IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA MISSOULA DIVISION

MONTANA MEDICAL ASSOCIATION, et al.,

CV 21–108–M–DWM

Plaintiffs,

ORDER

and

MONTANA NURSES ASSOCIATION,

Plaintiff-Intervenor,

VS.

AUSTIN KNUDSEN, et al.,

Defendants.

Plaintiffs and Plaintiff-Intervenors filed a joint motion for a preliminary injunction. (Doc. 42.) They request an injunction of the enforcement of Mont. Code Ann. §§ 49–2–312 and 49–2–313 against healthcare facilities subject to the Centers for Medicare and Medicaid ("CMS") conditions of participation in the Medicare and Medicaid programs. (*Id.* at 2.) Defendants oppose the motion. (*Id.*) "The notice required by [Federal Rule of Civil Procedure] 65(a) implies a hearing in which the defendant is given a fair opportunity to oppose the application and to prepare for such opposition" is required. *Granny Goose Foods, Inc. v.*

Brotherhood of Teamsters and Auto Truck Drivers Local No. 70 of Alameda Cnty., 415 U.S. 423, 432 n.7 (1974). Accordingly,

IT IS ORDERED that a hearing on the motion for preliminary injunction, (Doc. 42), is set for Thursday, March 3, 2022, at 2:00 p.m. at the Russell Smith Courthouse in Missoula, Montana. Plaintiffs shall be given 20 minutes to argue, Plaintiff-Intervenor shall be given 10 minutes to argue, and Defendants shall be given 20 minutes to argue.

DATED this 17 day of February, 2022.

Donald W. Molloy, District Judge

United States District Court