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By TH  
Tiffany Howard, Deputy

MONTANA TWENTY-SECOND JUDICIAL DISTRICT COURT, CARBON COUNTY

MONTANA REPUBLICAN STATE  
CENTRAL COMMITTEE, also known as  
MONTANA REPUBLICAN PARTY,

Plaintiff,

v.

GOP MONTANA; MONTANA  
ASSOCIATION OF REPUBLICAN  
CENTRAL COMMITTEES, and LISA  
BENNETT,

Defendants.

Cause No.: DV-24-33-16  
Judge Matthew J. Wald

**BRIEF IN SUPPORT OF PLAINTIFF'S  
MOTION FOR TEMPORARY  
RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

**INTRODUCTION**

The Montana Republican Party ("MTGOP") is entitled to a temporary restraining order ("TRO") and preliminary injunction because Defendants are engaging in illegal fundraising activities and falsely holding themselves out as affiliates of MTGOP and/or its county central committees as set forth in the Verified Complaint. Immediate court intervention is necessary to prevent irreparable harm to MTGOP and the public. MTGOP respectfully requests a TRO and preliminary injunction enjoining Defendants from 1) holding themselves out as authorized representatives or affiliates of any official Republican central committee; 2) operating any

1 unincorporated and unregistered political committee; 3) raising any funds at the Politics &  
2 Pancakes town hall meeting scheduled for April 27, 2024 or any other gathering; or 4) engaging  
3 in any other deceptive activity designed to undermine the MTGOP and its affiliates or deceive the  
4 public.

### 5 **FACTUAL BACKGROUND**

6 MTGOP is a political party committee organized pursuant to Mont. Code Ann. § 13-38-  
7 101 et seq. (Doc. 1 at ¶ 1.) Under Mont. Code Ann. § 13-38-101, each political party has the  
8 authority to make its own rules and provide for and select its own offices. (*Id.* at ¶ 7.) MTGOP has  
9 enacted its own rules and has filed a current copy with the Montana Secretary of State. (*Id.* at ¶ 7  
10 at Ex. 1.) MTGOP is the governing body for the statewide Republican Party, “responsible for  
11 establishing all State Rules, policies, and programs.” (*Id.* at ¶ 8 and Ex. 1 at Rule C.I.) County  
12 central committees are, in a way, subsidiaries of MTGOP and are governed by MTGOP Rules. (*Id.*  
13 at ¶ 9 and Ex. 1 at Rule C.III. et seq.) The formation of a county central committee and election of  
14 officers must follow state law and MTGOP’s Rules. (*Id.* at ¶ 10.)

15 On March 7, 2024, residents of Carbon County, Montana, filed a complaint with the  
16 Montana Commissioner of Political Practices (“COPP”), alleging that in the fall of 2023,  
17 Defendant Lisa Bennett began undertaking certain activities to undermine the Carbon County  
18 Republican Central Committee and its newly-elected leadership. (*Id.* at ¶ 11 and Ex. 2.) The COPP  
19 complaint further alleged that Lisa Bennett filed required forms with the COPP on behalf of the  
20 Carbon County Republican Central Committee without authorization and falsely held herself out  
21 as an officer of that organization. (*Id.* at ¶ 12 and Ex. 2 at 9.)

22 Also in the fall of 2023, Lisa Bennett repeatedly falsely presented herself as an official,  
23 representative, or employee of the MTGOP to the general public, as well as to COPP. (*Id.* at ¶ 13.)  
24

1 Lisa Bennett apparently had multiple phone calls and email correspondence with COPP employees  
2 in which she led COPP to believe she was representing MTGOP as a “compliance” officer. (*Id.* at  
3 ¶ 14.) Lisa Bennett corresponded with an email address of “compliance@gopmontana.com” in an  
4 apparent effort to mislead COPP and others into thinking she was affiliated with MTGOP. (*Id.* at  
5 ¶ 15.) Additionally, Lisa Bennett used the MTGOP’s name, images, logos, and marks to mislead  
6 the general public. (*Id.* at ¶ 16.)

