



ORIGINAL

FILED

05/13/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 22-0256

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 22-0256

JAY SPILLERS,

Petitioner,

v.

MONTANA THIRD JUDICIAL DISTRICT  
COURT, ANACONDA-DEER LODGE  
COUNTY, THE HONORABLE RAY J.  
DAYTON, PRESIDING JUDGE,

Respondent.

FILED

MAY 13 2022

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ORDER

Petitioner Jay Spillers, via counsel, seeks a writ of supervisory control over the Third Judicial District Court, Anaconda-Deer Lodge County, to reverse its March 3, 2022 Order Granting Motion to Amend Answer in its Cause No. DV-17-74. Petitioner alleges that the District Court Order erroneously granted an untimely request from the Defendant in the underlying case to amend its answer and add an affirmative defense nearly four years after the deadline the court set in its Scheduling Order. Petitioner asserts that this matter is set for trial on May 31, 2022, and that the Defendant has provided no justification for its failure to plead this affirmative defense sooner.

Having reviewed the Petition and the challenged Order, this Court deems it appropriate to obtain a summary response. In light of the May 31, 2022 trial date, we conclude it is appropriate to order this matter be considered on an expedited basis. Therefore, in accordance with M. R. App. P. 14(7),


IT IS ORDERED that the Montana Department of Public Health and Human Services, Defendant in DV-17-74, and the Third Judicial District Court are each granted until **noon on Monday, May 23, 2022**, to prepare, file, and serve responses to the petition for writ of supervisory control.

The Clerk is directed to provide immediate notice of this Order to all counsel of record in the Third Judicial District Court, Anaconda-Deer Lodge County, Cause No. DV-17-74, and the Honorable Ray J. Dayton, presiding.

DATED this 13th day of May, 2022.

For the Court,

By

  
Justice