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Local Attorney for All Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

Doug Lair; Steve Dogiakos; American Tradition Partnership; American Tradition Partnership PAC; Montana Right to Life Association PAC; Sweet Grass Council for Community Integrity; Lake County Republican Central Committee; Beaverhead County Republican Central Committee; Jake Oil LLC; JL Oil LLC; Champion Painting Inc.; and John Milanovich,

Plaintiffs,

v.

David B. Gallik, in his official capacity as Commissioner of Political Practices; **Steve Bullock**, in his official capacity as Attorney General of the State of Montana; and **Leo Gallagher**, in his official capacity as Lewis and Clark County Attorney,

Defendants.

Case No. _____

**Motion for Leave to File
Oversized Preliminary
Injunction Memorandum**

Pursuant to Local Rules 7.1, the Plaintiffs in the above-captioned case respectfully move this Court for leave to file an oversized preliminary injunction memorandum. A copy of their proposed memorandum is attached as an exhibit to this motion pursuant to the instructions counsel received from the Clerk's office.

In support, the Plaintiffs state as follows:

1. Twelve Plaintiffs together have filed a verified complaint challenging the constitutionality of six aspects of Montana campaign finance and election law, namely:

(1) The limits on contributions made by individuals and political committees to candidates;

(2) The limits on contributions from political parties to their candidates for public office, as well as the aggregate limits imposed on all parties to a given candidate;

(3) The ban on corporate contributions to candidates;

(4) The ban on corporate contributions to committees making independent expenditures;

(5) The disclaimer requirements imposed on political speech; and

(6) The ban on statements about candidates that the State judges to be false.

2. Plaintiffs also move this Court for preliminary injunctive relief as to

all the challenged laws. Plaintiffs must establish that they are likely to succeed on the merits of their challenge in order to obtain preliminary injunctive relief from the Court. *Thalheimer v. City of San Diego*, 645 F.3d 1109, 1115 (9th Cir. 2011) (quoting *Winter v. Natural Res. Def. Council*, 555 U.S. 7, 24–25 (2008)).

3. Plaintiffs believe the each of the challenged laws is unconstitutional for a variety of different and complex legal reasons. Therefore, they have had to advance numerous legal theories in their memorandum in support of their motion for why the Court should find each of the laws likely unconstitutional and so find that the Plaintiffs are likely to succeed on the merits.

4. In order to establish their standing to challenge the laws, Plaintiffs included in their memorandum a lengthy, detailed statement of facts demonstrating their injury.

5. Plaintiffs' Attorneys attempted to be as succinct as possible in their memorandum of law. Plaintiffs' Attorneys also understand the time and work constrains placed on the Court by its full schedule and have attempted to be respectful of the same. However, Plaintiffs' Attorneys found it difficult, if not impossible, to adequately set forth the facts for all Plaintiffs, as well as to make the arguments necessary to demonstrate that Plaintiffs are likely to succeed on the merits, within the word limit allowed by Local Rule 7.1(d)(2)(A).

6. Plaintiffs believe it is in the interest of fairness and judicial economy

to grant them leave to file an oversized brief. Doing so will allow them to adequately address the facts and law so as to fully present their case to the Court, thereby promoting principles of fairness. Granting Plaintiffs leave to file an oversized brief, will also allow them to adequately explain to the Court the challenged laws and their constitutional implications on the Plaintiffs' protected rights to speak and association under the First Amendment, thereby furthering principles of judicial economy.

7. If the Court grants their motion for leave to file an oversized memorandum, Plaintiffs will not oppose the State being granted the same privilege.

WHEREFORE, Plaintiffs respectfully ask this Court to grant their motion for leave to file an oversized memorandum, and to accept the memorandum filed as an exhibit as their memorandum of law in support of their preliminary injunction motion.

DATED: September 6, 2011.

/s/ James E. Brown
Local Attorney for All Plaintiffs