

 ORIGINAL

FILED

05/12/2023

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

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FILED

MAY 12 2023

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

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

ORDER

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The Honorable Heather Perry, Judge of the District Court for the Tenth Judicial District of the State of Montana, has requested the assistance of retired District Judge Wm. Nels Swandal to assume jurisdiction of Judith Basin County Cause No. DJ-23-2023-01, *In the Matter of Bryce Eldon Smith*.

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 Tenth 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 Tenth Judicial District of the State of Montana, to assume judicial authority of Judith Basin County Cause No. DJ-23-2023-01, *In the Matter of Bryce Eldon Smith*, 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 Tenth Judicial District, Judith Basin 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 Heather Perry, the Honorable Wm. Nels Swandal, and to Cathy Pennie, Office of the Supreme Court Administrator.

The Chief Justice enters this Order pursuant to Article VII, Section 6(3) of the 1972 Montana Constitution, and statutes enacted in conformity therewith and in implementation thereof.

DATED this <sup>15</sup>12 day of May, 2023.

  
Chief Justice