

**Montana Tenth Judicial District Court Rules  
Fergus, Judith Basin, and Petroleum Counties**

**November 1, 2014**

**Preface**

The following are the Rules of Procedure of the District Court of the Tenth Judicial District. Where indicated, these Rules incorporate the Uniform District Court Rules as adopted by the Order of the Supreme Court. These rules are meant to supplement the Uniform District Court Rules and the Montana Rules of Civil Procedure, and conflict shall be controlled by the Montana Rules of Civil Procedure and/or the Uniform District Court Rules.

These rules describe the usual manner in which the Court does business, including the processes which govern litigation. If counsel have an emergency which is not covered adequately by these rules, or need relief from the application of them, counsel may present such matters to the Court for its consideration.

If an order setting a requirement or restriction imposed by the Court in a particular case conflicts with these rules, the Court's order supersedes these rules.

**Rule 1—Law and Motion Days**

Law and motion days shall regularly be held in the courthouses in the county seats of the District as follows, except that the Court may, in its discretion, hear and dispose of all law and motion matters at any place and at any time in the District:

- Fergus County, Lewistown, Montana: Every Monday afternoon and Tuesday, except holidays and trial term.
- Judith Basin County, Stanford, Montana: The first and third Monday morning of each month, except holidays and trial term.
- Petroleum County, Winnett, Montana: The fourth Monday morning of each month, except holidays and trial term.

Additional law and motion days may be held in any county of the District when, in the discretion of the judge presiding therein, the business of the District so requires.

**Documentation Presentation.** No matter may be placed on the law and motion calendar until the motion or other documentation, and all relevant supporting documents, have been filed with the Clerk of Court.

**Routine Matters/Uncontested Matters.** Routine Matters for the purpose of law and motion shall include initial appearance, arraignment, judgment by consent or default, probate proceedings, uncontested ex parte matters, matters pertaining to questions of law only and any other matters reasonably anticipated to take less than 30 minutes to complete. Matters set for law and motion day, which become contested, are subject to postponement and rescheduling.

In all *un-contested* matters, the Findings of Facts, Conclusions of Law and Proposed Orders should be filed with the Clerk of Court no later than 48 hours before the Court is to hear the matter, unless not reasonable to do so. Each attorney should designate in advance the matters to be presented by him/her on law and motion day. The matters so designated should be listed by the Clerk on the law and motion calendar.

**Contested Matters.** Unless scheduled by the Judge, contested matters involving questions of fact, or matters requiring more than 30 minutes for presentation, shall be scheduled through the Court Administrator at (406) 535-8028 or the Clerk of Court (406) 535-5026.

**Calendar.** Counsel or parties shall notify the Court Administrator or Clerk of Court by noon on the preceding business day of matters to be placed on the law and motion calendar. Emergency matters may be presented to the Court at any time, upon adequate showing by the moving party. Parties or counsel not prepared when their matter is called from the calendar will be moved to the end of the calendar, and be heard subject to available time.

**Continuances.** Matters scheduled for law and motion may be continued by the Court on its own initiative. *Ex parte* requests to continue any matter set by Court order for law and motion, must comply with Rule 3, Uniform District Court Rules. Continuances are granted by motion only.

**Notice of Submittal.** The Moving Party is required to file a Notice of Submittal after all motions have been briefed, i.e. all responses filed and reply briefs filed for final order by the Court.

### **Rule 2—Law Library.**

The Law Library is no longer available for research and will not be updated on a regular basis. When required by statute and/or case law, legal research tools and materials will be made available upon written request of the individual or entity and approval by the presiding judge.

### **Rule 3—Facsimile & Electronic Filings.**

The filing of any document with the Clerk of Court that may be done by mail, may be done by facsimile or electronic transmission, subject to the provisions of this rule and Montana Rules of Civil Procedure (M.R.Civ.P.).

