



DEBORAH KIM CHRISTOPHER  
DISTRICT JUDGE



TWENTIETH JUDICIAL DISTRICT  
STATE OF MONTANA

**FILED**

LAKE COUNTY COURTHOUSE  
POLSON, MONTANA 59860  
(406) 883-7360  
Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

SANDERS COUNTY COURTHOUSE  
THOMPSON FALLS, MONTANA 59873  
(406) 827-6962  
Case Number: PR 07-0011

July 16, 2015

Chief Justice Mike McGrath  
Montana Supreme Court  
Rm 424, Justice Bldg., 215 N. Sanders.  
P.O. Box 203001  
Helena, MT 59620-3001

Re: Montana Twentieth Judicial District Court, Lake County Cause No. DV 14-205  
Terry N. Trieweiler, D/B/A, Trieweiler Law Firm, Plaintiff vs. Donald G. Abbey;  
Abbey/Land, Llc; and Jon Cushman, Defendants.

Dear Chief Justice McGrath:

Pursuant to our phone call of June 24, 2015, and your request I remind you of this conversation, I am requesting you call in Retired District Court Judge Douglas Harkin to handle the above case. I asked Doug if he would be willing and he agreed. This is a separate case but came out of DV 11-276 where Judge Harkin was selected by and served as the special master in what the following caption hints at the complexity of the case that unfolded as and after Judge McNeil retired.

GLACIER CONSTRUCTION PARTNERS, LLC  
Plaintiff,

vs.

INTERSTATE MECHANICAL, INC., an Oregon Corporation; JEFFREY S. GLAZIER and KELVIN STINGER, citizens of the State of Montana, d/b/a GLAZIER DRILLING; GLAZIER DRILLING, INC., a Montana corporation; DAWSON GLAZIER, a citizen of the State of Montana, d/b/a DAVIS PIPE & MACHINERY; DAVIS PIPE & MACHINERY, INC., a Montana corporation; ROGER LEMONS, a citizen of the State of Oregon; MEP CONSULTING, LLC, an Oregon limited liability company; ABBEY/LAND LLC, a Montana limited liability company; THE CHARTER OAK FIRE INSURANCE COMPANY, a Connecticut corporation; TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, a Connecticut corporation; THE TRAVELERS INDEMNITY COMPANY, a Connecticut corporation; CONTINENTAL WESTERN INSURANCE COMPANY, an Iowa corporation; ANCHOR INSURANCE & SURETY; COMMERCE & INDUSTRY

INSURANCE COMPANY; ILLINOIS NATIONAL INSURANCE CO.,  
JAMES RIVER INSURANCE COMPANY; AMERICAN SAFETY  
INDEMNITY COMPANY; STEPHEN C. TYGART; HARTFORD  
CASUALTY INSURANCE COMPANY; STATE FARM FIRE &  
CASUALTY COMPANY; AMERICAN STATES INSURANCE  
COMPANY; MONTPELIER U.S. INSURANCE COMPANY f/k/a  
GENERAL AGENTS INSURANCE COMPANY OF AMERICA, INC.;  
NORTHLAND CASUALTY COMPANY; CONTINENTAL CASUALTY  
COMPANY; SIEMENS INDUSTRY, INC., d/b/a SIEMEN'S BUILDING  
TECHNOLOGIES, d/b/a SIEMEN'S WATER TECHNOLOGIES; HDI-  
GERLING AMERICA INSURANCE COMPANY, f/k/a GERLING  
AMERICA INSURANCE COMPANY; SPEARS MANUFACTURING  
COMPANY; MAMMOTH, INC; and JOHN DOES 1-99,  
Defendants.

and

ABBEY/LAND LLC, a Montana limited liability company,  
Third Party Plaintiff,

vs.

AFFILIATED FM INSURANCE COMPANY, a Rhode Island Corporation,  
Third Party Defendant.

DV 11-276 is currently in 43 files with over 871 documents filed, not including the discovery behind the filings. As Special Master, Judge Harkin was able to reduce the above caption to two parties, GLACIER CONSTRUCTION PARTNERS, LLC, Plaintiff, vs. INTERSTATE MECHANICAL, INC. an Oregon Corporation,; et al, Defendants. Defendant James River objected to Judge Harkin's rulings on summary judgment so I resumed DV 11-276. The Plaintiffs did not file an objection to Judge Harkin during the time he served as special master and he remained on the case after the Plaintiff in DV 14-205 left his representation of the Plaintiff.

The current case, Lake County Cause No. DV 14-205 involves issues between the Plaintiffs' attorneys in DV 11-276 and discovery requests which may impact the attorney/client relationship as between the Plaintiffs in DV 11-276 and in relation to the INTERSTATE MECHANICAL, INC. an Oregon Corporation,; et al, Defendants and Defendant James River who continue in litigation in a related case in Kalispell. Due to the attorney work product and attorney client privilege, I have currently but

temporarily sealed DV 14-205 until I could get a protective order in place that would address the appropriate concerns. Many of the issues already presented in DV 14-205 concern the voluminous discovery in the underlying representation in DV 11-276. It seems imprudent to ignore the extensive work Judge Harkin has already done, understands and was paid for by the parties. Judge Harkin has access to most if not all of the legal filings as he was copied with all of the filings up to the time I resumed the case which was long after the circumstances happened that give rise to the current litigation. Given he communicated with the parties, held hearings and has the institutional background on a lot of the underlying case for which he was paid, it seems an incredibly wasteful to not use his background and knowledge.

To my knowledge none of the parties or their attorneys in DV 14-205 live in the 20<sup>th</sup> Judicial District. The enormity of coming up to speed on 43 plus files in DV 11-276 and the underlying discovery so as to address the single issue of attorney's fees in DV 14-205 would impact this Court's ability to serve the constituents of the 20<sup>th</sup> Judicial District.

Sincerely,

A handwritten signature in black ink that reads "Deborah Kim Christopher". The signature is written in a cursive style with a large, looping initial "D".

Deborah Kim Christopher  
District Judge