

AUSTIN KNUDSEN  
Montana Attorney General  
DAVID M.S. DEWHIRST  
*Solicitor General*  
CHRISTIAN B. CORRIGAN  
*Assistant Solicitor General*  
BRENT MEAD  
*Assistant Solicitor General*  
ALWYN LANSING  
*Assistant Attorney General*  
P.O. Box 201401  
Helena, MT 59620-1401  
Phone: 406-444-2026  
Fax: 406-444-3549  
david.dewhirst@mt.gov  
christian.corrigan@mt.gov.  
brent.mead2@mt.gov  
alwyn.lansing@mt.gov

EMILY JONES  
*Special Assistant Attorney General*  
115 N. Broadway, Suite 410  
Billings, MT 59101  
Phone: 406-384-7990  
emily@joneslawmt.com

*Attorneys for Defendants*

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MONTANA MEDICAL ASSOCIATION, ET. AL.,

PLAINTIFFS,

AND

MONTANA NURSES ASSOCIATION,

PLAINTIFF-INTERVENORS,

v.

AUSTIN KNUDSEN, ET AL.,

DEFENDANTS.

CV-21-108-M-DWM

**DEFENDANTS' MOTION  
FOR CLARIFICATION OF  
PRELIMINARY  
INJUNCTION**

Defendants hereby submit this Motion for Clarification and accompanying Brief in Support to respectfully request that the Court clarify its March 18, 2022, Order, Doc. 53, granting in part and denying in part Plaintiffs' motion for preliminary injunction. Defendants seek clarification regarding COVID-19 "booster doses," the CMS Omnibus Covid-19 Health Care Staff Vaccination Interim Final Rule, 86 Fed. Reg. 61,568 (Nov. 5, 2021) ("CMS Rule"), and enforcement of MCA § 49-2-312. Defendants believe enforcement of MCA § 49-2-312 against health care facilities requiring employees to receive a COVID-19 booster dose is not prohibited by this Court's Order because the CMS Rule only requires staff to be "fully vaccinated," which is defined as "2 weeks or more since they completed a primary vaccination series for COVID-19." 86. Fed. Reg. at 61571. Defendants, however, in an abundance of caution and with due respect for the Court's March 18 Order, seek clarification prior to taking any further action.

Counsel for Plaintiffs and Plaintiffs-Intervenors were contacted via email and have indicated that they oppose this Motion for Clarification.

DATED this 11th day of April, 2022.

Respectfully submitted.

*/s/ Christian Corrigan*

CHRISTIAN B. CORRIGAN

*Assistant Solicitor General*

215 North Sanders

P.O. Box 201401

Helena, MT 59620-1401

christian.corrigan@mt.gov

*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

I certify that on this date, an accurate copy of the foregoing document was served electronically through the Court's CM/ECF system on registered counsel.

Dated: April 11, 2022

/s/ Christian Corrigan  
CHRISTIAN CORRIGAN