**Filing of Facsimile or Electronic Document.** The date and time of receipt of the transmission by the Clerk of Court shall be the date and time of filing. If the original is not served on the same day as the facsimile or electronic transmission, service of the facsimile or electronic document must be made as provided in Rule 5, M.R.Civ.P. It is the obligation of the person faxing or filing electronically any document to arrange for it to be delivered to the Clerk of Court's office. A faxed or electronic document must show all necessary signatures or it will not be filed by the Clerk.

However, pursuant to Rule 16, Montana Uniform District Court Rules, "an attorney's copied or electronically-generated signature shall be deemed original for all court-filed documents." Therefore, documents and filings containing **only** the attorney's signature may be filed via fax or email and the original will no longer need to be filed.

**Facsimile & Electronic Receivers.** Documents may be faxed/ emailed to the Clerk of Court in Lewistown (Fergus County) at (406) 535-6076/ phsmith@mt.gov; to the Clerk of Court in Stanford (Judith Basin County) at (406) 566-2211/ jpeevey@mt.gov; and to the Clerk of Court in Winnett (Petroleum County) at (406) 429-6328.

**Fees and Costs.** The use of facsimile or electronic equipment shall not change or delay the required payment of fees. It shall be the obligation of the person filing the document to pay any required fees in the manner and within the time required by the Clerk of Court. It shall be the obligation of the person filing any document to pay any costs associated with use of facsimile, electronic equipment or telephone services.

#### **Rule 4—Scheduling Procedure and Case Management.**

**Scheduling Procedure.** Rule 16(b), M.R.Civ.P., requires a scheduling order to be issued as soon as practical after consulting with the parties' attorneys and any unrepresented parties—or within ninety (90) days of request by a party. In the absence of the Court's order, the parties may file a request for the scheduling conference.

The attorneys for the parties and any unrepresented parties shall have a phone conference with the Clerk of Court (Fergus County) or the Court Administrator (Judith Basin, Petroleum, Out-of-Jurisdiction) to discuss a proposed

scheduling order. Parties should be prepared at the scheduling conference with their calendars so firm dates can be set. A party desiring to participate via telephone or virtual meeting room must file a request to participate by the designated means. Following the scheduling conference, a Scheduling Order with discovery deadlines and trial dates will be issued by the Court.

The following matters (cases) shall be excluded from the foregoing under Rule 16(b), M.R.Civ.P.:

1. Youth Court Actions
2. Criminal Actions
3. Uncontested Probates
4. Adoptions
5. Mental Commitment
6. Small Claims Appeals
7. Abstract or Transcript of Judgment
8. Administrative Appeals
9. Habeas Corpus and Post Conviction Relief
10. Name Changes
11. Abuse or Neglect Proceedings
12. Emancipation

### **Rule 5—Pre-Trial and Trial.**

**Trial Settings.** Trials shall be held throughout the year as scheduled. Trials may be stacked, i.e., more than one (1) trial may be set for the same time, and if so, the Court shall determine the order of priority. Regardless of order, counsel and parties should be prepared to commence trial at the time scheduled. If preempted by another trial, the Court will reset trial. Trial settings for Civil matters shall be set at the pre-trial conference. Trial settings for Criminal actions shall be set at the Omnibus hearing or Informal Omnibus Scheduling Conference.

**Ex Parte Communications.** There will be no *ex parte* discussion with the Court of substantive issues involving pending or anticipated cases, without the presence of, or notice to, all opposing parties, or without prior approval or stipulation of opposing parties. A violation of this rule may result in imposition of sanctions against the offending party or attorney.

**Six-Person Juries.** Pursuant to § 3-15-106, MCA, in all civil actions where the relief sought in the complaint is under the sum of ten thousand dollars (\$10,000.00), the trial jury shall consist of six (6) persons.

**Extension of Discovery Deadlines.** Discovery deadlines are to be followed. Extension of deadlines to complete discovery must be by Court order upon written request setting forth the discovery accomplished to date, the reasons for missed discovery deadlines, and a statement regarding opposing counsel's position on the request. The request must be accompanied by a proposed order identified as "Amended Discovery Order" containing proposed new deadlines.

