

HON. JENNIFER B. LINT
Presiding District Judge

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MONTANA FIFTH JUDICIAL DISTRICT COURT, BEAVERHEAD COUNTY

PETER GRIGG,

Plaintiff,

vs.

BEAVERHEAD EMS,

Defendant.

Cause No. DV-21-14372

**MEMORANDUM RE: MOTION
FOR DISQUALIFICATION**

This matter comes before the Court upon a *Motion for Disqualification for Cause* filed by Plaintiff on August 8, 2022.

As Respondent notes in his motion, judicial disqualification for cause proceedings are governed by § 3-1-805, MCA, which provides:

3-1-805. Disqualification for cause.

This section is limited in its application to judges presiding in district courts, justice of the peace courts, municipal courts, small claims courts, and city courts.

1. Whenever a party to any proceeding in any court shall file an affidavit alleging facts showing personal bias or prejudice of the presiding judge, such judge shall proceed no further in the cause. If the affidavit is filed against a district judge, the matter shall be referred to the Montana Supreme Court. If the affidavit is in compliance with subsections (a), (b), and (c) below, the Chief Justice shall assign a district judge to hear the matter. If the affidavit is filed against a judge of a municipal court, justice court, or city court, any district judge presiding in the district of the court involved may appoint either a justice of the peace, a municipal judge or a city court judge, to hear any such proceeding.

(a) The affidavit for disqualification must be filed more than thirty (30) days before the date set for hearing or trial.

(b) The affidavit shall be accompanied by a certificate of counsel of record that the affidavit has been made in good faith. An affidavit will be deemed not to have been made in good faith if it is based solely on rulings in the case which can be addressed in an appeal from the final judgment.

(c) Any affidavit which is not in proper form and which does not allege facts showing personal bias or prejudice may be set aside as void.

(d) The judge appointed to preside at a disqualification proceeding may assess attorneys fees, costs and damages against any party or his attorney who files such disqualification without reasonable cause and thereby hinders, delays or takes unconscionable advantage of any other party, or the court.

This matter is currently set for hearing on **Wednesday, August 31, 2022**. After review of Plaintiff's materials and the governing statute, the Court determines the Plaintiff's motion for disqualification does not meet the requirements of § 3-1-805, MCA and requests an expedited review by the Montana Supreme Court.

DATED this 8th day of August, 2022.

HON. JENNIFER B LINT, District Judge

cc: Peter Grigg, pro se
Jill Gannon-Nagle

Electronically Signed By:
Hon. Judge Jennifer B. Lint
Mon, Aug 08 2022 11:42:33 AM