

## IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 25-0001

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DAN PATRICK McCAUL, an Individual,

Plaintiff,

v.

EVERDAWN CHARLES, an individual,  
KATHERINE ARGENTO, an individual,  
MITCH HANSON, an individual, and POSITIVE  
FORCE, INC., a Montana Corporation d/b/a  
KELLER WILLIAMS MONTANA REALTY,  
ABC CORPORATION 1-5, and DOES 1-5,

O R D E R

Defendants.

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The Honorable Amy Eddy, presiding Judge in Cause No. DV-20-314C in the Eighteenth Judicial District Court, Gallatin County, has forwarded to this Court a motion, filed by self-represented litigant Dan Patrick McCaul, captioned “Plaintiff Motion of Recusal of Judge Amy Eddy from this Case. Plaintiff Combined Affidavit Brief in Support Judge Eddy’s Immediate Recusal and Request for Court Setting Oral Argument Hearing Should Judge Eddy Refuse to Recuse Herself, and Plaintiff Motion to Judge Eddy to Vacate June 9, 2025 Trial Date Based upon her Bias and Prejudice Towards Plaintiff.” Although McCaul styled his filing as a motion for recusal, Judge Eddy has forwarded the filing to this Court because the filing is, in substance, a motion for disqualification for cause pursuant to § 3-1-805, MCA.

The basis for the affidavit appears to be McCaul’s disagreement with the District Court’s rulings in this matter, including evidentiary rulings and adverse rulings on motions McCaul made. However, § 3-1-805(1)(b), MCA, provides that an affidavit cannot be based solely on rulings in the case which can be addressed on appeal.

Furthermore, McCaul filed his motion to disqualify in the District Court on May 12, 2025, and this matter is currently set for jury trial on June 9, 2025. Section 3-1-805, MCA, provides that an affidavit for disqualification for cause must be filed more than 30 days before the date set for hearing or trial. Since the motion is untimely, it is unnecessary to appoint a district judge to hear this matter.

IT IS THEREFORE ORDERED that the motion to disqualify Judge Eddy is VOID and thereby DENIED.

The Clerk is directed to provide copies of this Order to the Clerk of the District Court of Gallatin County for notification to all parties in Cause No. DV-20-314C, and to the Honorable Amy Eddy.