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*Attorneys for Plaintiff Do No Harm*

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

DO NO HARM,

Plaintiff,

v.

GREGORY GIANFORTE, in his  
official capacity as Governor of  
the State of Montana,

Defendant.

Case No.: 6:24-cv-00024-BMM-  
KLD

UNOPPOSED MOTION TO  
STAY

Plaintiff Do No Harm, by and through its attorneys of record, hereby moves to stay this case while the Montana Legislature considers legislation that may moot this case. Defendant does not oppose this motion.

In support of this Motion, Do No Harm states:

1. This Court has broad discretion to stay proceedings in this case. *DeMartini v. Johns*, 693 Fed. Appx. 534, 538 (9th Cir. 2017) (quoting *Clinton v. Jones*, 520 U.S. 681, 706–07 (1997)); see *Ernest Bock, LLC v. Steelman*, 76 F.4th 827, 842 (9th Cir. 2023).
2. Do No Harm has challenged the constitutionality of Mont. Code § 2-15-108. See ECF No. 42. The Governor moved to dismiss on jurisdictional grounds. See ECF No. 27. The Court granted the Governor’s motion and granted Do No Harm leave to amend its complaint. ECF No. 36. Do No Harm amended. ECF No. 42.
3. The Montana Legislature is currently considering legislation that, if enacted, would significantly amend the challenged statute to remove the language challenged in this case. See H.B. 215, 69th Leg., Reg. Sess. (Mont. 2025). If the Legislature passes that bill and the Governor signs it into law, it may moot this case.

4. Courts routinely stay cases that may be resolved outside of court in the near future. *See Al-Kaissey v. Mayorkas*, No. 22-cv-1772-BAS-MDD, 2023 WL 2899520, at \*2 (S.D. Cal. Apr. 11, 2023) (granting a stay where parties agreed that an impending out-of-court resolution made a stay necessary to conserve parties' expenses and judicial resources). This Court should grant a similar stay here to give the Legislature a chance to act and, in the meantime, to preserve judicial resources.

The Court should therefore grant the Motion, stay this case, and instruct the parties to submit a joint status report no later than fourteen days after the end of this year's legislative session.

DATED: March 14, 2025.

Respectfully submitted,

/s/ Samantha Romero

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### **Certificate of Service**

I hereby certify that on March 14, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notice of such filing to counsel of record who are registered with CM/ECF.

DATED: March 14, 2025.

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