

FILED

12/07/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 21-0001

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 21-0001

DISTRICT COURT
2021 DEC -7 PM 4:19
FILED

Emmelle J. Henry

DALE YATSKO and JANELLE YATSKO
d/b/a GREEN CREEK DISPENSARY,

Plaintiffs,

vs.

CASCADE COUNTY, MONTANA,

Defendant.

ORDER

BDV-21-439

Defendant Cascade County, Montana, via counsel, has filed an affidavit in support of its request to disqualify the Honorable Amy Eddy from presiding in Cause No. BDV 21-439 in the Eighth Judicial District Court, Cascade County, pursuant to § 3-1-805, MCA.

Section 3-1-805, MCA, provides that an affidavit for disqualification for cause must allege facts showing personal bias or prejudice of the presiding judge. Section 3-1-805(1)(b), MCA, provides in part that the affidavit will be deemed not to have been made in good faith if it is based solely on rulings in the case which can be addressed in an appeal from the final judgment. In this case, Cascade County takes issue with two findings Judge Eddy made in a November 5, 2021 order granting a preliminary injunction. Since Judge Eddy's rulings can be addressed in an appeal, Cascade County has not demonstrated grounds for disqualification.

THEREFORE,

IT IS ORDERED that the motion to disqualify Judge Eddy is VOID and thereby DENIED.

The Clerk is directed to provide copies of this Order to the Clerk of the District Court of Cascade County for notification to all parties in Cause No. BDV 21-439, and to the Honorable Amy Eddy.

CERTIFICATE OF MAILING
This is to certify that the foregoing was duly served by mail upon counsel of record at their address this 7th day of December, 2021 at
TINA HENRY, CLERK OF COURT
By FCS DEPUTY

cc: Bruce Allen Fredrickson
Mark Higgins

Electronically signed by:
Mike McGrath
Chief Justice, Montana Supreme Court
December 7 2021