

FILED

02/03/2017

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
Case Number PR07-0011

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 07-0011

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FEB 03 2017

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
ORDER

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

The Honorable Elizabeth A. Best, Judge of the District Court for the Eighth Judicial District of the State of Montana, has requested the assistance of retired District Judge James B. Wheelis to assume jurisdiction of Cause Nos. BDV-16-0561, *Mitchell Buerkle v. BNSF*, and BDV-13-0834, *Michael Sherrill v. BNSF*.

Judge Wheelis 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 Eighth Judicial District Court with the above-listed matters.

IT IS HEREBY ORDERED:

1. The Honorable James B. Wheelis, retired District Judge, is hereby called to active service in the District Court of the Eighth Judicial District of the State of Montana, to assume judicial authority of Cause Nos. BDV-16-0561, *Mitchell Buerkle v. BNSF*, and BDV-13-0834, *Michael Sherrill v. BNSF*, 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 Wheelis 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 Cascade County with the request that this Order be sent to all counsel of record in Cause Nos. BDV-16-0561, *Mitchell Buerkle v. BNSF*, and BDV-13-0834, *Michael Sherrill v. BNSF*.

4. A copy of this Order shall also be furnished to the Honorable Elizabeth A. Best, the Honorable James B. Wheelis, 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 3<sup>rd</sup> day of February, 2017.

  
Chief Justice