7 The email address “compliance@gopmontana.com” and the website address  
8 “gopmontana.com” are clearly meant to give the false impression that she is communicating on  
9 behalf of MTGOP. (*Id.* at ¶ 17.) The official domain for MTGOP is “mtgop.org.” (*Id.*) Lisa  
10 Bennett’s actions have caused confusion to third parties. For instance, the COPP—believing the  
11 false information Lisa Bennett presented—stopped sending official correspondence concerning  
12 MTGOP’s County Central Committees to MTGOP and sent them to her fake “GOP Montana”  
13 email address instead. (*Id.* at ¶ 18.) Lisa Bennett is not authorized to speak for or represent MTGOP  
14 in any matter before COPP. (*Id.* at ¶ 19.) She is neither an employee nor officer of MTGOP. (*Id.*)  
15 When MTGOP learned of Lisa Bennett’s actions, it sent her a cease and desist letter on October  
16 5, 2023. (*Id.* at ¶ 20 and Ex. 3.) MTGOP also sent a clarification letter to COPP on October 11,  
17 2023. (*Id.* at ¶ 21 and Ex. 4.) MTGOP further requested that Lisa Bennett immediately remove the  
18 website address “gopmontana.com” and all associated email domains with the same name. (*Id.* at  
19 ¶ 22.) Although Lisa Bennett did slightly alter the logos used on the website, she has not complied  
20 with MTGOP’s request. (*Id.*)

21 Additionally, MTGOP recently became aware that Lisa Bennett is also holding herself out  
22 as affiliated with the so-called “Montana Association of Republican Central Committees.” (*Id.* at  
23 ¶ 23.) Again, Lisa Bennett is giving the false impression that she is acting on behalf of MTGOP  
24

1 and/or its county central committees. (*Id.*) This group is co-hosting a town hall meeting titled  
2 “Politics & Pancakes” on April 27, 2024, at which it intends to raise money from donors. (*Id.* at ¶  
3 24 and Ex. 5.) Lisa Bennett has not registered either of her political committees—GOP Montana  
4 or the Montana Association of Republican Central Committees—with COPP or filed a certification  
5 as required by Mont. Code Ann. § 13-37-201 et seq. (*Id.* at ¶ 25 and Exs. 6 and 7.) Lisa Bennett  
6 has failed to keep detailed records of her political committees or to file any financial reports with  
7 COPP as required by Mont. Code Ann. § 13-37-208. (*Id.* at ¶ 26.) Lisa Bennett has failed to file  
8 any contribution or expenditure reports with COPP for the political committees as required by  
9 Mont. Code Ann. §§ 13-37-225 and 13-37-229 even though the GOP Montana website contains a  
10 “Donate” button and she is raising funds through the Montana Association of Republican Central  
11 Committees. (*Id.* at ¶ 27.)

## 12 ARGUMENT

13 A preliminary injunction order or TRO may be granted when the applicant establishes that:

- 14 (a) the applicant is likely to succeed on the merits;
- 15 (b) the applicant is likely to suffer irreparable harm in the absence of  
16 preliminary relief;
- 17 (c) the balance of equities tips in the applicant’s favor; and
- 18 (d) the order is in the public interest.

19 Mont. Code Ann. § 27-19-201(1); *see also Winter v. Natl. Res. Def. Council, Inc.*, 555 U.S. 7, 20  
20 (2008) (citing *Munaf v. Geren*, 553 U.S. 674, 689–90 (2008); *Amoco Production Co. v. Gambell*,  
21 480 U.S. 531, 542 (1987); *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311–12 (1982)). The  
22 Montana Legislature intends this standard to “mirror the federal preliminary injunction standard,  
23 and ... closely follow United States supreme court case law.” Mont. Code Ann. § 27-19-201(4).  
24 The applicant bears the burden of proof. Mont. Code Ann. § 27-19-201(3). The court may enjoin  
25 the adverse party, until the hearing and decision of the application, by a TRO, which may be

1 granted where an application for an injunction is made upon notice or an order to show cause,  
2 either before or after answer. Mont. Code Ann. § 27-19-314. A preliminary injunction does not  
3 decide the merits of a case, rather it merely “prevents further injury or irreparable harm by  
4 preserving the status quo of the subject in controversy pending an adjudication on its merits.” *Four*  
5 *Rivers Seed Co. v. Circle K Farms, Inc.*, 2000 MT 360, ¶¶ 11–12, 303 Mont. 342, 16 P.3d 342.

