

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 25-0479

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IN RE THE MARRIAGE OF:

CLARK RYAN RAMSEY,

Petitioner and Appellant,

v.

WHITNEY LYNN SODERHOLM (f/k/a WHITNEY LYNN HUBER,  
WHITNEY LYANN RAMSEY),

Respondent and Appellee.

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**APPELLANT'S PETITION FOR REHEARING**

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On Appeal from the Montana Thirteenth Judicial District Court,  
Yellowstone County,  
Cause No. DR-20-0160  
The Honorable Colette B. Davies, Presiding

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**APPEARANCES**

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## **RELIEF REQUESTED**

Petitioner Clark Ramsey respectfully moves this Court to reconsider its memorandum Opinion concluding that the District Court did not abuse its discretion when it denied the motion to surrender jurisdiction to Virginia. *In re Marriage of Ramsey*, 2026 MT 123N (“Opinion”). This petition is based on an overlooked material fact: after the case was fully briefed but before the Court issued its decision, the District Court transferred the case from Judge Colette B. Davies to the newly appointed Judge Seth M. Cunningham. This transfer undermines the reasoning in Court’s Opinion and warrants rehearing.

## **DISCUSSION**

This Court will consider a petition for rehearing based on the following grounds:

- (i) That it overlooked some fact material to the decision;
- (ii) That it overlooked some question presented by counsel that would have proven decisive to the case; or
- (iii) That its decision conflicts with a statute or controlling decision not addressed by the supreme court.

Mont. R. App. P. 20(1)(a).

Ramsey petitions for rehearing under the first grounds, that the Court overlooked a material fact. In its analysis of the “inconvenient forum” factors, the Court distinguished this case from *Stoneman v. Drollinger*, 2003 MT 25, 314 Mont. 139, 64 P.3d 997, stating that unlike the district court in *Stoneman*, the District Court here had significant familiarity with the case and substantial knowledge, which favored Montana retaining jurisdiction. Opinion, ¶ 20. The Court stated:

The District Court in this case did not overvalue its ability to expeditiously resolve the issues of the underlying matter or overvalue its familiarity with the case. Judge Davies is the only judge who has presided over the dissolution and the child custody determination. The record demonstrates that the District Court can expeditiously address child custody issues because the District Court presided over numerous hearings and a three-day trial pertaining to child custody and issued a Final Parenting Plan based on its extensive findings of fact and conclusions of law. . . . The limited familiarity of the underlying matter that the Virginia JDR Court has gained through the proceedings on Ramsey’s petition for a protective order does not outweigh the District Court’s substantial knowledge of the matter.

Opinion, ¶ 20. This Court concluded that the District Court acted within its jurisdiction because the record showed that “it could expeditiously resolve the issues of the case based on its extensive familiarity with the underlying matter.” Opinion, ¶ 23. This language shows that the Court’s affirmance of the District Court’s order relies

heavily on Judge Davies' familiarity with the case and continuity as the sole presiding judge.

However, after the case was fully briefed but before the Court's decision, Judge Davies transferred this matter to newly appointed Judge Seth Cunningham. (*See* Doc. 170.)<sup>1</sup> This transfer constitutes a material fact that the Opinion overlooks and that favors rehearing. First, the fact that the district court matter has been transferred eliminates the judicial familiarity that this Court identified as a key factor supporting the District Court's order retaining jurisdiction. (*See* Opinion, ¶ 20.) Judge Cunningham was not present at any of the original proceedings, has no longstanding familiarity with the case, and has no substantial knowledge of the case that would warrant continued jurisdiction in Montana. Second, it negates the notion that the Virginia Court's familiarity with the underlying matter is more limited than the Montana District Court. (*See* Opinion, ¶ 20.) Third, the fact of the

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<sup>1</sup> The full district court record is available in DA 26-0239. A copy of the Notice of Assumption of Jurisdiction is attached as Appendix A and reflects the transfer of cause number DR-56-2020-0000160.

district court transfer aligns this case even more with the circumstances presented in *Stoneman*, where this Court found that multiple judges presiding over a matter undermined the district court's claimed familiarity with a case. *See Stoneman*, ¶ 41.

In sum, the Opinion rests heavily on the factual assumption that Judge Davies has been, and continues to be, the sole judge presiding over this matter. That is factually incorrect. The fact that there has been a change in judges presiding over this matter dramatically changes the analysis of the inconvenient forum factors. Accordingly, Ramsey asks this Court to grant his petition for rehearing and reverse the district court.

Respectfully submitted this 15th of June 2026.

/s/ Matthew T. Cochenour  
MATTHEW T. COCHENOUR  
Attorney for Petitioner

## CERTIFICATE OF COMPLIANCE

Pursuant to Rules 11 and 20 of the Montana Rules of Appellate Procedure, I certify that this brief is printed with a proportionately spaced Century Schoolbook text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count excluding caption, tables, certificates, and signature blocks is 705 as calculated by Microsoft Word.

Dated this 15th of June 2026.

*/s/ Matthew T. Cochenour*

Matthew T. Cochenour  
Attorney for Petitioner

## **CERTIFICATE OF SERVICE**

I, Matthew Thompson Cochenour, hereby certify that I have served true and accurate copies of the foregoing Petition - Rehearing to the following on 06-15-2026:

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