**Scheduling Orders.** The Court's Scheduling Orders shall be complied with as to specific dates set forth in the Scheduling Orders. If documents are submitted to the Clerk of Court in violation of the Court's Scheduling Order, i.e., beyond the required filing date, such documents shall be filed only with leave of the Court. Voluminous exhibits and depositions supporting Motions to Compel, Motions for Summary Judgment, and similar motions shall be accurately described in a notice filed with the Court in support of the motions, with the actual documents, exhibits, and depositions being lodged with the Clerk of Court for use by the District Court and Appellate Courts. Upon conclusion of the case, the supporting documents shall be returned to the parties.

The Clerk of Court shall conspicuously post this Order Requiring Leave of Court to File Documents in Violation of Scheduling Orders and Lodging of Exhibits and Depositions.

**Monitoring.** The Clerk of Court and/or Court Administrator will monitor deadlines established by Scheduling Order(s). Failure to diligently respond to monitoring inquiries may result in sanctions, including removal from the trial calendar or loss of trial priority status.

**Pre-Trial Conference.** A date and time for the pre-trial conference under Rule 5, Uniform District Court Rules, will be set at the scheduling conference. Each party represented by counsel will have an attorney present at the pre-trial conference with authority to make stipulations and admissions. Counsel should inform the Court at the pre-trial conference of health conditions or other special needs of counsel, a party or witness that will likely need attention during trial.

**Exhibits.** Exhibits are to be appropriately marked and exchanged prior to trial, with Plaintiff/Petitioner using numbers and Defendant/Respondent using letters—unless directed otherwise by the Court. Proposed exhibits are to be lodged with the Court and a copy is to be provided for the bench.

**Telephonic or Video Testimony & Appearances.** Telephonic or video testimony and appearances by witnesses or parties should be the exception and not the rule.

Attorneys desiring to appear by video, or who want witnesses to appear by video, are responsible for arranging a Judicial Video Network (JVN) site for their use. JVN appearances should be coordinated with the Clerk of the District Court (for Fergus County and Judith Basin County matters) or the Court Administrator (for out of jurisdiction matters) at least twenty-four (24) hours in advance. The Clerk or Court Administrator shall be advised as to who is appearing and from where. No motion to appear or Order is necessary for routine matters. Please provide the Clerk or Court Administrator with a cellphone or telephone number for contact at each location in the event of a JVN failure. Unless otherwise agreed, the party should login to the JVN meeting room at least five (5) or more minutes before the scheduled time (Fergus County: 2152023/ Judith Basin County: 2152024). The party should mute the microphone at their location until the matter commences or is called into order.

Telephone appearances during JVN sessions should also be through the meeting room. (Please note, that an appearance by telephone may be statutorily prohibited, in which case the party is required to appear in person or by JVN). To appear by telephone, the individual must call 406-449-7478 and, when prompted, dial the meeting room ID number (see below), followed by the #.

Fergus County ID: 2023

Judith Basin County ID: 2024

All risk of equipment failure is borne by the party appearing by JVN.

Parties are warned that the court reporter record from JVN appearances is sometimes incomplete due to sound "glitches." In instances where the record is important, a personal appearance is recommended.

Persons appearing by JVN are advised to be careful when shuffling papers in the vicinity of the JVN microphones, it picks up that noise easily.

All exhibits the party may wish to use should be provided to the Clerk in advance of the hearing. Last minute faxes or e-mails are not acceptable.

**Sanctions.** Sanctions for violating the Court's Scheduling Order or pretrial conference agenda may be imposed under Rule 16(f), M.R.Civ.P

**Postponement of Trials.** Requests to continue trial must be by written motion setting forth specific reasons and a statement indicating whether the other parties oppose the continuance. The Court reserves discretion whether to grant or deny the request. Any motion to postpone trial on grounds of absence of witness or evidence shall be supported by affidavit under § 25-4-501, MCA, showing that reasonable grounds exist to believe the absent witness or evidence cannot otherwise be obtained and that the same will be available, should

postponement be granted, or pursuant to § 46-13-202, MCA, if the interests of justice require it.

