

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

MONTANA MEDICAL
ASSOCIATION, et al.,

Plaintiffs,

and

MONTANA NURSES
ASSOCIATION,

Plaintiff-Intervenor,

vs.

AUSTIN KNUDSEN, et al.,

Defendants.

CV 21-108-M-DWM

ORDER

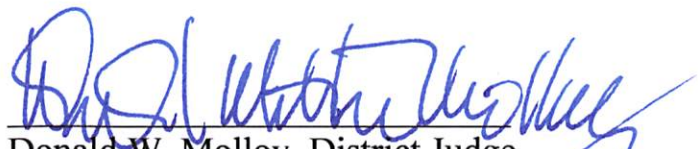
Defendants filed a motion for clarification, (Doc. 54), based on the fact that “at least one health care provider in Montana is requiring employees to receive a COVID-19 booster doses by Monday May 1, 2022.” (Doc. 57 at 2.) Defendants therefore sought clarification on the question of whether booster doses of the COVID-19 vaccine could be required under the preliminary injunction enjoining enforcement of Montana Code Annotated § 49-2-312 as far as it conflicts with the CMS Rule. (Doc. 55 at 2.) Subsequently, Defendants filed a notice that the health

care provider at issue had rescinded its COVID-19 booster dose policy. (See Docs. 59, 59-1, 59-2.)

Defendants' motion for clarification is therefore moot. "Article III of the Constitution restricts the power of federal court to 'Cases' and 'Controversies.'" *Chafin v. Chafin*, 568 U.S. 165, 172 (2013); cf. *Coleman v. Miller*, 307 U.S. 433, 460 (1939) (opinion of Frankfurter, J.) (explaining that it is improper for the Court to address "abstract, intellectual problems," and the judicial power under Article III is properly exercised "only if a concrete, living contest between adversaries call[s] for the arbitrament of law"). Put differently, a case must "embody a genuine, live dispute between adverse parties, thereby preventing the federal courts from issuing advisory opinions." *Carney v. Adams*, 141 S. Ct. 493, 498 (2020). In the absence of any COVID-19 booster requirement from health care providers in Montana, there is no concrete, living dispute for the Court to adjudicate. Accordingly,

IT IS ORDERED that Defendants' motion for clarification, (Doc. 54), is DENIED as MOOT. All associated deadlines and motions are also DENIED.

DATED this 14th day of April, 2022.


Donald W. Molloy, District Judge
United States District Court