

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

MONTANA CANNABIS INDUSTRY ASSOCIATION, MARK MATTEWS, SHIRLEY HAMP, SHELLEY YEAGER, JANE DOE, JOHN DOE #1, JOHN DOE #2, MICHAEL GECI-BLACK, M.D., CHARLIE HAMP,)	Cause No. _____
)	Hon. _____
)	
)	
)	<u>TEMPORARY RESTRAINING</u>
)	<u>ORDER AND ORDER</u>
)	<u>TO SHOW CAUSE</u>
Plaintiffs,)	
)	
vs.)	
)	
STATE OF MONTANA,)	
)	
Defendant.)	

Plaintiffs, filed a Motion for Temporary Restraining Order, Preliminary Injunction, and Order to Show Cause. Plaintiffs' Motion for Temporary Restraining Order was heard on _____, 2011, at _____ o'clock ____m., Defendants having been given notice of Plaintiffs' Motion for Temporary Restraining Order by emailed letter from James H. Goetz on May 13, 2011, and having been served with the above-referenced documents on May 13, 2011.

Having considering all documents and evidence before the Court, it appears to the Court, after deliberation, that Plaintiffs and the public will suffer immediate and irreparable injury unless the Temporary Restraining Order requested by Plaintiffs issues immediately. Unless the Temporary Restraining Order issues, Section 20 of SB 423 will go into effect. If that happens, persons with

valid medical marijuana cards will suffer irreparable injury because they will be prohibited from all advertising concerning marijuana and marijuana related products. Such a prohibition would violate Plaintiffs' right to free speech, as it is protected by the First Amendment of the United States Constitution. Any violation of the right to free speech is an irreparable injury.

For these reasons stated above and the reasons stated in Plaintiffs' Brief in Support of Motion for Temporary Restraining Order, Preliminary Injunction, and Order to Show Cause, IT IS HEREBY ORDERED:

1. That Section 20 of Senate Bill 423 shall not become effective pending hearing on this matter by the Court;

2. That the State of Montana shall not make any attempt to enforce Section 20 of Senate Bill 423;

3. That this Temporary Restraining Order shall be issued at _____ o'clock __.m., _____, 2011, and shall expire ten (10) days from this time and date unless otherwise renewed by the Court;

4. That a hearing on Plaintiffs' Motion for Preliminary Injunction is hereby set for _____ o'clock __.m. on _____, 2011, in the Lewis and Clark County Courthouse, Helena, Montana; and

5. That in the interest of justice and pursuant to MCA § 27-19-306, Plaintiffs shall not be required to post a bond to secure the present Temporary Restraining Order.

DATED this ____ day of _____, 2011.

District Court Judge

Copies to:

James H. Goetz, J. Devlan Geddes, and Jim Barr Coleman

James P. Molloy