

FILED

09/22/2022

GALLATIN COUNTY CLERK  
OF DISTRICT COURT  
SANDY ERHARDT

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: PR 22-0001

2022 SEP 22 PM 1:01

FILED  
MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY

\* \* \* \* \*

BY                      DEPUTY

IN RE THE MARRIAGE OF

BENJAMIN MARTIN

Co-Petitioner,

and

BRANDI WILLIAMS

Co-Petitioner.

Cause No. DR-12-60C

NOTICE TO MONTANA SUPREME  
COURT OF MOTION TO  
DISQUALIFY FOR CAUSE

On August 31, 2022, Co-Petitioner Benjamin Martin, *pro se*, filed a Motion for Disqualification of Judge Per Montana Code Annotated §3-1-805. In support of the Motion, Mr. Martin further filed an Affidavit for Disqualification of Judge Per Montana Code Annotated § 3-1-805 and a Certificate of Record & Support of Disqualification. On September 12, 2022, Co-Petitioner Brandi Williams filed a Response to Motion for Disqualification of Judge Brown stating her opposition to the Motion.

**Pursuant to §3-1-805 (1), the Court hereby refers the Motion to the Montana Supreme Court.**

The salient and undisputed facts established by the record in the above captioned case, DR-12-60C and the related case, DV-22-123B, are as follows:

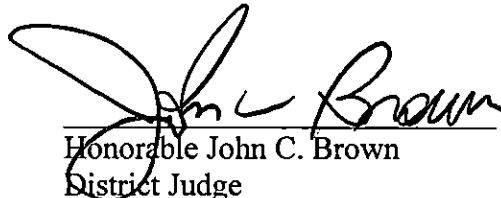
- (1) The next hearing set in this case is an Objections Hearing set for 9:00 a.m. on September 27, 2022. The purpose of the Objections Hearing is to address Mr. Martin's Objections to the Amended Final Parenting Plan issued by Standing Master

Mitzi Bowen on January 3, 2022, after her hearing held December 14, 2021. The Court initially set the Objections Hearing on February 15, 2022, but Mr. Martin failed to appear due to an apparent illness. The Court issued its Order setting the September 27, 2022, Objections hearing on August 26, 2022, prior to the date Mr. Martin filed his Motion to Disqualify the Court.

- (2) The lawsuit referenced by Mr. Martin in his Affidavit is captioned *Benjamin David Martin v. Gallatin County*, Cause No. DV-22-123B, Montana Eighteenth Judicial District, Gallatin County. The case has been assigned to Department 2 before District Judge Rienne McElyea. Mr. Martin initiated DV-22-123B by filing a pleading on February 14, 2022, captioned Notice of Claim & Intent to Sue identifying himself as the Plaintiff and Gallatin County as the Defendant(s).
- (3) On August 31, 2022, Mr. Martin filed a second pleading in DV-22-123B captioned Motion for Tort Claim-Constitutional Rights Violations-1983 Action-Failure to Answer or (Ac)Knowledge Freedom of Information Request-Wrongful Hiring and Retention. In this second pleading Mr. Martin again identifies himself as the Plaintiff, but lists the Defendants as Gallatin County of Montana, Marty Lambert, Eric Semerad, Joe Skinner, Scott MacFarlane, Zack Brown, and Magdalena Bowen. Mr. Lambert is the Gallatin County Attorney. Mr. Semerad is the Gallatin County Clerk and Recorder. Mr. Skinner, Mr. MacFarlane, and Mr. Brown are the Gallatin County Commissioners. Ms. Bowen is the Standing Master for the Montana Eighteenth Judicial District who ruled against Mr. Martin in the above captioned case, DR-12-60C, which ruling is the subject of the Objections Hearing scheduled for September 27, 2022.

- (4) On August 31, 2022, Mr. Martin filed a third pleading in DV-22-123B captioned Brief in Support of Motion for Tort Claim-Constitutional Rights Violations-1983 Action-Failure to Answer or (Ac)Knowledge Freedom of Information Request-Wrongful Hiring and Retention. The parties listed in the Brief are identical to the parties listed in the Motion.
- (5) Finally, on August 31, 2022, Mr. Martin filed a fourth pleading in DV-22-123B captioned Affidavit in Support of Motion for Tort Claim-Constitutional Rights Violations-1983 Action-Failure to Answer or (Ac)Knowledge Freedom of Information Request-Wrongful Hiring and Retention. Again, the parties listed in the Affidavit are identical to the parties listed in the Motion.
- (6) The undersigned District Court Judge John C Brown has not been identified as a Defendant in DV-22-123B nor has he been served with a Summons to appear in that case.
- (7) Aside from the copy of this Notice that the Clerk of Court will be emailing to the Montana Supreme Court, this Court itself shall further email copies of this Notice, the Motion, Affidavit, and Certification to the Montana Supreme Court along with copies of the other pleadings described above.

DATED this 22<sup>nd</sup> day of September 2022.

  
Honorable John C. Brown  
District Judge

cc: Ben Martin, *pro se*  
Eric Goldwarg, Esq.  
Montana Supreme Court

} *emailed 9/12/22*