

Christal O'Connell  
P.O. Box 77  
Emigrant, Mt. 59027  
406-209-2521  
mymovies2@mac.com

MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

Christal O'Connell	)	
as a member(s) of	)	Cause No. DV-16-188
Glastonbury Landowners Association.	)	Hon. Judge Brenda Gilbert
	)	
Plaintiff(s),	)	
	)	<b>MOTION FOR EXTENSION OF TIME</b>
v.	)	<b>TO ANSWER GLA'S BRIEF FOR</b>
	)	<b>MOTION TO DISMISS</b>
Glastonbury Landowners Association, Inc.	)	
& current GLA Board of Directors as follow:	)	
Charlotte Mizzi, Ed Dobrowski, Mark Seaver,	)	
Rudy Parker, Paul Ranttalo, Charlene Murphy,	)	
Dan Kehoe, Gerald Dubiel.	)	
	)	
Defendant(s)	)	

Plaintiff-Christal O'Connell, pursuant to M.R.Civ.P. Rule 6, submit this "Motion For Extension of Time" **on or before Jan. 31, 2017** to answer GLA "Defendants' Brief in Support Of Motion To Dismiss."

**FACTUAL BRIEF SUPPORTING MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 6(1) of the Montana Rules of Civil Procedure, Plaintiff does respectfully move this Court for an Order for extension of time to answer Defendants' Motion & "Brief in Support Of Motion To Dismiss" (dated December 21st, 2016). This is because Justice so requires this motion for such extension of time (Jan 31st) to answer that Defendants' motion, since

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attached Exhibit 1 shows while being out-of-state since Dec. 15th my mail was forwarded on "12/28/16," so I did not receive the Defendants motion to dismiss until Jan 3, 2017.

Therefore, I have not had proper time to read and answer that motion, which justice so requires this extension of time to answer for good cause for this that was out of my control. I also suspect mail was extra-slow due to the holidays which is why I have just received the motion to dismiss.

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**§27-1-732 MCA. "Immunity of nonprofit corporation officers, directors, and volunteers. (1) An officer, director, or volunteer of a nonprofit corporation is not individually liable for any action or omission made in the course and scope of the officer's, director's, or volunteer's official capacity on behalf of the nonprofit corporation. This section does not apply to liability for willful or wanton misconduct. The immunity granted by this section does not apply to the liability of a nonprofit corporation.**

(2) For purposes of this section, "nonprofit corporation" means:

(a) an organization exempt from taxation under section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended; or

(b) a corporation or organization that is eligible for or has been granted tax-exempt status by the department of revenue under the provisions of 15-31-102."

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Glastonbury Landowners Association (hereafter GLA) Articles of Incorporation on file with the Park County Clerk & recorder says:

**ARTICLE VIII LIMITATION OF LIABILITY** "Members of the Board of Directors of the Corporation shall not be liable to the Corporation or to members of the Corporation for monetary damages for breach of a director's duties to the Corporation and its members, provided that this provision does not eliminate or limit the liability of a director:

1. For a breach of the director's duty of loyalty to the Corporation or its members;
2. For acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;
- ~~3. For a transaction from which a director derived an improper personal economic benefit, or~~

3. For a transaction from which a director derived an improper personal economic benefit; or
4. Pursuant to M.C.A. Sections 35-2-418, 35-2-435, or 35-2-436.”

§35-2-436 MCA. “**Liability for unlawful distributions.** (1) Unless a director complies with the applicable standards of conduct described in 35-2-416 [(3) A director is not acting in good faith if the director has knowledge concerning the matter in question...], a director who votes for or assents to a distribution made in violation of this chapter is personally liable to the corporation for the amount of the distribution that exceeds what could have been distributed without violating this chapter.

(2) A director held liable for an unlawful distribution under subsection (1) is entitled to contribution:

(a) from every other director who voted for or assented to the distribution and who did not comply with the applicable standards of conduct described in 35-2-416; and

(b) from each person who received an unlawful distribution for the amount of the distribution whether or not the person receiving the distribution knew it was made in violation of this chapter.”