**Rule 6—Failure to Prosecute.**

When no proceedings or actions have been taken in any civil cause for a period of one (1) year, the matter may be brought to the Court's attention, and upon the Court's discretion, the Court may order a Status Conference.

**Rule 7—Trial Briefs.**

If required by the Scheduling Order, at least two (2) days before the trial of any cause, civil or criminal, counsel may present to the judge presiding and serve upon opposing counsel a trial brief, setting forth a statement of the theory of their cause and the issues involved, with a statement of the authorities upon which they rely as to both the laws of the case and in support of the introduction of evidence proposed to be offered.

**Rule 8—Voir Dire—Opening Statements—Closing Arguments.**

***Voir Dire.*** *Voir dire* shall not be conducted in a manner calculated to create prejudice or bias or to disqualify the entire panel by what may be revealed by one prospective juror. Sensitive matters may, upon request, be examined one juror at a time and out of the presence of the balance of the panel. Any requests for pretrial special jury questionnaires shall be made at the pretrial conference. *Voir dire* shall not be used to argue the merits of the case.

The Tenth Judicial District Court's Jury Trial Ground Rules (attached hereto as Exhibit "A") will supplement the aforementioned rules and will be included with both parties' Scheduling Orders for all jury trials.

The use of written instructions anticipated to be given by the Court shall not be permitted, but this does not prohibit reasonable inquiry concerning aspects of the law which are applicable to the issues.

Time limits for *voir dire* examination shall be established for each party at the pre-trial conference, unless for good cause shown, additional time is secured from the Court.

**Opening Statements—Closing Arguments.** The length of opening and closing statements shall be addressed at the pretrial conference, unless otherwise specified. Generally, opening statements shall be limited to one hour. At the conclusion of trial, closing arguments (including rebuttal) shall be limited to one hour; for good cause, additional time may be requested. Any requests to use

audio or visual aids during opening or closing statements shall be made at the pretrial conference, and in accordance with the requirements set forth in The Tenth Judicial District Court's Jury Trial Ground Rules, §11 (attached hereto as Exhibit "A").

**Rule 9—Stipulations and Agreements.**

Stipulations and Agreements between the parties or their attorneys shall be made on the record and reduced to writing.

**Rule 10—Rules of Decorum.**

(a) The Court adopts the Tenth Judicial District Courtroom Decorum And Practice Guidelines (attached hereto as Exhibit "B").

(b)**Photography and Media.** Broadcasting, television, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of Court, or recesses between sessions, shall be allowed only with prior notice to, and specific permission of, the presiding judge. All equipment used and persons using it shall remain behind the bar. No flashlights, or other lighting equipment, or large microphones shall be used. Photographers, television cameras, and other recording devices, when allowed, shall remain stationary, and shall be used so as to not disrupt the proceedings. No photographs of or televising of the members of a jury shall be permitted.

(c)**Removal.** Parties or other persons in the courtroom while the Court is in session shall be subject to removal for behavior or actions considered disruptive or threatening.

**Rule 11—Marital Dissolution Cases.**

**Child Support Guidelines.** As long as application of Uniform Child Support Guidelines is required under § 40-4-204(3)(a), MCA, a guidelines worksheet and financial affidavit(s), in accepted form, must be completed. In non-contested cases, these documents must be filed. In contested cases, these documents must be offered into evidence as exhibits.

**Support Variance.** A party seeking variance from the support guidelines or withholding requirements must furnish written proposed findings addressing their contention the variance is supported by clear and convincing evidence.

