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12 *Landowners Association, Inc.*

10 **MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

11 DANIEL and VALERY O'CONNELL (for and
12 on behalf of GLA landowners),

12 Plaintiffs,

14 v.

15 GLASTONBURY LANDOWNERS
16 ASSOCIATION, INC. Board of Directors,

16 Defendants.

Cause No.: DV-2011-114

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR
CHANGE OF VENUE**

17
18 COME NOW the above named Defendants Glastonbury Landowners Association, Inc. Board of
19 Directors (GLA) and submit this response in opposition to Plaintiffs' Motion for Change of Venue.

20 Plaintiffs' Motion for Change of Venue fails for the reason that it does not appear to request a
21 change of venue. Venue in this matter is already in Park County, and Plaintiffs do not ask to move
22 venue from Park County. Instead, Plaintiffs appear to take issue with Judge David Cybulski's presiding
23 over this case based on the fact he is the sitting judge in the Montana 15th Judicial District with the
24 mistaken impression this will prejudice their case.

25
26 Venue is proper in Park County and the GLA opposes any attempt by Plaintiffs to move venue
27 in this case as the parties all reside in Park County and all the alleged actions by the GLA took place in
28

1 Park County. However, Plaintiffs appear to be asking for a different judge because Judge Swandal is
2 now retired and Judge Brenda Gilbert is now the sitting judge in the Montana Sixth Judicial District
3 making a substitution of judge no longer necessary.

4 Plaintiffs should have moved to substitute judges pursuant to Mont. Code Ann. § 3-1-804, and
5 Plaintiffs failed to do so properly. However, in recognition that Plaintiffs already have pending cases
6 before Judge Gilbert in which the parties and some of the issues are the same, the GLA would not
7 oppose a transfer of cause DV-2011-114 from Judge Cybulski to Judge Gilbert if the Court deems such
8 a transfer proper in order to serve justice and judicial economy.
9

10 DATED this 16th day of May, 2013.

11
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16 BY


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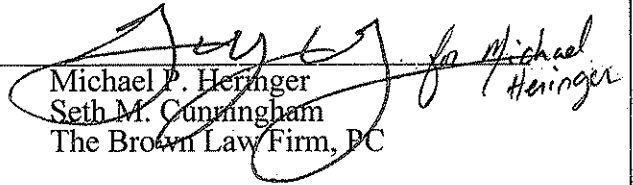
18 Alanah Griffith
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20 Attorneys for Glastonbury
21 Landowners Association, Inc.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was duly served by U.S. mail,
postage prepaid, and addressed as follows this 16th day of May, 2013:

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