FILED
05/22/2026
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: PR 26-0001

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 26-0001

IN RE THE MARRIAGE OF

TAMMY JO HARDT,

Petitioner,

and

BRADLEY WAYNE HARDT,

Respondent.

O R D E R

Honorable Donald L. Harris, presiding Judge in Cause No. DR-23-0939 in the Thirteenth Judicial District Court, Yellowstone County, has forwarded to this Court Respondent's Affidavit of Disqualification of Judge and Motion for Change of Judge filed by Petitioner Bradley Wayne Hardt, representing himself, pursuant to § 3-1-805, MCA.

However, § 3-1-805(1)(b), MCA, provides an affidavit cannot be based solely on rulings in the case which can be addressed on appeal. Here, Hardt takes issue with rulings Harris has made, or has yet to make, in the underlying case. Hardt has provided no basis why, if the District Court erred in these rulings, we could not address those errors on appeal. Hardt further requests that, if this Court does not grant his request to disqualify Judge Harris, that he be allowed to substitute Judge Harris under § 3-1-804, MCA. Such request is properly before the District Court and is beyond the scope of this Order.

IT IS ORDERED that the motion to disqualify Judge Harris pursuant to § 3-1-805, MCA, is VOID and thereby DENIED.

The Clerk is directed to provide copies of this Order to the Clerk of the District Court of Yellowstone County for notification to all parties in Cause No. DR-23-0939, and to the Honorable Donald L. Harris.

Electronically signed by:
Cory Swanson
Chief Justice, Montana Supreme Court
May 22 2026