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Furthermore, in their motion page 1, GLA states that GLA “move this Court for an order dismissing this action (complaint) ...because Plaintiff Christal O’Connell is not the real party in interest under Mont. R. Civ. P. 17(a), and finally because the individually named directors are immune from suit under Mont. Code Ann. § 27-1-732.” **Both of these assertions are factually and willfully falsified statements, because:**

- 1) In their motion page 1, GLA falsely states that GLA, “move this Court for an order dismissing this action(complaint) ...because Plaintiff Christal O’Connell is not the real party in interest under Mont. R. Civ. P. 17(a). However, it is undisputed that Plaintiff–Christal O’Connell is a landowner and voting member of the Glastonbury Landowners Association. Christal is a real party in this case as a GLA voting

member harmed by the direct actions of the GLA defendants. In fact she has evidence of numerous warnings to GLA stating such harm, warnings of legal action.

- 2) In their motion page 1, GLA also states that GLA, “move this Court for an order dismissing this action (complaint) ...because the individually named directors are immune from suit under Mont. Code Ann. § 27-1-732.” However, the Defendant the Glastonbury Landowners Association (GLA) is a named Defendant in this case as shown by Exhibit 2 Summons and caption above on page one. Notice Defendants failed to properly cite this statute §27-1-732 MCA.(cited by GLA above) for “Immunity of nonprofit corporation officers, directors, and volunteers” which statute “does not apply to the liability of a nonprofit corporation” namely the GLA Defendants.
- 3) Also this statute §27-1-732 MCA immunity statute does not apply to GLA corporate officers since this statute says, “This section does not apply to liability for willful or wanton misconduct” of Directors; and various others above: §35-2-436 MCA, 35-2-416 MCA, 35-2-418, 35-2-435, or 35-2-436, ect...\_Thus, this complaint (summons Exhibit 2) against the GLA Corporation and eight Directors is allowed under this statute, & under various others: §35-2-436 MCA,35-2-416 MCA, 35-2-418, 35-2-435, or 35-2-436, ect...
- 4) As proof, GLA Defendants’ misconduct has been asserted for all seven claims for relief in the Complaint, which says GLA Inc. & all eight named GLA Directors have been in “breach of duty of loyalty to the Corporation or its members\*”; 2. For acts or omissions not in good faith\* or that involve intentional misconduct or a knowing

violation of law; 3. For a transaction from which a director derived an improper personal economic benefit” (GLA Art. VIII cited above for all seven claims for relief).

- 5) Finally, In their motion BRIEF page 4, GLA falsely states that sanctions “attorney fees and costs” against Plaintiff–Christal O’Connell “are appropriate given the illegitimate Summons and the attempt to circumvent ongoing litigation in DV-11-114.” However, DV-11-114 June 2016 Court Order dismissed a complaint “against Daniel and Valery O’Connell”); which prior suit has nothing to do with the Plaintiff–Christal O’Connell. In fact GLA admit Christal was NOT a party to that lawsuit nor to the Defendants’ counterclaim pending. Also regarding what GLA call a “illegitimate Summons,” attached Exhibit 2 shows on December 14th the Deputy Clerk of District Court–Molly issued nine total proper “corrected summons” for GLA Corporation and for eight named GLA Directors. Note that Christal O’Connell was asked by Deputy–Molly to withdraw a prior summons Molly had issued for numerous mistakes made. Thus, GLA failure to cite these facts, failure to mention Exhibit 2–nine Summons, instead demand sanctions after misleading this court to claim that somehow these paction by Molly & Plaintiff were deliberate “illegitimate Summons,” or else to claim Plaintiff is to blame for the Deputy Clerk actions; these are all outrageous lies, or else irresponsible negligent claims on the part for GLA attorney from Brown Law Firm.

### **CONCLUSION**

Therefore due to these extenuating circumstances above, especially since Defendants’ brief written by Brown Law Firm appears to have deliberately lied to this court, this

Brief in Support Of Motion To Dismiss" is just and warranted as is a forthcoming request for sanctions against GLA Brown Law for deliberately lying to this court.