**Notice to Child Support Enforcement Division.** Any petition filed to commence proceedings involving modification of child support shall include a statement whether the requesting party has knowledge of the child(ren) receiving

or applying for public assistance, and if so, petitioner shall immediately notify Montana's Child Support Enforcement Division in writing of the pending action and file proof of such notice with the Clerk of Court.

**Parenting Guidelines.** The Court adopts the Montana Tenth Judicial District Shared Parenting Guidelines (attached hereto as Exhibit "C").

### **Rule 12—Criminal Actions.**

**Financial Disclosure by Indigent.** Defendants desiring Court-appointed counsel due to indigence shall file the necessary documents with the Office of the State Public Defender, pursuant to its Rules and Procedures.

#### **Bail.**

**Initial Bail Request.** At the time of seeking leave to file an Information, the County Attorney shall submit a proposed order and may provide recommendations for bail, pending initial appearance.

**Bail From Lower Courts.** Whenever bail has been furnished to a Justice or City Court, and the cause is transferred to District Court, bail bond or cash bond is to be transferred to the Clerk of Court by the initial appearance. If cash bail is furnished, the transfer to District Court shall identify the person or party who actually posted the cash bail. The District Court is not bound by the bail amounts set in the Lower Courts and may modify the same.

#### **Arraignment.**

(1) **Delivery of Charging Documents.** In the absence of an emergency, and to assist in the speedy administration of justice in the District Courts, the prosecutors shall deliver a copy of any charging documents to the accused and/or his or her counsel at least 24 hours prior to the time set for arraignment in order that the accused may review them and make an informed plea at arraignment.

(2) **Court Entered "Not Guilty" Plea.** A defendant unwilling to enter a plea at the time of arraignment is subject to the Court entering a "not guilty" plea. In such event, the defendant, on request, will be allowed to reserve for a reasonable time the right to move against the charging document(s) and to file motions and assert all defenses to which he/she may be entitled.

#### **Omnibus Hearing.**

**Setting.** Following a plea of "not guilty", the Court will set the omnibus hearing described in § 46-13-110, MCA, usually within 30 to 45 days. Upon agreement by counsel, the omnibus hearing may be held informally, and will be conducted as a scheduling hearing or conference with the Court Administrator or

Clerk of Court. Omnibus Hearing Memorandum and Order form will be completed between the prosecution and defense counsel, and provided to the Clerk of Court (Fergus County) or Court Administrator (Judith Basin, Petroleum, and Out-of-Jurisdiction) prior to the informal omnibus hearing. Upon completion the form shall be submitted to the Court for approval.

**Discovery.** Unless motion is filed seeking protection, the prosecution shall make disclosure under § 46-15-322, MCA, or seek extension as allowed thereunder. The defendant shall make disclosure under § 46-15-323, MCA, unless a motion is filed seeking protection.

**Waiver.** Upon submission of a completed and signed Omnibus Hearing Memorandum form, counsel will be deemed to have waived an omnibus hearing before the Court, absent a request to the contrary. Motions may be made according to the Omnibus Hearing Memorandum form or by law.

**Mental Competency Issues.** Upon motions under § 46-14-202, MCA, requesting examination, defendant's counsel shall be prepared to identify the name and business address of a qualified professional sought to conduct the examination and to discuss the availability of this professional to do the examination. Should examination be ordered upon defendant's motion, defense counsel shall be responsible to assure a report of examination under § 46-14-206, MCA, is timely filed.

**Plea Agreement.**

**Plea Discussions.** No defendant is required to discuss a plea agreement. Any proposed plea offers must be discussed with the Defendant by counsel.

**Written Plea Agreements.** Plea agreements under § 46-12-211, MCA, must be reduced to writing, signed by counsel and the defendant, and filed with the Clerk.

**Alford Pleas.** Counsel who intend to proffer an *Alford* plea or plea of *nolo contendere* under § 46-12-204, MCA, must present a factual basis showing good reason for the Court to accept the plea, § 46-12-212(2), MCA.

