

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 25-0001

STATE OF MONTANA,

Plaintiff,

v.

O R D E R

LINDSEY RAE HOYT,

Defendant,

The Honorable Christopher D. Abbott, presiding Judge in Cause No. DDC-25-2023-606 in the First Judicial District Court, Lewis and Clark County, has filed an Acknowledgement of Service and Notice Re: Status of Proceedings to bring this Court's attention to a petition for writ of supervisory control, filed in this Court by self-represented litigant Lindsey Rae Hoyt, in which Hoyt argues, in part, that Judge Abbott should be disqualified from hearing this matter. Judge Abbott further advises this Court that a final pretrial conference is set in the underlying matter for October 2, 2025, and a jury trial is set to begin on October 28, 2025.

To the extent that Hoyt's petition argues that Judge Abbott should be disqualified for cause, the Court has reviewed the filing as a motion for disqualification under § 3-1-805, MCA. 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 and must be accompanied by a certificate of counsel of record that the affidavit has been made in good faith. Hoyt has not met these requirements. As a result, it is unnecessary to appoint a district judge to hear this matter.

IT IS THEREFORE ORDERED that the motion to disqualify District Judge Christopher D. Abbott from Lewis and Clark County Cause No. DDC-25-2023-606 is VOID and thereby DENIED.

IT IS FURTHER ORDERED that the Court will consider the remainder of Hoyt's filing as a petition for writ of supervisory control and will issue its ruling on the petition in due course.

The Clerk is directed to provide copies of this Order to the Clerk of the District Court of Lewis and Clark County for notification to all counsel of record in Cause No. DDC-25-2023-606, and to the Honorable Christopher D. Abbott.