

PARK COUNTY CLERK
OF DISTRICT COURT
JUNE LITTLE

2013 JAN 3 PM 4 04

FILED
BY June Little
DEPUTY

MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

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

Plaintiffs,

v.

GLASTONBURY LANDOWNERS
ASSOCIATION, INC. Board of Directors,

Defendants.

Cause No.: DV-2012-220¹

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

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


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

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

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 3rd day of January, 2012.

By 
Hon. William Nels Swandal
District Court Judge

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

} MLD
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