” *Id.*

The clear and unambiguous rule announced in *Royal Canin* squarely applies here. Plaintiff has amended its complaint following Defendants’ removal of the suit to this Court, and that Amended Complaint “eliminates the federal-law claims that enabled removal, leaving only state law behind,” *id.*; *see also* Pl.’s Am. Compl., ECF No. 6. This Court therefore no longer has jurisdiction over this dispute.

Accordingly, Plaintiff respectfully requests that this Court grant its motion and remand this case to the Fourth Judicial District Court for Missoula County, Montana.

Dated: June 24, 2025

Respectfully submitted,

By: /s/ Raph Graybill  
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### **CERTIFICATE OF COMPLIANCE**

I, Raph Graybill, hereby certify that this brief contains 710 words and complies with Local Rule 7.1(d)(2).

/s/ Raph Graybill  
Raph Graybill

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### **CERTIFICATE OF SERVICE**

I, Raph Graybill, hereby certify that on the 24th day of June, 2025, I electronically filed the foregoing brief with the Clerk of the Court of the United States District Court for the District of Montana by using the CM/ECF system. Participants in the case who are registered CM/ECF users have been served by the CM/ECF system.

/s/ Raph Graybill  
Raph Graybill

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