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COUNSEL FOR PLAINTIFF

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

BRIAN SCHWEITZER, Governor of  
the State of Montana

Plaintiff,

v.

LEON E. PANETTA, in his official  
capacity as Secretary of Defense, and  
MICHAEL B. DONLEY, in his  
official capacity as Secretary of the  
Air Force,

Defendants.

**APPLICATION FOR TEMPORARY  
RESTRAINING ORDER**

Plaintiff Brian Schweitzer, in his official capacity as Governor of the State of Montana, pursuant to Rule 65 of the Federal Rules of Civil Procedure, hereby requests that the Court issue a temporary restraining order.

As described more fully in the contemporaneously-filed brief, the Air Force intends to transfer all F-15 aircraft currently stationed at the Air Guard Station in Great Falls, Montana, to the Air Guard Station in Fresno, California. The Air Force plans to move the first truckloads of avionics equipment within the next two weeks. The Governor has not consented to this transfer, however, and thus the proposed transfer is in violation of 32 U.S.C. § 104(c), which requires the approval of the governor before this type of change may be made.

As the Governor is likely to proceed on the merits, a temporary restraining order should issue to maintain the status quo--keeping the F-15s in Great Falls--which will prevent irreparable injury to the Montana Air National Guard mission and will not be overly burdensome to the Air Force.

Plaintiff therefore requests this Court immediately enter a temporary restraining order and set the matter for a show cause hearing as to whether a preliminary injunction should issue.

Respectfully submitted this 15th day of June, 2012.

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By: /s/ J. Stuart Segrest  
J. STUART SEGREST  
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**CERTIFICATE OF MAILING**

I hereby certify that on this date, I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, by using the appellate cm/ecf system. Participants in the case who are registered cm/ecf users will be served by the appellate cm/ecf system.

I further certify that on this date I served a true and correct copy of the foregoing by mail on the following:

Leon E. Panetta  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Michael B. Donley  
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Dated: June 15, 2012

/s/ J. Stuart Segrest  
J. STUART SEGREST  
Assistant Attorney General  
Counsel for Plaintiff