

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 07-0011

FILED

SEP 19 2011

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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

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ORDER

The Honorable E. Wayne Phillips, Judge of the District Court of the Tenth Judicial District has recused himself from jurisdiction in Cause No. DV-2011-95, entitled "Britt T. Long, Plaintiff vs. E. Wayne Phillips, Defendant," pending in the Tenth Judicial District Court, Fergus County, and has requested the Chief Justice of the Montana Supreme Court to appoint a District Court Judge to assume jurisdiction.

The Honorable John Warner, retired District Court Judge having retired under the provisions of the Montana Judges' Retirement System, and having advised that he is agreeable in assisting the Tenth Judicial District by assuming jurisdiction in DV-2011-95,

IT IS ORDERED:

1. The Honorable John Warner, 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 jurisdiction in Fergus County Cause No. DV-2011-95.

2. For all active service, the Honorable John Warner 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 certified copy of this order shall be filed with the District Court Clerk of Fergus County. A copy of this order shall be furnished to the Honorable E. Wayne Phillips, the Honorable John Warner, to Plaintiff Britt T. Long and to Becky Buska and Shelly Grandy in the Office of the Court Administrator.

This order is entered by the Chief Justice pursuant to Art. VII, Section 6(3), 1972 Mont. Const., and statutes enacted in conformity therewith and in implementation thereof.

DATED this 19<sup>th</sup> day of September, 2011.

A handwritten signature in black ink, appearing to be "M. W. L.", written over a horizontal line.

Chief Justice