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PARK COUNTY CLERK
OF DISTRICT COURT
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BY SHELLY BALES

MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

Daniel K. O'Connell & Valery A. O'Connell)	
& on behalf of themselves as members of)	
Glastonbury Landowners Association.)	Cause No. DV-11-114
)	
Plaintiff(s),)	
)	PLAINTIFFS MOTION(s) FOR:
v.)	PARTIAL DISCOVERY REQUEST
)	
Glastonbury Landowners Association, Inc.)	
& current GLA Board of Directors)	
)	
Defendant(s))	
_____)	

Plaintiffs & GLA members-Daniel and Valery O'Connell, pursuant to M.R.Civ.P., Rule 26 & 36 (cited below), do hereby submit this partial discovery request to GLA Defendants for the forgoing GLA documents and their written admissions as requested below. Such requests and documents are relevant to Plaintiff's claim(s) and/or counterclaim defense, and/or will lead to the discovery of admissible evidence.

FACTUAL ARGUMENTS AND BRIEF

M.R.Civ.P., Rule 26 (in part)“(a) **Discovery Methods.** Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.... (b) **Discovery Scope and Limits.** Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows: (1) **Scope in General.** Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense ...”

M.R.Civ.P., Rule 36, (in part) (a)(1) "Scope. A party may serve on any other party a written request to admit, for purposes of the pending action only, the truth of any matters within the scope of Rule 26(b)(1) relating to: (A) facts, the application of law to fact, or opinions about either; and (B) the genuineness of any described documents ..."

This partial discovery requesting GLA documents and written admissions as listed below are relevant to Plaintiffs claim(s) and/or counterclaim defense, and/or will lead to the discovery of admissible evidence. Plaintiffs thus submit to GLA Defendants the following requests for:

1. A signed statement from the GLA Board affirming or not how many signed proxy forms were received and certified by the GLA Board for 2011, & 2012, & 2013 annual elections to the Board; including as proof a copy of all such GLA certified proxy forms signed by GLA members that could be used for voting entitlements or quorum for 2011, & 2012, & 2013 annual elections to the Board.
2. A signed statement from the GLA Board affirming the names of all approved GLA committee members for 2011, & 2012, & 2013; including names of all approved GLA Directors & GLA landowners on such approved committees, & the committee type—either advisory or Committee of Directors, including all duties/ authorities given to all committees.*

(*Example: The undersigned GLA Board hereby declare the following: the Election committee is a Committee of Directors. Current members to this GLA Election committee include Jane Doe and Robert Doe with two Directors or Chairman—Sheridan Stenburg and Alyssa Allen. The current GLA Election committee was given power and authority to gather and count election ballots for the GLA annual elections for 2011-2012. The Election committee for 2013 includes the same Board members, and as yet no landowner members chosen.)

3. A signed statement from the GLA Board affirming a list of all approved meeting minutes since May 2012 given to Plaintiffs: as proof include a copy of all existing GLA meeting minutes, (public & private meetings including email votes), & all GLA Committee meeting minutes, dates, & attendees, names of persons taking committee minutes.

4. A signed statement from the GLA Board affirming or not all GLA receipts and expenditure statements given to all GLA members since 2010; include such document copies as proof.
5. Since August 2011 up to May 2013, provide copies of all "check details" given to the GLA Board, including all accounts and receipts detailing proof of expenditures of all GLA monies spent by the GLA, and/or the GLA Treasurer, and/or Minnick Management (include all GLA canceled checks, bank statements, credit card transaction statements for all such accounts that use GLA monies since Aug. 2011, including any GLA audits completed since 2010.)
6. A signed statement from the GLA Board affirming or not all GLA due process notices given to the GLA members regarding: approval of the Erickson project review plus "finding of facts," new guest house assessment, Minnick contract, two counterclaims filed against O'Connells, and any other due process notices given to GLA members in the last 3 years (per GLA Bylaw XI. part C., of Exhibit C).
7. A signed statement from the GLA Board affirming or not all election ballots, proxies, certification, and vote tallies given to GLA members since 2010.
8. A signed statement from the GLA Board affirming or not all GLA agents, employees, contractors & GLA Directors that received any GLA monies for any reason from 2010 to May 2013; including copies of specific contract agreements with such GLA agents, employees, contractors & GLA Directors; including a list of their specific job duties, authorities, and amount of payment for all GLA agents, employees, contractors & GLA Directors; including any written bids from such GLA agents, employees, contractors & GLA Directors.

9. Copy of all current and revoked signed agreements, and variances involving the Ericksons Project Review since 2011 and copy of the floor plan for the Erickson project review including floor plans for two buildings currently being built by the Ericksons;
10. A signed statement from the GLA Board affirming or not all members contacted regarding 2011 Erickson project review;
11. A signed statement from the GLA Board affirming or not that all GLA members are the joint owners of the common use land adjacent to Erickson's parcel 90 & 91 in High South GLA.
12. A signed statement from the GLA Board affirming or not any Roberts Rules of Order used at GLA Board meeting after September 2012.
13. A signed statement from the GLA Board affirming or not a list of all GLA documents given to O'Connells after the August 2012 settlement conference, excluding court documents.
14. Current copy of GLA membership list including name, address, email address & parcel #.

All such discovery requested with lines 1-14 above should be serviced to Plaintiffs no later than 30 days from the date of this filing.

Respectfully submitted this 10th day of June, 2013.

Signed


Daniel O'Connell

Signed:


Valery O'Connell

Certificate of Service

A true and correct copy of forgoing document(s) were sent to the following parties via first class mail and hand delivered to the clerk of court on this same day to:

Hon. Judge David Cybulski
573 Shippe Canyon Rd.
Plentywood, Mt. 59254

GLA attorney Alanah Griffith
1184 N. 15th St. Suite #4
Bozeman, Mt. 59715

Signed


Daniel O'Connell

Signed:


Valery O'Connell