

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 23-0308

SANDRA MERCHANT, IN HER OFFICIAL
CAPACITY as CASCADE COUNTY CLERK
& RECORDER,

Petitioner,

v.

MONTANA EIGHTH JUDICIAL DISTRICT
COURT, CASCADE COUNTY, the HON.
BRENDA GILBERT, Presiding,

Respondent.

FILED

JUN 13 2023

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Petitioner Sandra Merchant seeks a writ of supervisory control over the Eighth Judicial District Court to vacate that court's May 18, 2023 order appointing a monitor in connection with the June 6 Library Mill Levy Special Election in Cascade County. Merchant's petition represents that the District Court made the order from the bench at the conclusion of a hearing. She has not included among her exhibits a transcript of the hearing or of the court's order.

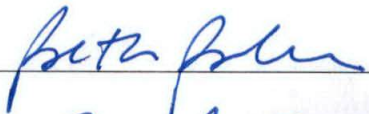
Supervisory control is an extraordinary remedy that is sometimes justified when urgency or emergency factors exist making the normal appeal process inadequate, when the case involves purely legal questions, and when the other court is proceeding under a mistake of law and is causing a gross injustice, constitutional issues of state-wide importance are involved, or, in a criminal case, the other court has granted or denied a motion to substitute a judge. M. R. App. P. 14(3). We determine on a case-by-case basis whether supervisory control is appropriate. *Stokes v. Mont. Thirteenth Judicial Dist. Court*, 2011 MT 182, ¶ 5, 361 Mont. 279, 259 P.3d 754 (citations omitted).

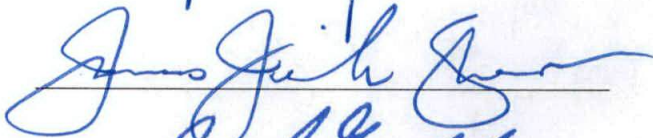
Merchant filed her petition on Friday afternoon, June 2, 2023. The election proceeded as scheduled the following Tuesday, June 6. Whatever urgent factors may have precipitated the filing of the petition, it appears those have passed with the conclusion of the election. We conclude that Merchant has not demonstrated grounds for this Court's intervention in the pending case.

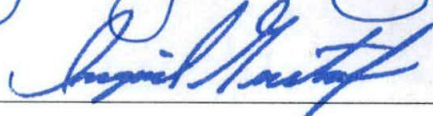
IT IS THEREFORE ORDERED that the petition for writ of supervisory control is DENIED and DISMISSED.


The Clerk is directed to provide copies of this Order to all counsel of record in Eighth Judicial District Court Cause No. DV-23-222 and to the Honorable Brenda Gilbert, presiding Judge.


DATED this ^{4th} 13 day of June, 2023.











Justices