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Attorney for Defendants Individually Named Board Members on a Limited Scope

MONTANA SIXTH JUDICIAL DISTRICT, PARK COUNTY

DANIEL K. O'CONNELL (a director of the Glastonbury))
Landowner's Assoc. Inc., VALERY A. O'CONNELL))
(for and on behalf of the landowners & the many members))
of the Glastonbury Landowners Association,)) Cause No. DV-11-114
)
Plaintiff,))
)
vs.)) Motion to Allow
) Counterclaim
)
RICHARD BOLEN, LAURA BOISE, JANET))
NACLERIO, SHERIDAN STENBERG, ALYSSA))
ALLEN, GERALD DUBIEL, RICH SPALLONE, &))
WILLIAM SMITH (all Directors of the Glastonbury))
Landowners Association,) & THE GLASTONBURY))
LANDOWNERS BOARD OF DIRECTORS))
)
Defendants.))
)

Notice of Limited Scope of Representation.

Defendants are represented by the Brown Law Firm in this matter. However, the Brown Law Firm cannot bring a vexatious litigation claim due to the constraints of the insurance provisions. Therefore, Defendants have hired Alanah Griffith of Pape & Griffith, PLLC to represent their interests and file a counterclaim for vexatious litigation. According to the rules, Plaintiff and Defendant's other counsel need only contact Ms. Griffith regarding this

counterclaim. All other claims will be addressed by The Brown Law Firm.

MOTION

Defendants the individually named members of the Glastonbury Landowner's Association, Inc. Board of Directors (the Board) respectfully requests that the Court grant it motion to file a counterclaim. This counterclaim only now became ripe with the filing of the amended complaint and further discussions with the O'Connells. Pursuant to M.R.Civ.P., Rule 13(e), a Court may allow a Counterclaim to be filed if it matures after the pleading. The O'Connells have recently made it clear that they will continue to file Petitions against the Association in the future. Therefore, the Association should be allowed to file a Counterclaim for relief from vexatious litigation. The other option would be to file a separate complaint against the O'Connells for vexatious litigation, which would not promote judicial economy. It is more appropriate for the Court to allow the Board to file this counterclaim in this case.

Respectfully submitted this 9 day of April, 2013.

By 
Alanah Griffith, Attorney of Limited Scope for
Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of April, 2013, a true and correct copy of the foregoing, was mailed, postage prepaid, to the following counsel of record:

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Hon. David Cybulski
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Katie Hintz