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

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

12 Plaintiffs,

13 v.

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

16 Defendants.

Cause No.: DV-2011-114

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR
PARTIAL DISCOVERY REQUEST**

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 Partial Discovery
20 Request.

21 On June 10, 2013, Plaintiffs filed a document titled "Motion(s) for: partial Discovery Request."
22 It is unclear if Plaintiffs are asking this Court by Motion to order GLA to answer discovery or if they
23 meant to send discovery requests to GLA. If Plaintiffs are asking the Court to order GLA to answer
24 discovery, then their motion is inappropriate as Plaintiffs have not previously served these "discovery
25 requests" on the GLA. If Plaintiffs meant their motion to be discovery requests, then they
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1 inappropriately filed it in violation of the Uniform District Court Rule 4 which states that discovery
2 requests “shall not be routinely filed.”

3 In any case, GLA cannot answer the “discovery requests” as submitted by Plaintiffs as they are
4 confusing and not in any format recognized by the Rules of Civil Procedure. Plaintiffs cite Mont. R.
5 Civ. P. 26(a) on the first page which allows discovery by oral or written deposition, interrogatories,
6 production of documents, inspection, or physical or mental examination. It is unclear which of these
7 methods Plaintiffs’ “Motion(s) for: partial Discovery Request” constitutes.
8

9 The numbered paragraphs give no indication whether Plaintiffs are requesting GLA to admit or
10 deny something, produce a particular document, or answer an interrogatory. Many of the “discovery
11 requests” seem to be asking GLA to create entirely new documents, a method of discovery not allowed.
12 Discovery must relate to one of the methods described in Mont. R. Civ. P. 26(a). *Jaap v. Dist. Ct. 8th*
13 *Jud. Dist.*, 191 Mont. 319, 324, 623 P.2d 1389, 1392 (1981). The GLA cannot understand which of
14 Plaintiffs’ “discovery requests” relate to which method of discovery.
15

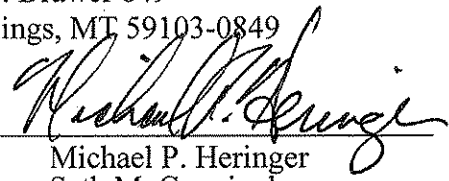
16 In order to properly answer Plaintiffs’ discovery, GLA must be able to understand whether
17 Plaintiffs are asking an interrogatory, requesting admission of a statement, or requesting the production
18 of documents. None of this is clear from Plaintiffs’ “Motion(s) for: partial Discovery Request.”
19

20 GLA respectfully requests that the Court deny Plaintiffs’ motion, rule that GLA need not answer
21 the ambiguous “discovery requests” contained within, order Plaintiffs to properly serve future discovery
22 on the GLA rather than filing it, and order Plaintiffs clearly identify which method of discovery they are
23 using in any such future requests.
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DATED this 26th day of June, 2013.

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BY 
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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 26 day of June, 2013:

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