

MONTANA DEPARTMENT OF JUSTICE



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HELENA – Montana’s Attorney General Austin Knudsen today exercised his supervisory powers in the *Gallatin City-County Board of Health and Health Officer Matt Kelley v. Rocking R Bar* case. Knudsen directed County Attorney Marty Lambert to promptly dismiss the case against the Bozeman business that had refused to adhere to the mandate that businesses close at 10:00 p.m.

“The ten o’clock closure rule defies commonsense. This type of government overreach is devastating to Montana workers and small businesses,” Attorney General Knudsen said. **“Our action today is a clear message that we need to safely reopen our economy and will not allow overzealous local governments to hold Montana businesses and their employees hostage.”**

“This announcement will give stability and certainty to Montana businesses. They will no longer have to fear prosecution for simply serving their customers,” John Iverson of the Montana Tavern Association said.

Governor Greg Gianforte issued a directive Wednesday removing operational hour restrictions on Montana businesses.

Full text of the letter:

Dear County Attorney Lambert:

Pursuant to M.C.A. § 2-15-501(5), it is the duty of the Attorney General “to exercise supervisory powers over county attorneys in all matters pertaining to the duties of their offices.”

Consistent with this authority, I hereby exercise my supervisory powers with respect to the case entitled *Gallatin City-County Board of Health and Health Officer Matt Kelley v. Rocking R Bar*, Gallatin County Cause No. DV-20-1278B.

At your earliest convenience, but no later than 12:00 p.m. on January 15, 2021, I order and direct you to dismiss the above-entitled action in accordance with Rule 41(a)(1)(A)(ii) of the Montana Rules of Civil Procedure. Procedurally, the dismissal of the action eliminates any sufficient grounds for the preliminary injunction issued on December 18, 2020. For that reason, I further direct you to coordinate with the defendant to ensure that it may file—simultaneously with or before the filing of the stipulated notice of dismissal—an application to dissolve the preliminary injunction, along

with a supporting affidavit, as required by
M.C.A. § 27-19-401.

Thank you for your prompt attention to this
important matter.

Austin Knudsen
Attorney General of Montana



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