6 **I. THE COURT SHOULD ISSUE A TRO AND PRELIMINARY INJUNCTION.**

7 **A. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS.**

8 Likelihood of success on the merits “has been measured in various ways, including  
9 ‘reasonable probability,’ ‘fair prospect,’ ‘substantial case on the merits,’ and ‘serious legal  
10 questions ... raised.’” *W. Watersheds Project v. Zinke*, 336 F. Supp. 3d 1204, 1218 (D. Idaho 2018)  
11 (citing *Lair v. Bullock*, 297 F.3d 1200, 1204 (9th Cir. 2012)). “Such formulations ‘are largely  
12 interchangeable,’ but require ‘at a minimum’ that a petitioner must show that there is a ‘substantial  
13 case for relief on the merits.’” *Id.* (quoting *Leiva-Perez v. Holder*, 640 F.3d 962, 968 (9th Cir.  
14 2011)). “The standard does not require [a plaintiff] to show that ‘it is more likely than not that [it]  
15 will win on the merits.’” *Id.* (quoting *Leiva-Perez*, 640 F.3d at 966); *see also Stewart v. City &*  
16 *Cnty. of San Francisco, Calif.*, 608 F. Supp. 3d 902, 911 (N.D. Cal. 2022) (citations omitted) (“To  
17 establish a likelihood of success, plaintiffs need not conclusively prove their case or show that they  
18 are ‘more likely than not’ to prevail.”) Rather, showing a likelihood of success on the merits  
19 “requires merely a ‘prima facie case on the underlying claim.’” *Planned Parenthood of Mont. v.*  
20 *State*, 2022 MT 157, ¶ 35, 409 Mont. 378, 515 P.3d 301 (citing *M.H. v. Mont. High Sch. Assn.*,  
21 280 Mont. 123, 136, 929 P.2d 239, 247 (1996)); *see also Driscoll v. Stapleton*, 2020 MT 247, ¶¶  
22 15–16, 401 Mont. 405, 473 P.3d 386 (“Because a preliminary injunction does not decide the  
23 ultimate merits of a case, however, a party need establish only a prima facie violation of its rights  
24

1 to be entitled to a preliminary injunction—even if such evidence ultimately may not be sufficient  
2 to prevail at trial.”).

3 Here, MTGOP has made out a prima facie claim for Deceit under Montana law and is likely  
4 to succeed on that claim based upon the facts set forth in MTGOP’s Verified Complaint. In  
5 Montana, a claim for Deceit is defined by statute as follows:

- 6 (1) One who willfully deceives another with intent to induce that person to alter  
7 the person’s position to the person’s injury or risk is liable for any damage  
8 that the person suffers.
- 9 (2) A deceit, within the meaning of subsection (1), is either:  
10 (a) the suggestion as a fact of that which is not true by one who does not  
11 believe it to be true;  
12 (b) the assertion as a fact of that which is not true by one who has no  
13 reasonable ground for believing it to be true;  
14 (c) the suppression of a fact by one who is bound to disclose it or who gives  
15 information of other facts that are likely to mislead for want of  
16 communication of that fact; or  
17 (d) a promise made without any intention of performing it.

18 Mont. Code Ann. § 27-1-712(1) and (2).

19 MTGOP has demonstrated that Defendants have willfully deceived MTGOP, the public,  
20 and COPP by repeatedly holding themselves out as authorized representatives or affiliates of  
21 MTGOP and/or its central committees, falsely purporting to take official actions with MTGOP’s  
22 authorization that jeopardize MTGOP’s compliance with COPP requirements and Montana law,  
23 and attempting to raise donations without properly registering and reporting as a political  
24 committee with COPP. Defendants suggested facts to MTGOP, its county central committees, the  
25 public, and COPP knowing such facts were not true. Moreover, Defendants suppressed the true  
facts and instead provided information likely to mislead. Defendants’ conduct has proximately  
damaged MTGOP by causing confusion among the public, causing COPP to stop sending  
communications directly to MTGOP, and by engaging in illegal fundraising activities under the

1 auspices of the Republican Party. Because MTGOP is likely to succeed on the merits of its  
2 underlying claim, a TRO and preliminary injunction should issue.

3       **B.     PLAINTIFFS ARE LIKELY TO SUFFER IRREPARABLE HARM ABSENT A TRO AND**  
4       **PRELIMINARY INJUNCTION.**

