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

13 \*93-4204. Injunction order -- when granted. An
14 injunction order may be granted in the following cases:

15 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;

20 2. When it shall appear by the complaint or affidavit 21 that the commission or continuance of some act during the 22 litigation would produce a great or irreparable injury to 23 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 4. When it appears by affidavit that the defendant, 5 during the pendency of the action, threatens, or is about to 6 remove or to dispose of his property, with intent to defraud 7 the plaintiff, an injunction order may be granted to 8 restrain the removal or disposition.

- 9 5. Whénever in an action for injunctive relief 10 initiated by a citizens group: or other public interest 11 association: it appears by the complaint that there is an 12 injury to a property or civil right of individual members of 13 the association, which injury is distinguishable from an 14 injury to the public generally and the names and addresses 15 of injured members and a statement of the injury are
- 16 provided in the complaint."

## -End-

INTRODUCED BILL

## 45th Legislature

H8 0343/03

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## Approved by Committee on Judiciary

SECOND READING

| 1  | HOUSE BILL NO+ 343                                                        |
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| 2  | INTRODUCED BY CONROY                                                      |
| 3  |                                                                           |
| 4  | A BILL FOR AN ACT ENTITLED: "AN ACT <del>AUTHORIZING-THE</del>            |
| 5  | <del>GRANTINSOFAN-INJUNCTION-ORDER-WHEN-NEMBERS-OF-A-CITIZENS</del>       |
| 5  | <del>6x8UP-0x-8THER-PUBLIC-INTEREST-ASSOCIATION-AREINJUREDAND</del>       |
| 1  | <del>PROVIJENAMESyADDRESSESy-AND-A-STATEMENT-OF-THE-INJURY-IN</del>       |
| 8  | ŦHE <del>-CUMPLAINŦţ-ANENDING-SECTION93-4204yRwEwMw1947</del> w <u>ID</u> |
| 9  | REQUIRENAMESANDADDRESSESOFINJUREDPARTIESANDA                              |
| 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.N. section that reads as                    |
| 17 | follows:                                                                  |
| 18 | hames, addresses, and statement of injury required in                     |
| 14 | 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

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the complaint.

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-End-

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HB 0343/04

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| 1  | HOUSE BILL NO. 343                                              |
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| ż  | &XANTINGOFAN-INJUNCTION-ORDER-WHEN-MEMBERS-OF-A-CITIZENS        |
| đ  | ©x∂⊍₽~ыx~∂∓≓Ek−₽⊎∂L1€~INTEREST~&SSB6IATIOX~&RE~~INJUREO~~AND    |
| 7  | PROVIDENAMESADDRESSES-AND-A-STATEMENT-DE-THE-INJURY-IN          |
| ٤  | THE-ESHPLAINT;-AMENDING-SECTION93-4264+R*E*H*1947* ID           |
| 9  | BEQUISE NAMES AND ADDRESSES OF INJURED PARTIES AND A            |
| 10 | STATEMENT OF INJURY IN A COMPLAINT FOR INJUNCTION FILED BY A    |
| 11 | LITIZENS_GROUP_UB_OTHER_PUBLIC_INTEREST_ASSUCIATION."           |
| 12 |                                                                 |
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|    |                                                                 |
|    | THIRD READING                                                   |

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H8 0343/05

| 1  | HOUSE BILL NO. 343                                                       |
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| 1  | ₽ĸ <del>Q¥ivENAMESyADORESSESy-AND-A-STATEMENT-OF-THE-INJURY-I</del> N    |
| ы  | <del>THE-63MPLAINTS-ANENDING-SEGTION-93-4204yRuCuMu1947s</del> <u>10</u> |
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REFERENCE BILL

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-End-

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