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* *Pro hac vice applications forthcoming*

**IN THE FIRST JUDICIAL DISTRICT COURT
LEWIS & CLARK COUNTY**

**JESSICA KALARCHIK, an individual, and
JANE DOE, an individual, on behalf of
themselves and all others similarly situated,**

Plaintiffs,

v.

**STATE OF MONTANA; GREGORY
GIANFORTE, in his official capacity as the
Governor of the State of Montana; the
MONTANA DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES;
CHARLES T. BRERERTON, in his official
capacity as the Director of the Montana
Department of Public Health and Human
Services; the MONTANA DEPARTMENT OF
JUSTICE; and AUSTIN KNUDSEN, in his
official capacity as Attorney General of the State
of Montana,**

Defendants.

Case No. DV-25-2024-0000261-CR

**Presiding Judge:
Hon. Mike Menahan**

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

In accordance with § 27–19–201 of the Montana Code Annotated, Montana Uniform District Court Rule 2, and Local Rule 5, Plaintiffs¹ apply for a preliminary injunction to prohibit Defendants from enforcing (1) Montana Administrative Rule 37.8.311(5) (the “2022 Rule”) on its face or as applied to issuing amended birth certificates, (2) the Montana Motor Vehicle Division’s (“MVD”) new policy and practice as applied to issuing amended driver’s licenses, and (3) Senate Bill 458 (“SB 458”) as applied to issuing amended birth certificates and amended driver’s licenses, including but not limited to by prohibiting Defendants from denying applications to amend the sex designation on birth certificates or driver’s licenses based on the 2022 Rule, the new MVD policy and practice, SB 458, or any further administrative rulemaking directed toward the subject matter of the 2022 Rule, the new MVD policy and practice, or SB 458.

Plaintiffs’ counsel provided notice of this motion to Defendants’ counsel on May 16, 2024. Plaintiffs are contemporaneously filing their brief in support of this motion for a preliminary injunction.

Dated: May 17, 2024

Respectfully submitted,

By: /s/ Alex Rate

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¹ “Plaintiffs” refers to Jessica Kalarchik and Jane Doe. “Defendants” refers to State of Montana; its governor, Gregory Gianforte; the Montana Department of Public Health and Human Services (“DPHHS”); the DPHHS’s director, Charles T. Brererton; the Montana Department of Justice; and Montana Attorney General Austin Knudsen.

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