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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.)

Plaintiff(s),)

v.)

Glastonbury Landowners Association, Inc.)
& current GLA Board of Directors)

Defendant(s))

Cause No. DV-11-114
Hon. Judge Cybulski

**PLAINTIFFS' MOTION FOR 2015 AMENDED COMPLAINT & MOTION AGAINST
CONSIDERATION OF Dec. 28, 2015 "proposed order"**

COME NOW Plaintiffs' Daniel and Valery O'Connell, and hereby submit this Motion to file attached "2015 Amended Complaint" & this "Motion AGAINST CONSIDERATION OF Dec. 28, 2015 "proposed order" submitted by Defendants' counsel.

Per M.R.Civ.P. Rule 15(a), this Motion requests the filing of attached "2015 Amended Complaint" as necessary and justice so requires based on new evidences, recent discovery, GLA recent unauthorized actions, and for the amount of time/events elapsed since 2013 that has impacted, or changed the status of the complaint claims. Some claims seem to have been resolved by the Defendant GLA Board as cited in the 2015 amended complaint. Also this amended complaint does not prejudice nor surprise Defendants (who sought no discovery) who were told of likely amendments by this 2013 complaint clause:

“Plaintiffs reserve the right to rely on further affirmative pleadings which may become available, or apparent during the course of discovery or trial preparation, and reserve the right to amend this Complaint to assert any such affirmative pleadings.” For these reasons, Plaintiffs find this Motion necessary to request submission of this “2015 Amended Complaint & Motion.”

Regarding this “Motion AGAINST CONSIDERATION OF Dec. 28, 2015 “proposed order.”” this motion is necessary and justice so requires it.

This is because on April 20, 2015, Plaintiffs’ filed “Response in Opposition to Defendants’ Summary Judgment Motion” requesting the Court issue an order to strike or deny Defendants summary judgment motion, or else issue an order granting Plaintiffs motion for a continuance to respond so as to “fairly, adequately hear testimony” on material facts in dispute “as essential to opposing the summary judgement motion.” Now on Dec. 28, 2015 under the guise of a “proposed order” Defendants claim otherwise and also submitted entirely new arguments for summary judgment never said/made in their motion for summary judgment nor by Plaintiffs. These new argument in the “proposed order” are not found anywhere in the pleadings. This “proposed order” thus denies Plaintiffs the chance to oppose numerous new arguments and gives Defendants an unfair advantage by sneaking their unopposed arguments into their “proposed order.” Nor should Defendants be allowed another crack at trying to dismiss this complaint.” In fact, with many new issues in the 2015 amended complaint, the “proposed order” is obsolete and moot.

DATED this _____ day of December, 2015.

By: _____
Daniel O’Connell

By: _____
Valery O’Connell

Certificate of Service

A true and correct copy of forgoing document(s) were sent to the following parties via email the same day & via first class mail on the following business day to:

Sixth Judicial District Clerk of Court
414 E. Callender St.
Livingston, Mt. 59047

Alannah Griffith
108 N. 11th, Unit #1
Bozeman, Mt. 59715

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

Brown Law Firm, P.C.
315 N. 24th St. (PO Drawer 849)
Billings, MT. 59103-0849

By: _____
Valery O’Connell