

ORIGINAL

FILED

04/07/2021

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 21-0125

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 21-0125

DOROTHY BRADLEY, BOB BROWN,  
MAE NAN ELLINGSON, VERNON FINLEY,  
and MONTANA LEAGUE OF WOMEN  
VOTERS,

Petitioners,

v.

GREG GIANFORTE, Governor of the State of  
Montana,

Respondent.

FILED

APR 07 2021

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

ORDER

Before the Court is Respondent Governor Greg Gianforte’s Motion to Disqualify Judge Kurt Krueger and for Other Miscellaneous Relief. Respondent requests to stay further proceedings in the case pending release to the parties of the results of a poll the Court Administrator conducted among the membership of the Montana Judges Association (MJA) regarding the MJA’s position on SB 140, the measure at issue in this case. Respondent requests that any other judge who expressed a position on the bill be disqualified from participating in the case.

In response, Petitioners note that the day after Respondent filed his motion, Judge Krueger filed a Notice of Recusal, and the motion for disqualification is therefore moot. Petitioners oppose the motion for stay and “leave . . . to the sound discretion of the Court” Respondent’s motion for release of the MJA poll.

First, given Judge Krueger’s voluntary recusal, the motion to disqualify him is moot, and the Court need not address it.

Second, the parties are advised that no member of this Court participated in the

aforementioned poll. The Court is advised that the final vote was 34 to 3 to oppose the bill and that the MJA's opposition to the bill was presented to the Legislature and is a matter of public record. Court Administrator Beth McLaughlin's February 1, 2021 e-mail regarding the poll, which she sent to the Chief Justice, MJA President Judge Greg Todd, and MJA lobbyist Ed Bartlett is attached to this Order. It reflects her handwritten note that, although the vote was 31-3 at the time she sent the e-mail, the final vote was 34-3.

Third, the Court has determined that the six undersigned members of this Court will consider the case on the Petition and the responses submitted and—in accordance with M. R. App. P. 14(7) and with our prior Order—determine whether to order more extensive briefing, order oral argument, or decide the matter upon the initial filings.


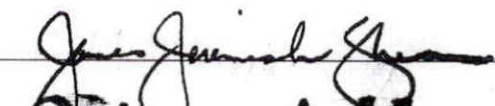
Finally, because his motion is 1,986 words, Respondent also requests leave to exceed the 1,200-word count limitation of M. R. App. P. 16(3). The Court has considered the full motion and attachments and accepts the overlength filing.

For the foregoing reasons,

IT IS THEREFORE ORDERED that the Respondent's motions to disqualify and for other miscellaneous relief are DENIED. Pursuant to the Court's April 5 Order, the summary response shall be filed on or before April 14, 2021.

The Clerk is directed to give notice of this Order to all counsel of record.

Dated this 7 day of April, 2021.

  
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*August Gustaf*

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*Jim Riccio*

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Justices

**McLaughlin, Beth**

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**From:** McLaughlin, Beth  
**Sent:** Monday, February 1, 2021 8:17 AM  
**To:** Todd, Gregory; Ed Bartlett (efbartlett@charter.net); McGrath, Mike  
**Subject:** votes

Good morning,

*31-3*

On SB140 the vote is 31-3 to oppose. Of course, you saw the comments about improvements that could be made to the Commission process. The hearing is schedule for February 9<sup>th</sup> at 9 a.m.

On the retirement bill and holiday, the vote was 20-2 to support (or not oppose) the bill. The bill hasn't been introduced yet. I don't know in the by-laws if the vote tabulation is based on the members voting or the total membership.

The justices have not voted on either bill and I assume will not.

Thanks,

Beth McLaughlin  
Supreme Court Administrator  
406-841-2966