

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MAYDAY HEALTH,

Plaintiff,

v.

MARTY J. JACKLEY, Attorney General of
South Dakota, in his official capacity,

Defendants.

Case No. 1:26-cv-00078-KPF

[PROPOSED] ORDER

This matter is before the Court on Plaintiff Mayday Health's Motion for Preliminary Injunction. Upon consideration of the motion, all of the papers submitted by the parties, the relevant authorities and the oral argument of counsel, the Court finds that:

1. Plaintiff has carried its burden of demonstrating that it is likely to succeed on the merits of its claims for relief. Specifically, Plaintiff has shown that it is likely to succeed on the merits of its claims that Marty J. Jackley, the Attorney General of South Dakota, has violated Plaintiff's First Amendment right by threatening legal action against Plaintiff for its exercise of protected speech;
2. Plaintiff will likely suffer irreparable harm in the absence of a preliminary injunction;
3. The balance of equities weighs in favor of issuing a preliminary injunction; and
4. A preliminary injunction is in the public interest.

Accordingly, **IT IS HEREBY ORDERED THAT** Plaintiff's motion for preliminary injunction is **GRANTED**.

The Court further **ORDERS** as follows:

1. Defendant Attorney General of South Dakota Marty J. Jackley is hereby enjoined from (1) taking any action, formal or informal, to pressure or force Mayday to take down the truthful public health information on its website, or the signs it has published publicizing that website, and from (2) taking any action, formal or informal, to pressure or force Mayday to refrain from publishing truthful public health information to South Dakotans in the future, both on its website and in signs and other offline communications publicizing its website—pending this Court’s final determination on the merits of Plaintiff’s claims.

2. There is no realistic likelihood that Defendant will suffer costs or damages from this preliminary injunction, so no security is required.

IT IS SO ORDERED.

DATED: _____, 2026

United States District Court for the
Southern District of New York