

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

**FILED**

SEP 29 2015

Clerk, U.S. District Court  
District Of Montana  
Helena

LL LIQUOR, INC., d/b/a Lolo Liquor,  
a Montana corporation,

Plaintiff,

vs.

No. CV 15-71-H-SEH

**ORDER**

STATE OF MONTANA; STEVE  
BULLOCK, in his official capacity as  
the Governor of Montana;  
MONTANA DEPARTMENT OF  
REVENUE; MIKE KADAS, in his  
official capacity as the Director of the  
Montana Department of Revenue; and  
JOHN DOES I-X,

Defendants.

Pending before the Court is Plaintiff's Motion for Preliminary Injunction and Order to Show Cause.<sup>1</sup> Plaintiff has not shown that it meets the elements required for the issuance of a preliminary injunction.<sup>2</sup> In particular, Plaintiff is

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<sup>1</sup> Doc. 4.

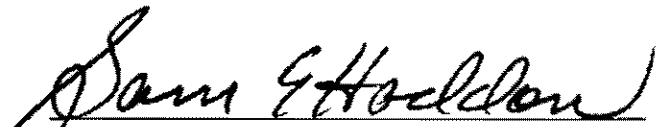
<sup>2</sup> *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1319 (9th Cir. 1994) (quoting *Martin v. Int'l Olympic Comm.*, 740 F.2d 670, 674-75 (9th Cir. 1984)) (internal quotations and citations)

unable to show a likelihood of success on the merits of the claim.

ORDERED:

Plaintiff's Motion for Preliminary Injunction and Order to Show Cause<sup>3</sup> is  
DENIED.

DATED this 29th day of September, 2015.



SAM E. HADDON

United States District Judge

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omitted) ("In this circuit, a party seeking preliminary injunctive relief must meet one of two tests. Under the first, a court may issue a preliminary injunction if it finds that:

(1) the [moving party] will suffer irreparable injury if injunctive relief is not granted, (2) the [moving party] will probably prevail on the merits, (3) in balancing the equities, the [non-moving party] will not be harmed more than [the moving party] is helped by the injunction, and (4) granting the injunction is in the public interest.

Alternatively, a court may issue a preliminary injunction if the moving party demonstrates *either* a combination of probable success on the merits and the possibility of irreparable injury *or* that serious questions are raised and the balance of hardships tips sharply in his favor. Under this last part of the alternative test, even if the balance of hardships tips decidedly in favor of the moving party, it must be shown as an irreducible minimum that there is a fair chance of success on the merits.").

<sup>3</sup> Doc. 4.