

Daniel & Val O'Connell  
P.O. Box 77  
Emigrant, Mt. 59027  
406-577-6339

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),	)	Cause No. DV-11-114
	)	
v.	)	
	)	
Glastonbury Landowners Association, Inc.	)	
& current GLA Board of Directors	)	
	)	
Defendant(s)	)	

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**AFFIDAVIT IN SUPPORT OF MOTION TO STRIKE/DISREGARD DEFENDANT ALLEN'S AFFIDAVIT**

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STATE OF MONTANA )  
:SS  
County of Park )

Plaintiff(s) Daniel and Valery O'Connell, on our oath depose and state to the best of our knowledge & belief, information herein is true, correct, & complete, as follows:

- (a) We are both over the age of 18, of sound mind to lawfully file this affidavit having personal knowledge of such matters: including Plaintiffs first hand competent evidence attached to the pleading concluding Defendants' attorney fees and costs are NOT reasonable & contrary to Orders.
- (b) Evidence disproving GLA/Allen affidavit, paragraph 3 are found within Plaintiffs motion section A as a true account of the facts therein.
- (c) Evidence disproving GLA/Allen affidavit, paragraph 4 are found within Plaintiffs motion section B as a true account of the facts therein.
- (d) Evidence disproving GLA/Allen affidavit, paragraph 5 are found within Plaintiffs motion section C as a true account of the facts therein.
- (e) Evidence disproving GLA/Allen affidavit, paragraph 6 are found within Plaintiffs motion section D as a true account of the facts therein.
- (f) Evidence disproving GLA/Allen affidavit, paragraph 7 & 14 are found within Plaintiffs motion E section A as a true account of the facts therein.

- (g) Evidence disproving GLA/Allen affidavit, paragraph 8 are found within Plaintiffs motion section F as a true account of the facts therein.
- (h) Evidence disproving GLA/Allen affidavit, paragraph 12 &13 are found within Plaintiffs motion section G as a true account of the facts therein.
- (i) Evidence within Plaintiffs motion section H as a true account of the facts therein support complaint claim #3.

FURTHER AFFIANT SAYETH NAUGHT. Dated May 7th, 2015.

Signed \_\_\_\_\_  
Daniel O'Connell

Signed: \_\_\_\_\_  
Valery O'Connell

State of Montana )

ss.

County of \_\_\_\_\_ )

Signed and sworn to before me on \_\_\_\_\_, 2014.

(SEAL)

# Angelis Design

P.O. Box 333  
Emigrant, MT 59027  
(406) 333-9081

## INVOICE

Purchase Order No.	Date 8/16/12	Invoice No. 2317
--------------------	-----------------	---------------------

TO:

SHIP TO:

Glastonbury Landowners Association

Same

PO Box 1862

Bozeman, MT 59771

Description	Cost
<b>Handling Document Request for July 2012</b>  (C00-2) 3 hrs. - Document Request from O'Connells - Compile, review and prepare for attorney: Draft Assessment Policy, 2012 Meeting Minutes, Membership Lists, Erickson draft agreements, Management Agreement, Confidentiality Agreements, Conflict of Interest Statements.	\$60.00

Thank-you!

Subtotal	\$60.00
Amount Paid	0
Amount Due	\$60.00

"Exhibit 01"

October 4, 2012 3:11 PM  
Hide Details

Alanah Griffith  
To: me too, Alyssa Allen  
Cc: Richard Bolen  
Reply-To: alanah@papegriffithlaw.com  
Various issues

ar Daniel and Val:

ave attached a few different documents for your review. Please note that the GLA has decided to represent them in the newest lawsuit and on all other legal matters regarding the Association. Therefore, please send all legal comments and questions from this date forward. Thank you.

a Board requested that I contact you regarding a few pending issues. Because of the time sensitive nature of these matters, email was deemed to be an appropriate method of communicating with you.  
a first issue, and most time sensitive, are your proposed Biographies and Statements that you would like the Board to send out to the membership. The Board would be happy to send these out as written. However, after fact checking the statements (which is the case for all statements), we found some potential errors and misstatements in them. I have attached the Board's concerns. You may re-draft your position statements should you choose to do so. Because the Board must send out your statements by October 10th, the Board must receive any re-draft by October 8th. If a re-draft is not received by October 8th, then the Statements will be mailed as is. Please note that should the Statements remain the same, the Board will include a disclaimer regarding the accuracy of the statements. Furthermore, with regard to any statement that was included in the settled case, the Board will include its own statement regarding the fact that the matter was settled and the status quo cannot be challenged.

