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09/09/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 25-0550

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0550

DANIEL W. TORGISON,

Plaintiff and Appellant,

v.

LINCOLN COUNTY PORT AUTHORITY,  
a division of LINCOLN COUNTY,  
THE LINCOLN COUNTY COMMISSIONERS,  
and JOHN DOES ONE THROUGH FIFTEEN,

Defendants and Appellees.

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ORDER

Appellant Daniel Torgison seeks relief from the Nineteenth Judicial District Court's August 18, 2025 order denying his motion to stay the court's ruling on his request for a preliminary injunction pending appeal. Appellees Lincoln County, its County Commissioners, and the Lincoln County Port Authority oppose the requested stay.

Torgison filed his Complaint in April 2025, alleging that the Lincoln County Port Authority violated Montana laws regarding public participation and the right to know when it entered into certain contracts and agreements and took actions to transfer real and personal property, in particular a December 2023 sale of 105 acres of land. He sought preliminary injunctive relief to restrain Lincoln County and the Lincoln County Port Authority from acting on any matter related to decisions made by the Lincoln County Port Authority between May 2022 and April 2025. Following briefing and an evidentiary hearing, the District Court denied the requested preliminary injunction on July 18, 2025. Torgison timely appealed pursuant to M. R. App. P. 6(3)(e). He thereafter moved the District Court to grant the injunction pending appeal, which the court appropriately treated as a motion to stay in accordance with M. R. App. P. 22(1).

The District Court explained that Torgison failed to identify a threat of injury posed to him in the absence of a stay, did not provide analysis whether granting his motion would substantially injure any other interested parties, and had not demonstrated that a stay would be in the public's interest. Referring to its order denying the preliminary injunction, the court stated that any irreparable harm Torgison claimed from a violation of the public's right to know was too far removed from the present to constitute irreparable injury when the land sale he challenged had occurred more than a year before he filed suit and Torgison first learned about the sale one and one-half to two years prior to the preliminary injunction hearing. The court concluded:

Therefore, not only does Torgison fail to state and fully address the applicable standard governing motions pursuant to M.R. App. P. 22(1), but Torgison has failed to establish that he is likely to succeed on the merits of his appeal. Rather, Torgison's argument only serves to highlight the fact that the "irreparable harm" to Torgison is far removed from the present. Given these deficiencies, while generally the public interest favors an applicant where his constitutional rights to know and participate have been implicated, the present matter requires a different outcome.

M. R. App. P. 22(2)(a)(i) requires that a party seeking relief from a district court's grant or denial of a stay pending appeal demonstrate good cause for the relief requested. "Good cause" is generally defined as a legally sufficient reason and referred to as the burden placed on a litigant to show why a request should be granted. *Brookins v. Mote*, 2012 MT 283, ¶ 29, 367 Mont. 193, 292 P.3d 347 (citations omitted). In determining whether a party has shown good cause for a stay,

[t]he Court also looks to the general factors governing stays of civil judgments articulated in *Hilton v. Braunskill*, 481 U.S. 770, 107 S. Ct. 2113, 95 L. Ed. 2d 724 (1987). Those factors are: (1) whether the stay applicant has made a strong showing that it is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.

*Mont. Env't Info. Ctr. v. Westmoreland Rosebud Mining, LLC*, No. DA 22-0064, Order (Mont. Aug. 9, 2022), 2022 Mont. LEXIS 735. Here, the District Court examined the same four factors and found them lacking.

Torgison argues that the District Court's denial of a stay fails to protect the public's rights to know and to participate in government. His affidavit asserts that, although he heard rumors, his research failed to locate publicly available records of meeting locations between May 2022 and April 2025, and he had no idea that the clean up activities at the Port were being performed by private parties on behalf of their own interests. Torgerson protests that the District Court treated him as a "miscreant who is wasting the time and energy of the judicial system." To the contrary, he claims, a concerned citizen's effort to protect the public's right to know and to stop a governmental body from taking illegal actions is not meaningless or futile under this Court's rulings. Torgison requests that this Court issue a stay "as to the implementation of any actions taken in violation of the open meeting law, in violation of the County's Resolution 999 requiring all three County Commissioners sit on the Port Authority Board and in violation of the Land Disposition Policy."

The Appellees respond that the District Court acted within its discretion in denying the stay and that Torgison is essentially litigating the merits of his preliminary injunction appeal in his motion to stay. The County points out that Torgison acknowledged that rumors spurred him to investigate his claims and testified that he first consulted with counsel "to inquire about what [he] thought were problems down at the Port Authority. . . a year [prior to the Hearing]" but elected not to do so. It argues that the District Court applied the correct legal standards in reviewing Torgison's motion, that there is no impending action by the County, and therefore that there is no injunctive relief that could be issued. The Port Authority adds that Torgison ignores the balancing of equities, where "effectively shutting down the Port Authority through an injunction would cause significant harm to the community and taxpayers."

Having reviewed the District Court's order and the parties' submissions, we conclude that the court did not abuse its discretion in its consideration of the factors appropriate in

determining whether a stay should be granted. We conclude that Torgison has not demonstrated good cause for relief from the District Court's order.

IT IS THEREFORE ORDERED that the Appellant's Motion for Stay pending appeal is DENIED.

The Clerk is directed to provide a copy of this Order to all counsel of record.

DATED this 9<sup>th</sup> day of September, 2025.

Peter Fisher

Amie Nathan

James J. Johnson

Angela Smith

Jean Rice

Justices