Respectfully submitted this ~~2~~<sup>5</sup>th day of January, 2017,

By: Christal O'Connell  
Christal O'Connell

**Certificate of Service**

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

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

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

By: Christal O'Connell  
Christal O'Connell

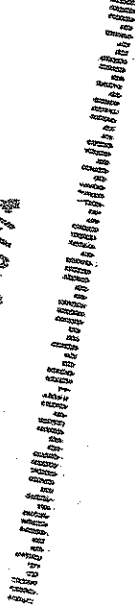
Exhibit 1

Brown Law Firm, P.C.  
315 North 24<sup>th</sup> Street  
P.O. Box 849  
Billings, MT 59103-0849

**First Class**

000077 T590272010-1C16  
O'CONNELL,  
PO BOX 774  
CAYUCOS CA 93430-0774

12/28/16



Christal O'Connell  
P.O. Box 77  
Emigrant, MT 59027  
CFS

**Mail**

U.S. POSTAGE PITNEY BOWES  
ZIP 59103 \$002.62  
02 1M  
0001388354 DEC 21 2016

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

Christal O'Connell, )  
as a member(s) of )  
Glastonbury Landowners Association. )

Plaintiff(s), )

v. )

Glastonbury Landowners Association, Inc. )  
& current GLA Board of Directors as follow: )  
Charlotte Mizzi, Ed Dobrowski, Mark Seaver, )  
Rudy Parker, Paul Ranttalo, Charlene Murphy, )  
Dan Kehoe, Gerald Dubiel. )

Defendant(s) )

Cause No. DV-16-188

Hon. Brenda Gilbert

**SUMMONS  
(CORRECTED)**

**THE STATE OF MONTANA**

**SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS:**

You, the Glastonbury Landowners Association, Inc. (GLA) (all Directors for and on behalf of the Glastonbury Landowners Association, Inc.); all Defendant(s), are all hereby directed to answer the 2016 COMPLAINT, and Demands in this action which is filed in the office of the clerk of this court, a copy of which is wherewith served upon you, and file your answer and serve a copy thereof upon the Plaintiff or the Plaintiffs attorney within twenty (21) days after the service of this summons, exclusive of the day of service; TAKE NOTICE that in case of your failure to appear and answer the COMPLAINT and demands, a judgement will be taken against you by default for the relief prayed for in the petition and demands therein.

WITNESS my hand and seal of said court this 14 day of DECEMBER, 2016.



JUNE LITTLE  
Clerk of District Court

Mally Brachery Deputy

Exhibit 2



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

Christal O'Connell, )  
 as a member(s) of )  
 Glastonbury Landowners Association. )

Plaintiff(s), )  
 v. )

Glastonbury Landowners Association, Inc. )  
 & current GLA Board of Directors as follow: )  
 Charlotte Mizzi, Ed Dobrowski, Mark Seaver, )  
 Rudy Parker, Paul Ranttalo, Charlene Murphy, )  
 Dan Kehoe, Gerald Dubiel. )

Defendant(s) )

Cause No. DV-16-188

*Hon. Brenda Gillett*

**SUMMONS  
 (CORRECTED)**

THE STATE OF MONTANA

SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS:

You, Ed Dobrowski, (Director(s) for and on behalf of the Glastonbury Landowners Association, Inc.); Defendant(s), are all hereby directed to answer the 2016 COMPLAINT, and Demands in this action which is filed in the office of the clerk of this court, a copy of which is wherewith served upon you, and file your answer and serve a copy thereof upon the Plaintiff or the Plaintiffs attorney within twenty (21) days after the service of this summons, exclusive of the day of service; TAKE NOTICE that in case of your failure to appear and answer the COMPLAINT and demands, a judgement will be taken against you by default for the relief prayed for in the petition and demands therein.

WITNESS my hand and seal of said court this 14 day of DECEMBER, 2016.

