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MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY

COUNTY OF MISSOULA, NATIONAL
WILDLIFE FEDERATION, MONTANA
ENVIRONMENTAL INFORMATION
CENTER, MONTANA CHAPTER OF THE
SIERRA CLUB,

Plaintiffs,

vs.

MONTANA DEPARTMENT OF
TRANSPORTATION, an agency of the
State of Montana, and JIM LYNCH, in his
capacity as Director of Montana
Department of Transportation,
Defendants.

) Cause. No. DV-11-424

) Dept. No. 3

) **PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

1 COME NOW, Plaintiffs, by and through their attorneys, and pursuant
2 to MCA § 27-19-101 et seq., move the Court for a preliminary injunction
3 enjoining the Montana Department of Transportation (MDT) from issuing any
4 permits relating to the Kearsarge Module Transportation Project (KMTP) for either
5 construction or transportation of over-sized loads by Imperial over the route
6 identified in the KMTP EA and FONSI. Pursuant to MCA § 27-19-101, if
7 Plaintiffs establish *either*: 1) they are likely to succeed on the merits; *or* (2)
8 they will be irreparably injured pending outcome of this litigation if the
9 injunction is not issued, the Court should issue a preliminary injunction. As
10 set forth in the accompanying brief and exhibits, Plaintiffs here satisfy both
11 those criteria.

11 Accordingly, Plaintiffs ask the Court to preliminarily enjoin MDT from:

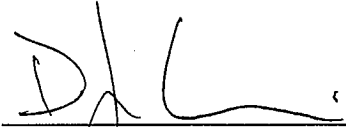
- 12 1. Issuing any encroachment permits for any construction identified in
13 the KMTP EA and/or FONSI, or that is intended to prepare for the
14 KMTP loads;
- 15 2. Issuing any 32-J (over-dimension) permits to Imperial Oil to
16 transport oversize loads over the route identified in the KMTP EA
17 and/or FONSI;
- 18 3. Issuing any "special use" permits that would allow Imperial Oil to
19 transport oversized load modules over the proposed KMTP route or
20 any portion of that route, including any load that is called a "test"
21 load;
- 22 4. Issuing any permits or other authorizations that would allow any
23 activity identified and/or approved through the KMTP EA and/or
24 FONSI.

23 Plaintiffs ask that this Preliminary Injunction be issued in order to
24 preserve the status quo until this matter can be resolved on its merits.

25 Plaintiffs request a hearing on this motion.

1 RESPECTFULLY submitted this 7th day of April, 2011.

2 *For Plaintiff Missoula County*

3 

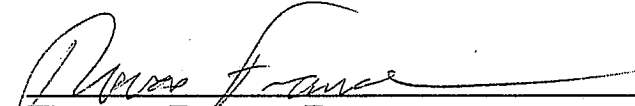
4 James McCubbin, Deputy County Attorney

5 *For Plaintiffs MEIC, MT Chapter Sierra Club*

7 

8 Robert M. Gentry

9 *For Plaintiff National Wildlife Federation*

10 

11 Thomas France, Esq.

12 CERTIFICATE OF SERVICE

13 This is to certify that a true and correct copy of the foregoing was
14 mailed, postage prepaid first class, this 7th day of April, 2011, to:

15 Timothy J. Reardon
16 Montana Department of Transportation
17 2701 Prospect Avenue
18 PO Box 201001
19 Helena, MT 59620-1001

18 [courtesy copy to IO counsel]
19 Stephen R. Brown
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21 PO Box 7909
22 Missoula, MT 59807

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