5       Plaintiffs seeking preliminary relief must demonstrate that irreparable injury is likely in the  
6 absence of an injunction. *Winter* 555 U.S. at 22 (citing *Los Angeles v. Lyons*, 461 U.S. 95, 103  
7 (1983); *Granny Goose Foods, Inc. v. Teamsters*, 415 U.S. 423, 441 (1974); *O'Shea v. Littleton*,  
8 414 U.S. 488, 502 (1974); 11A C. Wright, A. Miller, & M. Kane, *Federal Practice and Procedure*  
9 § 2948.1, p. 139 (2d ed. 1995)). “Evidence of loss of control over business reputation and damage  
10 to goodwill could constitute irreparable harm.” *Herb Reed Enters., LLC v. Fla. Ent. Mgmt., Inc.*,  
11 736 F.3d 1239, 1250 (9th Cir. 2013). Irreparable harm is “harm for which there is no adequate  
12 legal remedy, such as an award of damages,” *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053,  
13 1068 (9th Cir. 2014), and can include “loss of control over business reputation and damage to  
14 goodwill.” *Adidas Am., Inc. v. Skechers USA, Inc.*, 890 F.3d 747, 756 (9th Cir. 2018) (citation  
15 omitted).

16       Absent injunctive relief, Lisa Bennett will continue holding herself out to the public as an  
17 authorized representative or affiliate of the MTGOP, conducting illegal fundraising, and operating  
18 under fake affiliates using the “Republican” moniker. (Doc. 1 at ¶¶ 20–27.) When asked to take  
19 down her GOP Montana website, Lisa Bennett did not comply. (*Id.* at ¶ 22.) The website contains  
20 a “Donate” button. (*Id.* at ¶ 27.) Her unregistered political committee “Montana Association of  
21 Republican Central Committees” is highly deceptive to the public and she is illegally using this  
22 fake committee to solicit funds at an event scheduled for April 27, 2024. (*Id.* at ¶¶ 23–24.) Lisa  
23 Bennett’s engagement in these activities is damaging to MTGOP because it deceives MTGOP’s  
24 supporters and donors into believing that she is operating as an MTGOP affiliate or with MTGOP’s

1 support or authorization. Lisa Bennett's activities siphon funds away from MTGOP sponsored  
2 organization or projects, and neither donors nor the MTGOP know where these funds are actually  
3 being used because she has not filed any reports with COPP. Such damage cannot be compensated  
4 monetarily and constitutes irreparable harm to MTGOP's business operations, reputation, and  
5 goals. MTGOP has established that irreparable harm is imminent absent injunctive relief, and  
6 therefore a TRO and preliminary injunction should issue.

7 **C. THE BALANCE OF EQUITIES FAVORS MTGOP.**

8 The balance of equities factors requires the court to "weigh the 'competing claims of  
9 injury' and 'consider the effect on each party of the granting or withholding of the requested  
10 relief.'" *In re Meta Pixel Healthcare Litig.*, 647 F.Supp.3d 778, 804 (N.D. Cal. 2022) (quoting  
11 *Winter*, 555 U.S. at 24). To succeed in obtaining an injunction, a party must show that the balance  
12 of equities tips in its favor. *Id.* (citing *Winter*, 555 U.S. at 20). "A court must consider the balance  
13 of hardships between the plaintiff and defendant and issue an injunction only if the balance of  
14 hardships tips in the plaintiff's favor." *Rex Med. L.P. v. Angiotech Pharms. (US), Inc.*, 754  
15 F.Supp.2d 616, 625 (S.D.N.Y. 2010) (citing *Salinger v. Colting*, 607 F.3d 68, 80 (2d Cir. 2010)).

16 Here, the balance of hardships weighs heavily in MTGOP's favor. If Lisa Bennett is  
17 allowed to continue holding herself out as an MTGOP affiliate and illegally raise funds doing so,  
18 MTGOP will be irreparably harmed as described above. Lisa Bennett, on the other hand, has no  
19 legal right to engage in the activities she is conducting. She will not suffer any harm from being  
20 enjoined from those activities. The hardships to her are non-existent, whereas the hardships to  
21 MTGOP are great. (*See* Section I.B, *supra*.) Because this factor tips sharply in MTGOP's favor, a  
22 TRO and preliminary injunction should issue.





1 succeed on the merits, MTGOP will suffer irreparable harm without such preliminary relief, the  
2 balance of equities weighs in MTGOP's favor, and MTGOP's request serves the public interest.  
3 For the reasons stated in this Brief, MTGOP respectfully requests that the Court grant MTGOP's  
4 Motion for Temporary Restraining Order and Preliminary Injunction.

5 DATED this 17<sup>th</sup> day of April 2024.

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7  
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**CERTIFICATE OF SERVICE**

I certify that on this 17<sup>th</sup> day of April, 2024, a true and correct copy of this document was sent via personal service, mail, and electronic mail to the following:

Lisa Bennett  
110 Barlow Creek Road  
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By: 