

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 25-0001

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.

Pursuant to M. R. App. P. 20, Dan Patrick McCaul, representing himself, has petitioned this Court for rehearing of its denial of his motion to disqualify the Honorable Amy Eddy from presiding in Cause No. DV-20-314C in the Eighteenth Judicial District Court, Gallatin County, pursuant to § 3-1-805, MCA.

Chief Justice Swanson denied McCaul's motion to disqualify Judge Eddy on May 13, 2025. At that time, McCaul's matter was set for jury trial on June 9, 2025, and as provided by § 3-1-805, MCA, McCaul's affidavit for disqualification was denied as untimely because an affidavit for disqualification for cause must be filed more than 30 days before the date set for hearing or trial.

A petition for rehearing will be considered only on grounds that the Court overlooked some fact material to the decision or some question presented that would have proven decisive to the case, or that the Court's decision conflicts with a statute or controlling decision that was not addressed. M. R. App. P. 20(1)(a). In this instance, this Court did not overlook a fact material to the decision or question presented that would have proven decisive to the case because McCaul's affidavit was untimely.

To the extent that McCaul's petition for rehearing attempts to raise issues with rulings Judge Eddy made subsequent to this Court's denial of his request for disqualification, his arguments are not well-taken: § 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.

IT IS THEREFORE ORDERED that the petition for rehearing is 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.

Dated this 28th day of May 2025.

/S/ CORY J. SWANSON
/S/ JIM RICE
/S/ INGRID GUSTAFSON
/S/ KATHERINE M BIDEGARAY
/S/ BETH BAKER