JUNE LITTLE

Clerk of District Court

*Melissa Bradberry* Deputy



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

Christal O'Connell, )  
as a member(s) of )  
Glastonbury Landowners Association. )

Plaintiff(s), )

v. )

Glastonbury Landowners Association, Inc. )  
& current GLA Board of Directors as follow: )  
Charlotte Mizzi, Ed Dobrowski, Mark Seaver, )  
Rudy Parker, Paul Ranttalo, Charlene Murphy, )  
Dan Kehoe, Gerald Dubiel. )

Defendant(s) )

Cause No. DV-16-188

Hon Brenda Gilbert

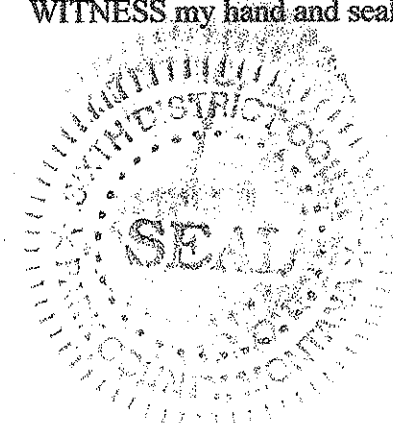
**SUMMONS  
(CORRECTED)**

THE STATE OF MONTANA

SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS:

You, Paul Ranttalo, (Director(s) for and on behalf of the Glastonbury Landowners Association, Inc.); Defendant(s), are all hereby directed to answer the 2016 COMPLAINT, and Demands in this action which is filed in the office of the clerk of this court, a copy of which is herewith served upon you, and file your answer and serve a copy thereof upon the Plaintiff or the Plaintiffs attorney within twenty (21) days after the service of this summons, exclusive of the day of service; TAKE NOTICE that in case of your failure to appear and answer the COMPLAINT and demands, a judgement will be taken against you by default for the relief prayed for in the petition and demands therein.

WITNESS my hand and seal of said court this 14 day of DECEMBER, 2016.



JUNE LITTLE  
Clerk of District Court

Molly Braclenny Deputy

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

Christal O'Connell, )  
as a member(s) of )  
Glastonbury Landowners Association. )

Plaintiff(s), )

v. )

Glastonbury Landowners Association, Inc. )  
& current GLA Board of Directors as follow: )  
Charlotte Mizzi, Ed Dobrowski, Mark Seaver, )  
Rudy Parker, Paul Ranttalo, Charlene Murphy, )  
Dan Kehoe, Gerald Dubiel. )

Defendant(s) )

Cause No. DV-16-188

*Hen Brenda Gilbert*

**SUMMONS  
(CORRECTED)**

THE STATE OF MONTANA

SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS:

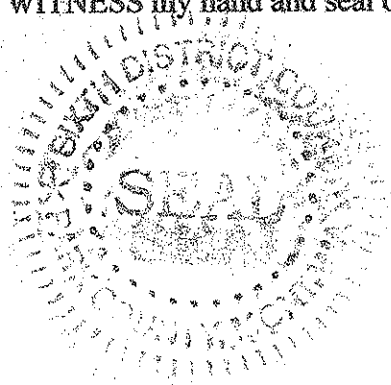
You, Charlene Murphy, (Director(s) for and on behalf of the Glastonbury Landowners Association, Inc.); Defendant(s), are all hereby directed to answer the 2016 COMPLAINT, and Demands in this action which is filed in the office of the clerk of this court, a copy of which is wherewith served upon you, and file your answer and serve a copy thereof upon the Plaintiff or the Plaintiffs attorney within twenty (21) days after the service of this summons, exclusive of the day of service; TAKE NOTICE that in case of your failure to appear and answer the COMPLAINT and demands, a judgement will be taken against you by default for the relief prayed for in the petition and demands therein.

WITNESS my hand and seal of said court this 14 day of DECEMBER, 2016.

