

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 DEC 21 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

The Honorable Brad Newman, Judge of the District Court of the Second Judicial District of the State of Montana, has advised the Court that he requests the assistance of retired district judge John W. Whelan to assume jurisdiction in Madison County Cause No. DV-29-02-01, entitled *Byrum v. Andren, et al.*, over which case Judge Whelan previously presided after assuming the case from Judge Loren Tucker. The Honorable Judge Whelan, having retired under the provisions of the Montana Judges' Retirement System, being subject to call for duty pursuant to § 19-5-103, MCA, and having advised that he is agreeable to assisting the District Court by assuming jurisdiction in the above-entitled cause,

NOW, THEREFORE, IT IS ORDERED:

1. The Honorable John W. Whelan, retired District Judge, is hereby called to active service in the District Court of the Fifth Judicial District of the State of Montana, in and for the County of Madison, to assume jurisdiction in Cause No. DV-29-02-01, *Byrum v. Andren, et. al.*

2. The Honorable John W. Whelan shall be paid the salary compensation to which he is entitled by § 19-5-103(2)(b), MCA, for not to exceed twenty hours' service, and actual expenses, if any shall be reimbursed.

3. A certified copy of this Order shall be filed with the District Court Clerk of Madison County, and copies shall be furnished to the Honorable Brad Newman and the Honorable John W. Whelan.

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

DATED this 20th day of December, 2009.



Chief Justice