

IN THE SUPREME COURT OF THE STATE OF MONTANA

(PR 06-0120) /

FILED

FEB 21 2013

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

JOHN HARTSOE,

Plaintiff,

v.

ORDER

JEANINE ARTZ,

Defendant.

Representing himself, John Hartsoe has filed a motion to disqualify Hon. Loren Tucker from presiding in Lake County Cause No. DV 11-348 pursuant to § 3-5-805, MCA.

IT IS, THEREFORE, ORDERED:

1. Pursuant to § 3-1-805, MCA, the Honorable Bradley Newman, District Court Judge of the Second Judicial District, is hereby assigned to hear the disqualification proceeding.
406-497-6420

2. The Clerk is directed to provide copies of this Order to Honorable Loren Tucker, Honorable Bradley Newman, the Clerk of the District Court for Lake County, to counsel of record in Cause No. DV 11-348 and to John Hartsoe.

DATED this 21st day of February, 2013.

For the Court,



Chief Justice

Law and Justice Meeting
February 13, 2014

Page 1

Exhibit 25

IN THE SUPREME COURT OF THE STATE OF MONTANA

(PR 06-0120) 2

JOHN HARTSOE,)
)
 Plaintiff,)
)
 v.)
)
 DONNA HEISEL,)
)
 Defendant.)

FILED
 APR 08 2013
 Ed Smith
 CLERK OF THE SUPREME COURT
 STATE OF MONTANA
ORDER

Representing himself, John Hartsoe has filed a motion to disqualify Hon. C.B. McNeil from presiding in Lake County Cause No. DV-13-63.

IT IS HEREBY ORDERED:

1. Pursuant to § 3-1-805, MCA, the Honorable David M. Ortley is hereby assigned to hear the disqualification proceeding.

2. The Clerk of this Court is directed to provide copies of this Order to the Honorable C.B. McNeil, the Honorable David M. Ortley, the Clerk of the District Court for Lake County, counsel of record, and any parties appearing pro se in Cause No. DV-13-63.

DATED this 8th day of April 2013.

For the Court,



Chief Justice

*Chris Fox
Witness*

*11 Judicial District
920 South Maci*

*Kalispell -
Clerk Reg Allison - 5870*

*Admin Ass - Loni Lerner
758-5752*

Paged

Sanders County District Court
Case Register Report
DV-45-2013-0000001-DS
JOHN HARTSOE vs. SANDY VAN SKYOCK



Filed: 1/3/2013
Subtype: Damages

Status History

Open 1/3/2013

Plaintiffs

Pl. no. 1 HARTSOE, JOHN

Attorneys

PRO SE,

(Primary attorney)

Send Notices

Defendants

Def. no. 1 VAN SKYOCK, SANDY

Judge History

Date	Judge	Reason for Removal
1/3/2013	Christopher, Deborah K.	Current

Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
	01/03/2013	01/03/2013	Plaintiff: HARTSOE, JOHN Attorney Retained PRO SE	Christopher, Deborah K.
	01/03/2013	01/03/2013	New Case Filed	Christopher, Deborah K.
1.000	01/03/2013	01/03/2013	Affidavit of Indigence and Order	Christopher, Deborah K.
2.000	01/03/2013	01/03/2013	Complaint	Christopher, Deborah K.
3.000	01/27/2013	01/03/2013	Summons: Issued	Christopher, Deborah K.
4.000	01/27/2013	01/08/2013	Summons: Issued	Christopher, Deborah K.
5.000	03/19/2013	03/19/2013	Disqualification for Cause, Affidavit of John Hartsoe	Christopher, Deborah K.
6.000	03/27/2013	03/27/2013	Order Denying and Voiding Plaintiff's "Disqualification for Cause"	Christopher, Deborah K.
7.000	04/01/2013	04/01/2013	Defendant's Alternative Motions to Dismiss the Complaint for Failure to State a Claim or for more Definite Statement	Christopher, Deborah K.
8.000	04/01/2013	04/01/2013	Defendant's Brief in Support of Alternative Motions to Dismiss the Complaint for Failure to State a Claim or For a More Definite Statement	Christopher, Deborah K.
9.000	04/01/2013	04/01/2013	Disqualification for Cause, Affidavit of John Hartsoe	Christopher, Deborah K.
	04/10/2013	04/10/2013	Email Sent Date: 04/10/2013 03:41 pm To: sjohnson2@mt.gov File Attached: BMCKENZIE.pdf	Christopher, Deborah K.
	04/10/2013	04/10/2013	Email Sent Date: 04/10/2013 03:42 pm To: sjohnson2@mt.gov File Attached: BMCKENZIE.pdf	Christopher, Deborah K.
	04/10/2013	04/10/2013	Email Sent Date: 04/10/2013 03:43 pm To: sjohnson2@mt.gov File Attached: BMCKENZIE.pdf	Christopher, Deborah K.
10.000	04/24/2013	04/22/2013	Notice of Submittal	Christopher, Deborah K.