JUNE LITTLE

Clerk of District Court

*Milly Brackley* Deputy



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

Christal O'Connell, )  
as a member(s) of )  
Glastonbury Landowners Association. )

Plaintiff(s), )

v. )

Glastonbury Landowners Association, Inc. )  
& current GLA Board of Directors as follow: )  
Charlotte Mizzi, Ed Dobrowski, Mark Seaver, )  
Rudy Parker, Paul Ranttalo, Charlene Murphy, )  
Dan Kehoe, Gerald Dubiel. )

Defendant(s) )

Cause No. DV-16-188

*Hon Brenda Gilbert*

**SUMMONS  
(CORRECTED)**

THE STATE OF MONTANA

SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS:

You, Rudy Parker, (Director(s) for and on behalf of the Glastonbury Landowners Association, Inc.); Defendant(s), are all hereby directed to answer the 2016 COMPLAINT, and Demands in this action which is filed in the office of the clerk of this court, a copy of which is wherewith served upon you, and file your answer and serve a copy thereof upon the Plaintiff or the Plaintiffs attorney within twenty (21) days after the service of this summons, exclusive of the day of service; TAKE NOTICE that in case of your failure to appear and answer the COMPLAINT and demands, a judgement will be taken against you by default for the relief prayed for in the petition and demands therein.

WITNESS my hand and seal of said court this 14 day of DECEMBER, 2016.

JUNE LITTLE

Clerk of District Court

*Molly Bradlee* Deputy



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

Christal O'Connell, )  
as a member(s) of )  
Glastonbury Landowners Association. )

Plaintiff(s), )

v. )

Glastonbury Landowners Association, Inc. )  
& current GLA Board of Directors as follow: )  
Charlotte Mizzi, Ed Dobrowski, Mark Seaver, )  
Rudy Parker, Paul Ranttaalo, Charlene Murphy, )  
Dan Kehoe, Gerald Dubiel. )

Defendant(s) )

Cause No. DV-16-188

*Heather Gilbert*

**SUMMONS  
(CORRECTED)**

**THE STATE OF MONTANA**

**SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS:**

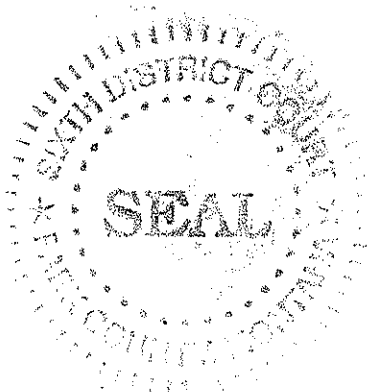
You, Mark Seaver, (Director(s) for and on behalf of the Glastonbury Landowners Association, Inc.); Defendant(s), are all hereby directed to answer the **2016 COMPLAINT**, and Demands in this action which is filed in the office of the clerk of this court, a copy of which is wherewith served upon you, and file your answer and serve a copy thereof upon the Plaintiff or the Plaintiffs attorney within twenty (21) days after the service of this summons, exclusive of the day of service; **TAKE NOTICE** that in case of your failure to appear and answer the COMPLAINT and demands, a judgement will be taken against you by default for the relief prayed for in the petition and demands therein.

WITNESS my hand and seal of said court this 14 day of DECEMBER, 2016.

JUNE LITTLE

Clerk of District Court

*Molly Braelburg* Deputy



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

Christal O'Connell, )  
as a member(s) of )  
Glastonbury Landowners Association. )

Plaintiff(s), )

v. )

Glastonbury Landowners Association, Inc. )  
& current GLA Board of Directors as follow: )  
Charlotte Mizzi, Ed Dobrowski, Mark Seaver, )  
Rudy Parker, Paul Ranttalo, Charlene Murphy, )  
Dan Kehoe, Gerald Dubiel. )

Defendant(s) )

