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11 *Association, Inc.*

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

8 DANIEL and VALERY O'CONNELL (for and
9 on behalf of GLA landowners),

10 Plaintiffs,

11 v.

12 GLASTONBURY LANDOWNERS
13 ASSOCIATION, INC. Board of Directors,

14 Defendants.

Cause No.: DV-2012-220¹

**DEFENDANTS SUBMISSION OF
PROPOSED ORDER REGARDING
PLAINTIFFS' MOTION FOR
DECLARATORY JUDGMENT & NOTICE
TO JOIN TRO**

15 COME NOW the above named Defendants Glastonbury Landowners Association, Inc. Board of
16 Directors (GLA) submit the attached Proposed Order for the Court's consideration of Plaintiffs Motion
17 for Declaratory Judgment & Notice to Join TRO.
18

19 DATED this 27th day of December, 2012.

20 BROWN LAW FIRM, P.C.
21 315 North 24th Street
22 P.O. Drawer 849
23 Billings, MT 59103-0849

24 BY 

25 Michael P. Heringer
26 Seth M. Cunningham
27 *Attorneys for Glastonbury*
Landowners Association, Inc.

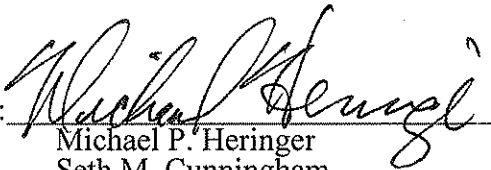
28 ¹ This action was originally filed in Gallatin County under Cause No. DV-12-789C. Judge Brown ordered venue changed to Park County on December 18, 2012.

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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 27th day of December, 2012:

Daniel and Valery O'Connell
PO Box 77
Emigrant, MT 59027
Plaintiffs pro se

By: 
Michael P. Heringer
Seth M. Cunningham

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

8 DANIEL and VALERY O'CONNELL (for and
9 on behalf of GLA landowners),

Cause No.: DV-2012-220¹

10 Plaintiffs,

**ORDER ON PLAINTIFFS' MOTION FOR
DECLARATORY JUDGMENT & NOTICE
TO JOIN TRO**

11 v.

12 GLASTONBURY LANDOWNERS
13 ASSOCIATION, INC. Board of Directors,

14 Defendants.

15 The Court has considered Plaintiffs' Motion for Declaratory Judgment & Notice to Join TRO
16 and their supporting arguments. The Court has also considered Defendant Glastonbury Landowners
17 Association, Inc. Board of Directors' brief in opposition. Plaintiffs' Motion is a dispositive motion on
18 claims that were not included in their original Complaint. Plaintiffs filed their Motion December 4,
19 2012, six days after the deadline for amending as a matter of course had passed. Plaintiffs needed leave
20 of Court or consent of Defendants to amend their claims to include declaratory and negligence claims
21 before filing a dispositive Motion on those additional claims. Therefore,
22

23 Plaintiffs' Motion for Declaratory Judgment & Notice to Join TRO is DENIED.
24

25 IT IS ORDERED that Plaintiffs' first properly amend their Complaint in accordance with Mont.
26 R. Civ. P. 15(a)(2) before filing any dispositive motions on claims that were not originally pled.
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28 ¹ This action was originally filed in Gallatin County under Cause No. DV-12-789C. Judge Brown ordered venue changed to Park County on December 18, 2012.

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DATED this _____ day of December, 2012.

By _____
Hon. William Nels Swandal
District Court Judge

c: Michael P. Heringer / Seth M. Cunningham
Daniel K. O'Connell/ Valery A. O'Connell