1 to be stand-by counsel, and I would think I would have to be,
2 I'm scheduled to be in a trial in Missoula that week.

3 THE COURT: And that's pretty fast I think for our
4 probation officers given what they've been asking for. I
5 believe they were asking for the 7th of January with some of
6 the stuff that we were doing. The other two dates that would
7 be available in December would be the 24th and the 31st.

8 MR. ESCHENBACHER: Christmas Eve or New Years
9 Eve.

10 MR. HARTSOE: New Years.

11 THE COURT: Then sentencing in this matter is set
12 for December 31st, 2009 at nine a.m.

13 MR. ESCHENBACHER: Your Honor, there is one other
14 matter. As I understand, according to John, Mr. Hartsoe's
15 bail has not been revoked. He's simply been held in custody
16 on the contempt. Whatever his actions were, and I wasn't
17 present for them, I can't address them. But he has been held
18 in custody for the last four days.

19 ~~Christopher~~ THE COURT: And the Court now would dismiss that
20 finding of contempt with regard to the defendant. His
21 willingness to proceed in this matter -- the Court's request
22 was that he come to counsel table and he refused. Then that
23 being the case, then the Court had him brought to counsel
24 table. But it was shortly thereafter that he indicated a
25 willingness to participate in his case so I had him released

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1 from the restraints that the Court had imposed.

2 So that being the case, the need for the holding
3 with regard to the contempt is released.

4 MR. ESCHENBACHER: Thank you. Is he still on the
5 150,000 bail then?

6 THE COURT: The next question would be, is
7 generally that's not been the position the State has taken
8 with regard to these matters.

9 What is the position of the State with regard to a
10 request for bail in this matter?

11 MR. RUSSELL: The State requests that his bail be
12 revoked and he be committed to the Lake County Sheriff's
13 Office pending sentencing.

14 THE COURT: You may make whatever response.

15 MR. HARTSOE: Argument?

16 MR. ESCHENBACHER: I guess what -- I think
17 Mr. Hartsoe is at least entitled, since he was successful in
18 two of the counts on his endeavors, that he at least be
19 considered for keeping his bail where it is. He's still
20 convicted on the felony and the misdemeanor. He's not been a
21 flight risk. His sister's property, the Court's noticed he's
22 been very involved with, is actually held as collateral and
23 the damage he would do by fleeing would cause his sister
24 great harm. I don't think that's a problem. I think he
25 still needs to explore certain other options and his

1 Q. And was he ultimately released from the chair?

2 A. I turned to him at the conclusion of the State's
3 voir dire and asked him if he wished to conduct voir dire
4 with regard to the jury. He at that point said, yes, I do,
5 if I can get out of this chair. And I said absolutely, and
6 had him immediately released from the chair.

7 Q. Why did you have him immediately released?

8 A. Because at that point he indicated to me that he
9 wished to be released from the chair and that he wished to
10 participate in his trial and represent himself. And I felt
11 that that was exactly the point of the whole process, is that
12 I wanted him to have that chance to represent himself if he
13 chose to do so, and I still hoped that he would take
14 advantage of the stand-by counsel that the Court had
15 appointed.

16 Q. So to the extent that we talked about a contemner
17 having the keys to their own cell, he had the ability to
18 release himself from the contempt by complying with the
19 Court's wishes.

20 A. That's exactly what happened. — Judge Christopher

21 Q. This happened on Monday; correct?

22 A. That is correct. — Judge Christopher

23 Q. And it was the first thing Monday morning?

24 A. That's correct. — Judge Christopher

25 Q. Now the record shows that this was a four-day trial,

Debi, 2011

Pages

Written {Date-Time} *Member
11/09/09 21:14 D019WARDA

Comments are for INTERNAL use only

PER JUDGE CHRISTOPHER INMATE HARTSOE WAS BROUGHT IN BY DO-11 TODD FOR THE FOLLOWING
CONTEMPT OF COURT
NO BOND AT THIS TIME

HARTSOE IS IN TRIAL AT THIS TIME.

NEG 29'S
NEG PROBATION/PAROLE

Attachment
Number 5

cc 3/2/10

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(E)

THE SUPREME COURT OF MONTANA

MIKE McGRATH
CHIEF JUSTICE



JUSTICE BUILDING
215 NORTH SANDERS
PO BOX 203001
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-5490
FAX (406) 444-3274

November 21, 2013

FILED 11/26 20 13

COPY

Candace Fisher
SANDERS COUNTY CLERK OF DISTRICT COURT
BY s/ott
DEPUTY

Ms. Candy Fisher
Clerk of District Court
P.O. Box 519
Thompson Falls, MT 59873

Re: *Hartsoe v. Van Skyock*
Cause No. DV-13-01

Dear Ms. Fisher:

This file is being returned to your office. Judge Christopher has recused herself in this matter and Judge Manley will assume jurisdiction.

Thank you for your assistance.

Sincerely,

Mike McGrath
Chief Justice

MM:lkc
Enclosure

Pages