Cause No. DV-16-188

Hon. Brenda Carlbert

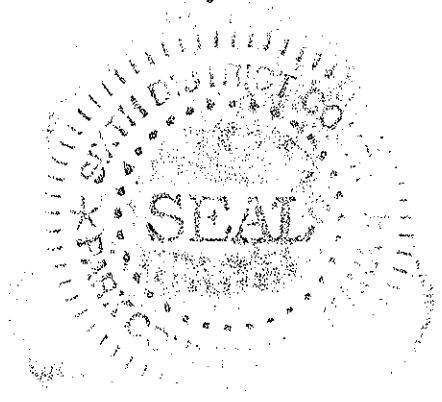
**SUMMONS  
(CORRECTED)**

THE STATE OF MONTANA

SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS:

You, Dan Kehoe, (Director(s) for and on behalf of the Glastonbury Landowners Association, Inc.); Defendant(s), are all hereby directed to answer the 2016 COMPLAINT, and Demands in this action which is filed in the office of the clerk of this court, a copy of which is herewith served upon you, and file your answer and serve a copy thereof upon the Plaintiff or the Plaintiffs attorney within twenty (21) days after the service of this summons, exclusive of the day of service; TAKE NOTICE that in case of your failure to appear and answer the COMPLAINT and demands, a judgement will be taken against you by default for the relief prayed for in the petition and demands therein.

WITNESS my hand and seal of said court this 14 day of ~~DECEMBER~~ JUNE 2016.



Clerk of District Court

Molly Braalberg Deputy

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

Christal O'Connell, )  
as a member(s) of )  
Glastonbury Landowners Association. )

Plaintiff(s), )

v. )

Glastonbury Landowners Association, Inc. )  
& current GLA Board of Directors as follow: )  
Charlotte Mizzi, Ed Dobrowski, Mark Seaver, )  
Rudy Parker, Paul Ranttalo, Charlene Murphy, )  
Dan Kehoe, Gerald Dubiel. )

Defendant(s) )

Cause No. DV-16-188

Van Brenda Gilbert

**SUMMONS  
(CORRECTED)**

THE STATE OF MONTANA

SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS:

You, **Gerald Dubiel**, (Director(s) for and on behalf of the Glastonbury Landowners Association, Inc.); Defendant(s), are all hereby directed to answer the **2016 COMPLAINT**, and Demands in this action which is filed in the office of the clerk of this court, a copy of which is herewith served upon you, and file your answer and serve a copy thereof upon the Plaintiff or the Plaintiffs attorney within twenty (21) days after the service of this summons, exclusive of the day of service; **TAKE NOTICE** that in case of your failure to appear and answer the **COMPLAINT** and demands, a judgement will be taken against you by default for the relief prayed for in the petition and demands therein.

WITNESS my hand and seal of said court this 14 day of DECEMBER, 2016.



JUNE LITTLE  
Clerk of District Court

Melby Bradberry Deputy

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

Christal O'Connell, )  
as a member(s) of )  
Glastonbury Landowners Association. )

Plaintiff(s), )

v. )

Glastonbury Landowners Association, Inc. )  
& current GLA Board of Directors as follow: )  
Charlotte Mizzi, Ed Dobrowski, Mark Seaver, )  
Rudy Parker, Paul Rantala, Charlene Murphy, )  
Dan Kehoe, Gerald Dubiel. )

Defendant(s) )

Cause No. DV-16-188

*Hon. Brenda Gilbert*

**SUMMONS  
(CORRECTED)**

**THE STATE OF MONTANA**

**SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS:**

You, **Charlotte Mizzi**, (Director(s) for and on behalf of the Glastonbury Landowners Association, Inc.); Defendant(s), are all hereby directed to answer the **2016 COMPLAINT**, and Demands in this action which is filed in the office of the clerk of this court, a copy of which is wherewith served upon you, and file your answer and serve a copy thereof upon the Plaintiff or the Plaintiffs attorney within twenty (21) days after the service of this summons, exclusive of the day of service; **TAKE NOTICE** that in case of your failure to appear and answer the **COMPLAINT** and demands, a judgement will be taken against you by default for the relief prayed for in the petition and demands therein.

WITNESS my hand and seal of said court this 14 day of DECEMBER, 2016.

**JUNE LITTLE**

Clerk of District Court

*Molly Brackberry* Deputy

