

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 26-0001

JOHANNA PAULSTON,

Petitioner,

and

O R D E R

BENJAMIN PAULSTON,

Respondent.

Benjamin Paulston, representing himself, has moved to disqualify the Honorable John C. Brown from presiding in Cause Nos. DR-25-148 and DR-25-149 in the Eighteenth Judicial District Court, Gallatin County, pursuant to § 3-1-805, MCA.

Section 3-1-805, MCA, provides 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 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. Here, Paulston takes issue with rulings Judge Brown has made, or has yet to make, in the underlying case. Paulston acknowledges the primary basis of his motion for disqualification rests in Judge Brown's adverse rulings, but he argues the "cumulative record" of rulings adverse to Paulston's position, or which Paulston finds inadequate or unsupportable, should be sufficient to sustain his motion for disqualification. However, Paulston has provided no basis why, if the District Court erred in its rulings, however numerous, we could not address those errors on appeal.

IT IS ORDERED that the motion to disqualify Judge John C. Brown 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 Gallatin County for notification to all parties in Cause Nos. DR-25-148 and DR-25-149, and to the Honorable John C. Brown.

Electronically signed by:
Cory Swanson
Chief Justice, Montana Supreme Court
June 8 2026