

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. PR 06-0120

DANIEL K. O'CONNELL & VALERY A. O'CONNELL)
& on behalf of themselves as members of Glastonbury)
Landowners Association,)

Plaintiffs,)

v.)

GLASTONBURY LANDOWNERS ASSOCIATION,)
INC., & current GLA Board of Directors,)

Defendants.)

ORDER

FILED

SEP 29 2015

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

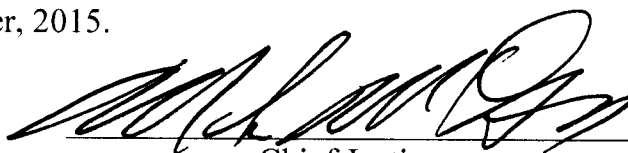
Daniel K. O'Connell and Valery A. O'Connell have filed a request to disqualify the Honorable David Cybulski from presiding in Park County Cause No. DV 2011-114 for cause, pursuant to § 3-1-805, MCA.

Section 3-1-805(1)(b), MCA, provides that an affidavit in support of a request for disqualification for cause 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. To the extent the O'Connells have set forth a factual basis for disqualification of Judge Cybulski, it is based on his rulings and actions in the case. As a result, it is unnecessary to appoint a district judge to hear this matter.

IT IS THEREFORE ORDERED that the request to disqualify Judge Cybulski for cause from Park County Cause No. DV 2011-114 is DENIED.

The Clerk is directed to provide copies of this Order to the Clerk of the District Court of Park County for notification to all counsel of record in Cause No. DV 2011-114, and to the Honorable David Cybulski, presiding Judge.

DATED this 29th day of September, 2015.



Chief Justice