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*pro hac vice pending
**admitted pro hac vice

**IN THE FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

**SCARLET VAN GARDEREN, a)
minor by and through her)
guardians Jessica van Garderen)
and Ewout van Garderen;)
JESSICA VAN GARDEREN, an)
individual; EWOUT VAN)
GARDEREN, an individual;)**

Case No. DV-23-541

Hon. Judge: Jason Marks

**PHOEBE CROSS, a minor by)
and through his guardians Molly)
Cross and Paul Cross; MOLLY)
CROSS, an individual; PAUL)
CROSS, an individual; JANE)
DOE, an individual; JOHN DOE,)
an individual; JUANITA)
HODAX, on behalf of herself and)
her patients; KATHERINE)
MISTRETTA, on behalf of herself)
and her patients,)**

Plaintiffs,)

v.)

**STATE OF MONTANA;)
GREGORY GIANFORTE, in his)
official capacity as Governor of)
the State of Montana; AUSTIN)
KNUDSEN, in his official capacity)
as Attorney General; MONTANA)
BOARD OF MEDICAL)
EXAMINERS; MONTANA)
BOARD OF NURSING;)
MONTANA DEPARTMENT OF)
PUBLIC HEALTH AND)
HUMAN SERVICES; CHARLIE)
BRERETON, in his official)
capacity as Director of DPHHS,)**

Defendants.

PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

Pursuant to Montana Code Annotated § 27-19-301, Mont. Uniform D. Ct. Rule 2, Mont. R. Civ. P. tit.25, ch. 20 §3 (7), and L.R. 5, Plaintiffs Scarlet van Garderen; Jessica van Garderen; Ewout van Garderen; Phoebe Cross; Molly Cross; Paul Cross; Jane Doe; John Doe; Dr. Juanita Hodax; and Dr. Katherine Mistretta (together, “Plaintiffs”) in the above-captioned action move for a preliminary injunction to prohibit the State of Montana; its governor, Gregory Gianforte; its Attorney General, Austin Knudsen; the Montana Board of Medical Examiners; the Montana Board of Nursing; the Montana Department of Public Health and Human Services (DPHHS); and the Director of DPHHS, Charlie Brereton, (collectively, “Defendants”) from enforcing Senate Bill 99’s unconstitutional restrictions on transgender minor Montanans’ ability to seek medically necessary gender-affirming care. The undersigned counsel provided notice of this application to Defendants on July 17, 2023 and duly served this application.

Dated: July 17, 2023

Respectfully submitted,

By: /s/ Akilah Deernose
Akilah Deernose

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