

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 26-0594

FILED

08/19/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 26-0594

AUSTIN KNUDSEN, in his official capacity as
Montana's Attorney General,

Petitioner,

v.

FIRST JUDICIAL DISTRICT COURT, LEWIS
AND CLARK COUNTY, HON. CHRISTOPHER
D. ABBOTT, Presiding,

Respondent.

FILED

AUG 19 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Petitioner Austin Knudsen, in his official capacity as Montana's Attorney General, seeks a writ of supervisory control over the First Judicial District Court, Lewis and Clark County, regarding its Opinion and Order on Motion for Preliminary Injunction in that Court's Cause No. DV-26-571. Following a hearing, the District Court converted an ex parte motion for temporary restraining order, filed by Plaintiffs Steve Fitzpatrick, Llew Jones, and Ted Kronebusch, into a motion for a preliminary injunction. In an August 19, 2026 written order, the court then granted the preliminary injunction, enjoining the Attorney General and Secretary of State from enforcing or according binding weight to the August 11, 2026 Attorney General Opinion. The Attorney General Opinion was issued in response to the July 9, 2026 request of Senate President Matt Regier and interprets Article IV, Section 8, of the Montana Constitution, which sets limits on terms of certain elected offices. The Attorney General further requests we stay the preliminary injunction pending the disposition of this petition for writ of supervisory control.

Supervisory control is an extraordinary remedy that is sometimes justified when urgent or emergency factors exist making the normal appeal process inadequate, when the case involves purely legal questions, and when the other court is proceeding under a mistake of law and is causing a gross injustice, constitutional issues of state-wide

importance are involved, or, in a criminal case, the other court has granted or denied a motion to substitute a judge. M. R. App. P. 14(3). Whether supervisory control is appropriate is a case-by-case decision. *Stokes v. Mont. Thirteenth Jud. Dist. Ct.*, 2011 MT 182, ¶ 5, 361 Mont. 279, 259 P.3d 754 (citations omitted). Consistent with Rule 14(3), it is the Court's practice to refrain from exercising supervisory control when the petitioner has an adequate remedy of appeal. *E.g., Buckles v. Seventh Jud. Dist. Ct.*, No. OP 16-0517, 386 Mont. 393, 386 P.3d 545 (table) (Oct. 18, 2016); *Lichte v. Mont. Eighteenth Jud. Dist. Ct.*, No. OP 16-0482, 385 Mont. 540, 382 P.3d 868 (table) (Aug. 24, 2016).

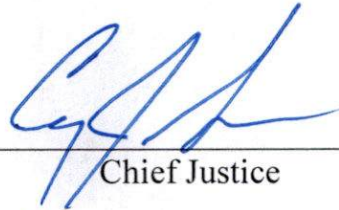
Here, the subject order is a preliminary injunction, which is an immediately appealable order under M. R. App. P. 6(3)(e). *Caldwell v. Sabo*, 2013 MT 240, ¶ 18, 371 Mont. 328, 308 P.3d 81 ("An order granting an injunction is immediately appealable, notwithstanding that the merits of the controversy remain to be determined."). We have routinely held an adequate remedy of appeal exists, and supervisory control unwarranted, where the subject order is a preliminary injunction. *Hert v. Mont. Sixteenth Jud. Dist. Ct.*, No. OP 24-0070, 416 Mont. 551, 545 P.3d 1067 (Feb. 6, 2024); *Brown v. Thirteenth Jud. Dist. Ct.*, No. OP 20-0296, 400 Mont. 560, 465 P.3d 1162 (June 2, 2020). Similar to the situation in the present petition, we noted in *Hert* that a cognizable "time concern" was at issue. However, also similar to *Hert*, the urgency was created because of a matter that could have been raised much sooner. We have previously ruled that a party cannot manufacture urgency or emergency to fulfill the necessary criteria to justify a writ of supervisory control. *State v. Mont. First Jud. Dist. Ct.*, No. OP 22-0315, 409 Mont. 557, 512 P.3d 1178 (table) (June 14, 2022). Moreover, a party may request expedited briefing in an appeal. *Mirro v. Mont. Sixth Jud. Dist. Ct.*, No. OP 23-0639, Order (Mont. Nov. 7, 2023). We note that in this case, which raises novel legal and Constitutional issues which require careful consideration by the Court, there is no reasonable prospect of a ruling on the merits at literally the last possible hour for such a decision to go into effect. Thus, this matter is not appropriate for writ of supervisory control under M. R. App. P. 14(3).

IT IS THEREFORE ORDERED that the petition for writ of supervisory control is DENIED and DISMISSED.

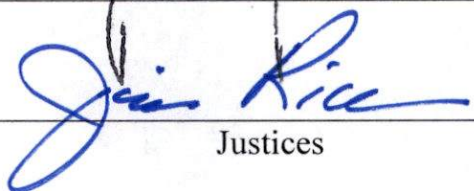
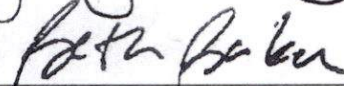
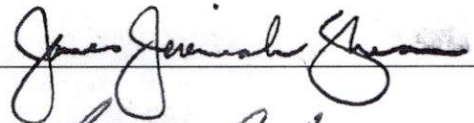
IT IS FURTHER ORDERED that the request for stay pending disposition of this petition for writ is DENIED as MOOT.

The Clerk is directed to provide immediate notice of this Order to counsel for Petitioner, all counsel of record in the First Judicial District Court, Lewis and Clark County, Cause No. DV-2026-571, and the Honorable Christopher D. Abbott, presiding Judge.

DATED this 19th day of August, 2026.



Chief Justice



Justices