**Effect on Trial Setting.** At its discretion, the Court may refuse to vacate a trial setting by reason of a plea agreement until after defendant has appeared and entered a plea found acceptable to the Court.

**Pre-Sentence Investigation Report.** In preparing a Pre-Sentence Investigation Report (PSI), the probation officer shall make reasonable effort to contact any victim(s) and inform them of a right to be present and give testimony at the sentencing hearing and seek a written statement to be attached to the PSI. Unless effectively waived by a defendant, a PSI shall be completed and the

original filed with the Court no later than one (1) week prior to sentencing. Prior to sentencing, defense counsel shall review the filed PSI with defendant.

**Restitution.** If restitution is requested in a criminal matter and the amount is in dispute between parties, the Court may, by motion of the parties or in its own discretion, hold a separate hearing to address restitution prior to the final sentencing hearing.

**Rule 13—Confidential Criminal Justice Information.**

A copy of any petition for the release of confidential criminal justice information under § 44-5-303, MCA, shall be served by petitioning party upon each agency maintaining such information. The petition shall inform the requested agency that within twenty-one (21) days of service, they shall deliver to the Court for *in camera* inspection true and correct copies of the requested information or, in lieu thereof, file any response it may have to the petition. A hearing may be held at the Court's discretion. Following *in camera* inspection, should dissemination of confidential criminal justice information be allowed, the information shall be returned to the requested agency for dissemination. Dissemination shall be subject to copying costs paid in advance to the requested agency.

**Rule 14—Bankruptcy.**

Should a party file for protection in Bankruptcy Court, that party shall immediately notify the Court in writing of the filing and provide a copy of the bankruptcy cover sheet. Upon discharge of or confirmation of a bankruptcy reorganization plan superseding any claim made in this Court, notice thereof shall be filed and upon such filing, a party may request and obtain dismissal of the claim.

**Rule 15—Appeals from Justice Court or City Court.**

**Scheduling.** When an appeal from Justice or City Court, being civil or criminal, has been filed and the record received by the Clerk of Court, the Clerk shall notify the Court so that a scheduling conference may be set. This provision does not apply to appeals on the record from Small Claims Court.

**Failure to Appear.** In any appeal from Justice or City Court, if one of the parties does not appear for scheduling, the Court may dispose of the matter as the ends of justice dictate, including issuance of order dismissing the appeal.

**Rule 16—Removal to Small Claims Court.**

All actions for recovery of money or specific personal property where the amount in controversy does not exceed seven thousand dollars (\$7,000.00) shall be subject to removal to Small Claims Court pursuant to § 3-10-1004, MCA.

**Rule 17—Closure of Estates.**

The Clerk of Court shall notify the judge of all estate matters that remain pending two (2) years after appointment of the personal representative. The Court may thereupon order the personal representative and attorney to appear and show cause under § 72-3-1015, MCA, why the estate has not been closed.

**Rule 18—Evidence as to Character.**

Not more than two witnesses will be allowed to testify as to character in any cause, civil or criminal, without leave of the Court being first asked and obtained.

**Rule 19—Alternative Dispute Resolution.**

**Mediation.** Parties, at their cost, may voluntarily retain a private individual for mediation of their case. In such case, mediation shall be a confidential meeting between the parties and the mediator to seek and promote communication between the parties with a view toward reaching a settlement agreement. Parties may agree to attend mediation without counsel. Any agreement reached in mediation shall be promptly reduced to writing and upon execution by parties, a written status report shall be filed with the Court.

**Settlement Conference.** In all civil cases, the Court may require at any time a settlement conference before an appointed settlement judge, mediator, or master. Any party may move the Court to order a settlement conference with an appointed settlement judge, mediator, or master. At the discretion of the Court, trial may be postponed or not set until after a settlement conference.

**Settlement Judge or Master.** The settlement judge may be either a current or retired State District Court Judge. The settlement master may be any person qualified under Rule 53, M.R.Civ.P.

