

HOUSE BILL NO. 343
INTRODUCED BY CONROY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE GRANTING OF AN INJUNCTION ORDER WHEN MEMBERS OF A CITIZENS GROUP OR OTHER PUBLIC INTEREST ASSOCIATION ARE INJURED AND PROVIDE NAMES, ADDRESSES, AND A STATEMENT OF THE INJURY IN THE COMPLAINT; AMENDING SECTION 93-4204, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 93-4204, R.C.M. 1947, is amended to read as follows:

"93-4204. Injunction order -- when granted. An injunction order may be granted in the following cases:

1. When it shall appear by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually;

2. When it shall appear by the complaint or affidavit that the commission or continuance of some act during the litigation would produce a great or irreparable injury to the plaintiff;

3. When it shall appear during the litigation that the defendant is doing, or threatens, or is about to do, or is

procuring or suffering to be done, some act in violation of the plaintiff's rights, respecting the subject of the action, and tending to render the judgment ineffectual;

4. When it appears by affidavit that the defendant, during the pendency of the action, threatens, or is about to remove or to dispose of his property, with intent to defraud the plaintiff, an injunction order may be granted to restrain the removal or disposition.

5. Whenever in an action for injunctive relief initiated by a citizens group or other public interest association, it appears by the complaint that there is an injury to a property or civil right of individual members of the association, which injury is distinguishable from an injury to the public generally, and the names and addresses of injured members and a statement of the injury are provided in the complaint."

-End-

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 343
 2 INTRODUCED BY CONROY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~AUTHORIZING THE~~
 5 ~~GRANTING OF AN INJUNCTION ORDER WHEN MEMBERS OF A CITIZENS~~
 6 ~~GROUP OR OTHER PUBLIC INTEREST ASSOCIATION ARE INJURED AND~~
 7 ~~PROVIDE NAMES, ADDRESSES, AND A STATEMENT OF THE INJURY IN~~
 8 ~~THE COMPLAINT; AMENDING SECTION 93-4204, R.C.M., 1947. ID~~
 9 REQUIRE NAMES AND ADDRESSES OF INJURED PARTIES AND A
 10 STATEMENT OF INJURY IN A COMPLAINT FOR INJUNCTION FILED BY A
 11 CITIZENS GROUP OR OTHER PUBLIC INTEREST ASSOCIATION."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Refer to Introduced Bill
 15 (Strike everything after the enactment clause and insert:)
 16 Section 1. There is a new R.C.M. section that reads as
 17 follows:
 18 Names, addresses, and statement of injury required in
 19 certain class actions. Whenever an action for injunctive
 20 relief is initiated by a citizens group or other public
 21 interest association and it appears by the complaint that
 22 there is an injury to a property or civil right of
 23 individual members of the association, which injury is
 24 distinguishable from an injury to the public generally, the
 25 names and addresses of injured members and a statement of

1 the injury shall be provided in the complaint. An injunction
 2 may not be granted unless such information is provided in
 3 the complaint.

-End-

1 HOUSE BILL NO. 343
2 INTRODUCED BY CONROY
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING--THE
5 GRANTING--OF--AN-INJUNCTION-ORDER-WHEN-MEMBERS-OF-A-CITIZENS
6 GROUP-OR-OTHER-PUBLIC-INTEREST-ASSOCIATION-ARE--INJURED--AND
7 PROVIDE--NAMES--ADDRESSES--AND-A-STATEMENT-OF-THE-INJURY-IN
8 THE-COMPLAINT--AMENDING-SECTION--93-4264--R.C.M.--1947. IT
9 REQUIRE NAMES AND ADDRESSES OF INJURED PARTIES AND A
10 STATEMENT OF INJURY IN A COMPLAINT FOR INJUNCTION FILED BY A
11 CITIZENS GROUP OR OTHER PUBLIC INTEREST ASSOCIATION."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Refer to Introduced Bill

15 (Strike everything after the enactment clause and insert:)

16 Section 1. There is a new R.C.M. section that reads as
17 follows:

18 names, addresses, and statement of injury required in
19 certain class actions. Whenever an action for injunctive
20 relief is initiated by a citizens group or other public
21 interest association and it appears by the complaint that
22 there is an injury to a property or civil right of
23 individual members of the association, which injury is
24 distinguishable from an injury to the public generally, the
25 names and addresses of injured members and a statement of

1 the injury shall be provided in the complaint. An injunction
2 may not be granted unless such information is provided in
3 the complaint.

-End-

1 HOUSE BILL NO. 343
 2 INTRODUCED BY CONROY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~AUTHORIZING--THE~~
 5 ~~GRANTING--OF--AN-INJUNCTION-ORDER-WHEN-MEMBERS-OF-A-CITIZENS~~
 6 ~~GROUP-OR-OTHER-PUBLIC-INTEREST-ASSOCIATION-ARE-INJURED--AND~~
 7 ~~PROVIDE--NAMES,--ADDRESSES,--AND-A-STATEMENT-OF-THE-INJURY-IN~~
 8 ~~THE-COMPLAINT,--AMENDING-SECTION--93-4204,--R.C.M.--1947. IQ~~
 9 REQUIRE NAMES AND ADDRESSES OF INJURED PARTIES AND A
 10 STATEMENT OF INJURY IN A COMPLAINT FOR INJUNCTION FILED BY A
 11 CITIZENS GROUP OR OTHER PUBLIC INTEREST ASSOCIATION."
 12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Refer to Introduced Bill
 15 (Strike everything after the enactment clause and insert:)
 16 Section 1. There is a new R.C.M. section that reads as
 17 follows:
 18 Names, addresses, and statement of injury required in
 19 certain ~~class~~ actions. Whenever an action for injunctive
 20 relief is initiated by a citizens group or other, public
 21 interest association and it appears by the complaint that
 22 there is an injury to a property or civil right of
 23 individual members of the association, which injury is
 24 distinguishable from an injury to the public generally, the
 25 names and addresses of injured members and a statement of

1 the injury shall be provided in the complaint. An injunction
 2 may not be granted unless such information is provided in
 3 the complaint.

-End-