

ORIGINAL

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08/24/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 07-0011

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 07-0011

FILED

AUG 24 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

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

The Honorable Luke Berger, Judge of the District Court for the Fifth Judicial District of the State of Montana, has requested the assistance of retired District Judge Wm. Nels Swandal to assume jurisdiction of Madison County Cause No. DV-29-2014-11, *Daniel C. Spaulding v. Heritage Trust Org., et al.*

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

IT IS HEREBY ORDERED:

1. The Honorable Wm. Nels Swandal, retired District Judge, is hereby called to active service in the District Court of the Fifth Judicial District of the State of Montana, to assume judicial authority of Madison County Cause No. DV-29-2014-11, *Daniel C. Spaulding v. Heritage Trust Org., et al.*, 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 Swandal 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 Clerk of Court of the Fifth Judicial District, Madison County, with the request that this Order be sent to all counsel of record in the above-listed matter.

4. A copy of this Order shall also be furnished to the Honorable Luke Berger, the Honorable Wm. Nels Swandal, and to Cathy Pennie, 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 24th day of August, 2021.



Chief Justice