h regard to your recent request for the check details (receipts) and other documents the Board is happy to make those available to you. Of course, pursuant to Montana law, you will have to pay for the cost the Board incurs for procuring such information. Furthermore, it has come to my attention that the Board has not yet billed you for their cost on collecting the Draft Assessment Policy, Meeting Minutes, Membership Lists, Drafts of Erickson Agreement, Mirmick Management Agreement, Board Confidentiality Agreements and Board Conflict of Interest Statements for you in July. It is my understanding that these documents were not part of the pending litigation in July. As you can see from the invoice to the Board, the Board paid \$60.00 to collect those documents. The Board has paid that amount. Pursuant to Montana law, you owe the Board \$60.00 for procuring those documents. Please send the Board a check for that amount. The Board has sent a request for its management company to procure the check details and other documents. Once they are collected, they will be available for you upon payment of this invoice, and the invoice generated regarding your request for the check details and other documents. Please note, with your request for the minutes of the private meeting(s), the information is protected by attorney-client privilege. It will take a fairly significant time to redact the document(s). If you want to withdraw your request, then we understand. Once both invoices are paid, you will receive the requested documents.

h regard to where you send your assessments and all non-legal written communications, please send them to GLA, P.O. Box 1862, Bozeman, MT 59771. If they are not sent to this address, it may cause a delay in a response or having your assessments credited to your account. I have attached the July 2012 newsletter with the new contact information.

arding your request to be placed on the agenda at the annual meeting, based on the bylaws, you are already on the agenda. Therefore, another request is not necessary. The by-laws specifically set forth how the annual meeting is to be run. There are two parts to the meeting in which you may address the community. One is when you are allowed to discuss your platform for running for the Board with the community. The second is during public comment. I believe anything can be addressed in public comment. The Board, of course, may limit the time for comment in order to ensure that the meeting ends at the reasonable time. If you would like to present something for a vote, the annual meeting is not the appropriate way to address this. That would take a special meeting called by the Board or a percentage of the membership. If you and other members have a resolution to address, the Board would be happy to address it in a special meeting, duly called by the membership.

ank you for your consideration. I am in receipt of your third lawsuit. I will be filing an answer on behalf of the Board.

nah Griffith  
pe & Griffith PLLC  
alanah Griffith  
34 N. 15th St., Suite 4  
Bozeman, MT 59715  
(406) 522-0014  
(406) 585-2633

mail correspondence is not always confidential. If you wish to discuss sensitive or confidential matters, it is best to do so by telephone or in person.

Exhibit 02

From: Alanah Griffith alanah@papegriffithlaw.com  
Subject: Various Issues  
Date: October 4, 2012 at 3:11 PM  
To: Daniel O'Connell dko@mac.com, Alyssa Allen alyssa@imt.net  
Cc: Richard Bolen RICHBOLENA@aol.com

Dear Daniel and Ali:

I have attached a few efficient documents for your review. Please note that the GLA has decided to make me to represent them in the revised lawsuit and on all other legal matters regarding the Association. Therefore, please send all legal concerns and questions to me from the site forward. Thank you.

The Board requested that I outline my regarding a few pending issues. Because of the time sensitive nature of these matters, email was deemed to be an appropriate method of communicating with you. The first issue, and most time sensitive, are your proposed Bylaws and amendments that you would like the Board to send out to the membership. The Board would be happy to send these out as well. However, after last attending the statements which I am to do at the meeting, we found some potential errors and misstatements in them. I have attached the Board's concerns. You may need your position statements should you choose to do so. Because the Board made an error and did not send out the Bylaws, I would like to see the final Bylaws and amendments. Please send them to me as soon as possible. The Board has also included in one statement regarding the fact that the matter was never on the status quo cannot be challenged.

With regard to your recent request for the check details (receipts) and other documents the Board is happy to make those available to you. Of course, pursuant to Member's Law, you will have to pay for their cost on copying the check, Assessment Policy, Meeting Minutes, Membership List, Drafts of Bylaws, Assessment Policy, Management Agreement, Agency Management Agreement, Board Confidentiality Agreement, and the Charter of the Association. The Board has also included in one statement regarding the fact that the matter was never on the status quo cannot be challenged. You may need your position statements should you choose to do so. Because the Board made an error and did not send out the Bylaws, I would like to see the final Bylaws and amendments. Please send them to me as soon as possible. The Board has also included in one statement regarding the fact that the matter was never on the status quo cannot be challenged.

With regard to where you send your assessments and all non-paid within communications, please send them to GLA, P.O. Box 1489, Bozeman, MT 59711. If they are not sent to this address, it may cause a delay in a response or having your assessments credited to your account. I have attached the July 2012 (available) with the new contact information.

Regarding your request to be elected as the agent at the annual meeting based on the bylaws, you are already on the agent. Therefore, another request is not necessary. This by-law specifically set forth how the annual meeting is to be run. There are two parts of the meeting in which you may address the community. One is when you are allowed to discuss your position for success for the Board with the membership. The other is when you are allowed to discuss your position for success for the Board with the membership. If you are able to make a motion to address the Board or a percentage of the membership, it would take a special meeting which allow by the Board or a percentage of the membership. If you are able to make a motion to address the Board or a percentage of the membership, it would take a special meeting which allow by the Board or a percentage of the membership.

Thank you for your consideration. I am in receipt of your kind invoice. I will be filing an answer on behalf of the Board.

Alanah Griffith

Pape & Griffith PLLC  
Alanah Griffith  
1300 N. 24th St., Suite 4  
Bozeman, MT 59717  
(406) 527-9814  
Fax: (406) 585-2633

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This e-mail contains information that may be attorney-client privileged. If you are not the intended recipient, please delete this e-mail from your computer system as soon as possible. Thank you.

