

ORIGINAL

FILED

09/30/2021

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 21-0494

IN THE SUPREME COURT OF THE STATE OF MONTANA  
OP 21-0494

PLANNED PARENTHOOD OF MONTANA and JOEY BANKS, on  
behalf of themselves and their patients,

Petitioners,

v.

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY, Montana, the Honorable Gregory R.  
Todd, Presiding,

Respondent,

and

STATE OF MONTANA, by and through Austin Knudsen, in his  
official capacity as Attorney General of Montana,

Respondent.

FILED

SEP 30 2021

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

NOTICE OF ORDER REGARDING THE STATE'S MOTION TO  
DISQUALIFY JUDGE GREGORY TODD

APPEARANCES:

AUSTIN KNUDSEN  
Montana Attorney General  
DAVID M.S. DEWHIRST  
Solicitor General  
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*\*Admitted Pro Hac Vice in Thirteenth  
Judicial District, Cause No. 21-999  
\*\*Application for Admission Pro Hac  
Vice Forthcoming*

ATTORNEYS FOR RESPONDENT  
STATE OF MONTANA

1. The State of Montana, through its counsel, hereby gives notice that Judge Gregory Todd has recused himself in this matter.

2. A copy of the District Court Order is attached as Exhibit A.

3. The Court should take notice of this order in its disposition of Petitioner's pending writ. In fact, Judge Todd's self-disqualification renders Petitioners' Writ and Requests moot. This Court is therefore powerless to grant the Writ as currently filed. Judge Moses in Yellowstone County now has control of this case.

4. Alternatively, the Court should take notice of Judge Todd's self-disqualification in consideration of Petitioners' assertions and whether those assertions should be sanctionable.

5. The Court should take notice of this order in consideration of the declarations of David Dewhirst, and that the Order acknowledges those declarations as true.

DATED the 30th day of September, 2021.

AUSTIN KNUDSEN  
Montana Attorney General

By: /s/ David M.S. Dewhirst  
DAVID M.S. DEWHIRST  
Solicitor General  
*Attorney for Respondent  
State of Montana*

## CERTIFICATE OF COMPLIANCE

Pursuant to Mont. R. App. P. 11, I certify that the foregoing is printed with proportionately-spaced, size 14 Century Schoolbook font, is double spaced, and contains 140 words, excluding cover page, certificate of service, and certificate of compliance, as calculated by Microsoft Word.

DATED this 30th day of September, 2021.

/s/ David M.S. Dewhirst  
DAVID M.S. Dewhirst  
Solicitor General

## CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing was delivered by  
email to the following:

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Thirteenth Judicial District  
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Date: September 30, 2021

/s/ Rochell Standish

Rochell Standish

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CLERK OF THE  
DISTRICT COURT  
TERRY HALPIN

2021 SEP 30 P 12: 57

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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY**

PLANNED PARENTHOOD OF  
MONTANA and JOEY BANKS, M.D., on  
behalf of themselves and their patients,  
  
Plaintiffs,

vs.

THE STATE OF MONTANA, by and  
through AUSTIN KNUDSEN, in his official  
capacity as Attorney General,  
  
Defendant.

Cause No. DV 21-0999

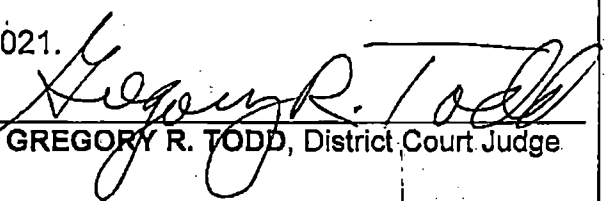
Judge Gregory R. Todd

**ORDER OF DISQUALIFICATION**

The undersigned, the presiding Judge of Department No. 4, deeming himself  
disqualified to preside in the above-entitled cause, accordingly;

**IT IS HEREBY ORDERED** that the Clerk of the Thirteenth Judicial District Court,  
in and for the County of Yellowstone, reassign this cause according to the Court rules.

DATED this 30<sup>th</sup> day of September 2021.

  
\_\_\_\_\_  
HON. GREGORY R. TODD, District Court Judge