

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 07-0011

FILED

IN THE MATTER OF CALLING
A RETIRED DISTRICT JUDGE
TO ACTIVE SERVICE

ORDER SEP 08 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

The Honorable Jon A. Oldenburg, Judge of the District Court for the Tenth Judicial District of the State of Montana, has requested the assistance of retired District Judge E. Wayne Phillips to assume jurisdiction of Fergus County Case No. DV 2016-72, *Curtis Hershberger v. Michael Marquart*.

Judge Phillips has retired under the provisions of the Montana Judges' Retirement System and, being subject to call for duty pursuant to § 19-5-103, MCA, has advised that he is agreeable to assisting the Tenth Judicial District Court with the above-listed matters.

IT IS HEREBY ORDERED:

1. The Honorable E. Wayne Phillips, retired District Judge, is hereby called to active service in the District Court of the Tenth Judicial District of the State of Montana, to assume judicial authority of Case No. DV 2016-72, *Curtis Hershberger v. Michael Marquart*, and is hereby authorized to proceed with any and all necessary hearings, opinions, and orders, including final resolution of said matter.

2. For all active service, Judge Phillips shall be paid the salary compensation to which he is entitled by § 19-5-103(2)(b), MCA, and actual expenses, if any, shall be reimbursed.

3. A copy of this Order shall be filed with the District Court Clerk of Fergus County with the request that this Order be sent to all counsel of record in Case No. DV 2016-72, *Curtis Hershberger v. Michael Marquart*.

4. A copy of this Order shall also be furnished to the Honorable Jon A. Oldenburg, the Honorable E. Wayne Phillips, to Fergus County Court Administrator Rebecca Greene, and to Becky Buska, Office of the Supreme Court Administrator.

This Order is entered by the Chief Justice pursuant to Article VII, Section 6(3) of the 1972 Montana Constitution, and statutes enacted in conformity therewith and in implementation thereof.

DATED this 8th day of September, 2016.



Chief Justice