

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 25-0001

ROBERT FRANK SIMPSON,

Plaintiff,

v.

JERAMIE PAUL MIDDLESTEAD, JEANNE
TORSKE, CALVIN STACEY, LARRY
VANDERSLOOT, GEORGE REAL BIRD III,
LAWRENCE PETE BIG HAIR, and JOHN DOES
1-4,

O R D E R

Defendants.

Robert Frank Simpson has filed an affidavit in support of his request to disqualify the Honorable Olivia Rieger from presiding in Cause No. DV-2024-67 in the Twenty-Second Judicial District Court, Big Horn County, pursuant to § 3-1-805, MCA.

Section 3-1-805, MCA, provides that an affidavit for disqualification for cause must allege facts showing personal bias or prejudice of the presiding judge. Section 3-1-805(1)(b), MCA, provides in part that the affidavit will be deemed not to have been made in good faith if it is based solely on rulings in the case which can be addressed in an appeal from the final judgment.

Simpson alleges that Judge Rieger demonstrated personal bias or prejudice because she has not held a hearing in this case since it was filed in December 2024 and she has issued one order without first holding a hearing. Although Simpson speculates that Rieger has not set a hearing for reasons of “election and political interference,” he provides no evidence of such. The fact that a judge has not set a hearing is insufficient to demonstrate personal bias or prejudice. Furthermore, if Simpson wishes to challenge Judge Rieger’s

order on the basis that she should have set a hearing prior to issuing that ruling, Simpson may do so in an appeal from the final judgment.

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

The Clerk is directed to provide copies of this Order to the Clerk of the District Court of Big Horn County for notification to all parties in Cause No. DV-2024-67, and to the Honorable Olivia Rieger.