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FILED

01/13/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0888

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0888

MONTANA QUALITY EDUCATION
COALITION and DISABILITY RIGHTS
MONTANA,

Petitioners,

v.

MONTANA FIRST JUDICIAL DISTRICT
COURT, LEWIS AND CLARK COUNTY,
HONORABLE MIKE MENAHAN, Presiding,

Respondent.

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JAN 13 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Petitioners Montana Quality Education Coalition and Disability Rights Montana seek a writ of supervisory control directing the First Judicial District Court, Lewis and Clark County, to vacate its December 17, 2025 Order Granting Stay of Judgment Pending Attorneys' Fees Determination and Appeal in its Cause No. ADV-25-2024-44. We have amended Petitioners' caption to reflect the proper parties in this original proceeding. M. R. App. P. 14.

Supervisory control is an extraordinary remedy that is sometimes justified when urgency or emergency factors exist making the normal appeal process inadequate, when the case involves purely legal questions, and when the other court is proceeding under a mistake of law and is causing a gross injustice, constitutional issues of state-wide importance are involved, or, in a criminal case, the other court has granted or denied a motion to substitute a judge. M. R. App. P. 14(3). Whether supervisory control is appropriate is a case-by-case decision. *Stokes v. Mont. Thirteenth Judicial Dist. Court*, 2011 MT 182, ¶ 5, 361 Mont. 279, 259 P.3d 754 (citations omitted). Consistent with Rule 14(3), it is the Court's practice to refrain from exercising supervisory control when the petitioner has an adequate remedy of appeal. *E.g., Buckles v. Seventh Judicial Dist. Court*,

No. OP 16-0517, 386 Mont. 393, 386 P.3d 545 (table) (Oct. 18, 2016); *Lichte v. Mont. Eighteenth Judicial Dist. Court*, No. OP 16-0482, 385 Mont. 540, 382 P.3d 868 (table) (Aug. 24, 2016).

Petitioners' petition fails to address Rule 14's criteria. Thus, they have not met the threshold requirements for consideration of a petition for writ of supervisory control under M. R. App. P. 14(3). Furthermore, M. R. App. P. 14(6) provides in part, "[i]f a petition . . . for a writ of supervisory control is filed with respect to any proceeding pending in the district court, the petition and any exhibits relating to a ruling of the district court must be served upon the district judge against whose ruling it is directed and upon all parties." Petitioners have failed to serve this petition and exhibits upon Judge Menahan. This failure to comply with the mandatory provisions of Rule 14(6) leaves this Court without jurisdiction to entertain the matter. *Mont. Power Co. v. Mont. Dep't of Pub. Serv. Regul.*, 218 Mont. 471, 479, 709 P.2d 995, 999 (1985) (holding that this Court acquires no jurisdiction to entertain and determine an appeal if the mandatory statutory provisions are not complied with) (citing *In re Malick's Estate*, 124 Mont. 585, 228 P.2d 963 (1951) (dismissing an appeal where the appellant failed to serve notice of appeal as required by statute)); *B.D. & J.D. v. Thirteenth Jud. Dist.*, No. OP 21-0335, 405 Mont. 536, 495 P.3d 417 (July 20, 2021, *reh'g denied* Aug. 17, 2021).

IT IS THEREFORE ORDERED that the petition for writ of supervisory control is DENIED and DISMISSED.

The Clerk is directed to provide immediate notice of this Order to counsel for Petitioners, all counsel of record in the First Judicial District Court, Lewis and Clark County, Cause No. ADV-25-2024-44, and the Honorable Mike Menahan, presiding.

DATED this 13th day of January, 2026.



Chief Justice

James Jeremiah Green

Katherine M. Bidegaray

Angel G. Guff

Jim Rice

Justices