**Settlement Conference Defined.** A settlement conference is a confidential meeting between the parties, attorneys and the settlement judge/ mediator/ master with a view toward negotiating a settlement. Each party will submit to the settlement judge/ mediator/ master a confidential settlement statement containing a summary of their case and description of strengths and weaknesses

on each side. The parties and their attorneys must be present unless excused by the settlement judge/ mediator/ master.

**Sanctions.** Failure of a party or counsel to participate in good faith in a Court-ordered settlement conference may result in sanctions such as imposition of costs and attorney's fees incurred by opposing party in preparation for settlement conference.

**Confidential.** No person present at a settlement conference shall be subject to examination concerning statements made by any other person at the settlement conference. Parties cannot subpoena or otherwise require the appointed settlement judge/ mediator/ master to testify regarding his/her opinions or other matters expressed at the settlement conference.

**Attendance of Insurance Claims Person.** In all cases where pertinent, claims representative(s) from insurance companies, with requisite settlement authority, shall be required to attend the settlement conference in person or by speaker phone. Upon good cause shown, the Court may require personal appearance.

**Fees.** Fees charged by a settlement judge/ mediator/ master may be imposed upon parties at the discretion of the Court.

**Settlement Documents.** If a case is settled by settlement conference or other method before the trial date without documentation, parties shall forthwith inform the Court in person or by conference call and a minute entry will be made vacating trial as the case has been settled. Once of record, the agreement is binding and enforceable. Within thirty (30) days, settlement documents must be prepared and filed.

**Sealing Confidential Information.** The Court reserves the right to deny a request to seal sensitive information as part of a settlement, if disclosure of the information is in the public interest.

#### **Rule 20—Miscellaneous.**

**Law Clerk.** The judge shall have a Law Clerk to perform such duties as the District Court Judge shall direct, including research, preparation of findings and conclusions, and serving as a special master and judge pro tempore.

The Court reserves the right to assign all dissolution matters to its Law Clerk who shall serve as a special master pursuant to Rule 53, M.R.Civ.P., and § 3-5-113, MCA, and other appropriate matters, in the Court's discretion.

#### **Rule 21—Amendment Relief.**

**Amendment.** Amendments to these rules may be made from time to time by Court order filed with the Clerk of Court for each county within the Tenth Judicial District.

**Relief.** If counsel believe in good faith they have a situation which is not covered adequately by these rules, or need relief from the application of these local rules, counsel may, upon application, present such matters to the Court for its consideration.

**Applicability.** These rules, in addition to the Uniform District Court Rules, shall apply to all cases in each Court in each county in said district, and shall be entered upon the minutes of this Court in each county of said district. The Clerk of Court shall keep an original copy of these rules and any amendments thereto.

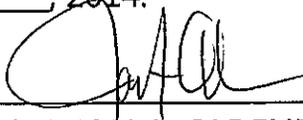
**Rule 22—Signature Stamp.**

The Court Administrator shall maintain under lock and key a signature stamp bearing a facsimile of the Judge's signature. On occasions when the Judge is out for the jurisdiction or is otherwise unavailable, the Judge may authorize the Court Administrator to use the Judge's signature stamp on documents requiring immediate attention by the Court. It shall be necessary to secure the Judge's authorization on every occasion before his signature stamp is used.

**IT IS HEREBY ORDERED** pursuant to § 3-1-112, MCA, the District Court of the Tenth Judicial District of the State of Montana, in and for the counties of Fergus, Judith Basin, and Petroleum, hereby adopts the foregoing District Court Rules for the practice and proceedings of the Tenth Judicial District of the State of Montana, and that the same be entered upon the minutes of this Court in each county of this district, and that they be printed for distribution among the attorneys of this Court.

The foregoing District Court Rules take effect on **November 1<sup>st</sup>, 2014**, and that thereupon any former rules of this Court are abrogated.

**DATED** this 14 day of October, 2014.

  
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HON. JON A. OLDENBURG,  
Tenth Judicial District Court

**Effective November 1, 2014.**