

PARK COUNTY CLERK
OF DISTRICT COURT
JUNE LITTLE

1 HON. Wm. NELS SWANDAL
2 District Judge
3 Sixth Judicial District
4 414 East Callender Street
5 Livingston, Montana 59047
6 406-222-4130

2012 DEC 27 PM 2 18

FILED
BY Sheila Kuhl
DEPUTY

8 MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

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

Cause No.: DV-2012-220¹

11 Plaintiffs,

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

12 v.

13 GLASTONBURY LANDOWNERS
ASSOCIATION, INC. Board of Directors,

14 Defendants.
15


16 The Court has considered Plaintiffs' Motion for Declaratory Judgment & Notice to Join TRO
17 and their supporting arguments. The Court has also considered Defendant Glastonbury Landowners
18 Association, Inc. Board of Directors' brief in opposition. Plaintiffs' Motion is a dispositive motion on
19 claims that were not included in their original Complaint. Plaintiffs filed their Motion December 4,
20 2012, six days after the deadline for amending as a matter of course had passed. Plaintiffs needed leave
21 of Court or consent of Defendants to amend their claims to include declaratory and negligence claims
22 before filing a dispositive Motion on those additional claims. Therefore,
23

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

1 IT IS ORDERED that Plaintiffs' first properly amend their Complaint in accordance with Mont.
2 R. Civ. P. 15(a)(2) before filing any dispositive motions on claims that were not originally pled.

3
4 DATED this 27th day of December, 2012.

5
6 By 
7 Hon. William Nels Swandal
8 District Court Judge

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

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