Angie's Design  
1100 N. 24th St., Suite 4  
Bozeman, MT 59717  
(406) 527-9814

Meeting Documents Request for July 2012  
1100 N. 24th St., Suite 4  
Bozeman, MT 59717  
(406) 527-9814

Meeting Documents Request for July 2012  
1100 N. 24th St., Suite 4  
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## Glastonbury Landowners Association Newsletter - July 2012

### HOA Management Fee Period

The Board and Association are pleased to announce that the HOA Management Fee Period for July 2012 is now complete. The Board, of course, has the honor of addressing the members on this important matter. The Board has also included in one statement regarding the fact that the matter was never on the status quo cannot be challenged.

The Board has also included in one statement regarding the fact that the matter was never on the status quo cannot be challenged. You may need your position statements should you choose to do so. Because the Board made an error and did not send out the Bylaws, I would like to see the final Bylaws and amendments. Please send them to me as soon as possible. The Board has also included in one statement regarding the fact that the matter was never on the status quo cannot be challenged.

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Description	Cost
Meeting Documents Request for July 2012	\$40.00
1100 N. 24th St., Suite 4 Bozeman, MT 59717 (406) 527-9814	

With regard to where you send your assessments and all non-paid within communications, please send them to GLA, P.O. Box 1489, Bozeman, MT 59711. If they are not sent to this address, it may cause a delay in a response or having your assessments credited to your account. I have attached the July 2012 (available) with the new contact information.

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Thank you for your consideration. I am in receipt of your kind invoice. I will be filing an answer on behalf of the Board.

Alanah Griffith

Pape & Griffith PLLC  
Alanah Griffith  
1300 N. 24th St., Suite 4  
Bozeman, MT 59717  
(406) 527-9814  
Fax: (406) 585-2633

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Description	Cost
Meeting Documents Request for July 2012	\$40.00
1100 N. 24th St., Suite 4 Bozeman, MT 59717 (406) 527-9814	

Page 1 of 1

Statement	\$50.00
Amount Paid	0
Amount Due	\$50.00

The following information is provided for your information. It is not intended to constitute an offer or recommendation to purchase any securities. The information is provided for your information only and should not be relied upon as a basis for investment decisions. The information is provided for your information only and should not be relied upon as a basis for investment decisions. The information is provided for your information only and should not be relied upon as a basis for investment decisions.

The following information is provided for your information.

From: **Val O'Connell** valoc@mac.com  
Subject: **Final request Re: Written request for GLA minutes/documents**  
Date: **December 27, 2012 at 1:46 PM**  
To: **GLA Board** gla Board, scunningham@brownfirm.com  
Cc: mheringer@brownfirm.com

To: **GLA Board**  
From: **Dan & Val O'Connell**  
Date: **Dec. 27, 2012**

This is one of many requests for GLA documents since July 2012. You, the GLA Board and representatives, have continued to ignore and refuse our three written and 5 verbal requests for GLA documents. Thus you the GLA Board are in violation of the Aug. 2012 settlement agreement and also applicable state statutes such as below §35-2-907 below .

Such document copies requested now include:

- \* All GLA Board meeting and committee meeting minutes since April 2012.
- \* All GLA private meeting minutes and agendas since April 2012
- \* All documents approved by the Board since August, including all contractor/employee agreements with the GLA
- \* Including the amended Minnick contract (as reviewed and approved by the Board Dec.17, 2012)
- \* Copies of all GLA receipts and expenditures for the last 3 years- including so called monthly "GLA check details"

O'Connells agree to pay the going copy rate of 10¢ per page in exchange for such document copies. Such documents are due now, but no later than Jan. 3rd, 2013 to avoid yet another legal action.

Sincerely,  
Dan & Val O'Connell  
PO Box 77  
Emigrant, Mt. 59027  
406-577-6339  
[valoc@mac.com](mailto:valoc@mac.com)

On Jul 10, 2012, at 1:33 AM, Daniel OConnell <[diko@me.com](mailto:diko@me.com)> wrote:

Rick and GLA,

In your July 9th e-mail to us you said;

"Finally, I believe the Board is in the process of assembling the materials you recently requested, even though you still have not described with reasonable particularity the purpose for which you have requested them. Simply stating that you have the right as GLA members to inspect the documents, and that you are simply concerned about the matters addressed therein, does not fulfill the requirements of the statute."

We disagree with your conclusions in your July 9th email. Also, waiting almost two months for any documents is an unexcept-able delay. If you delay again for more five business days without a proper excuse, then there will be another lawsuit per Montana law 35-2-907(2) and 35-2-906(5) and the sections and statutes therein where applicable. NOTE: These statutes allow for 5 business days notice to be given from the time we wish to view and copy.

But to reiterate, tonight at the July 9th GLA Board meeting, we requested to view and copy the minutes that were available in Nacierio's corporate minute book she said she brings to meetings. We were denied this right that your own clients swore was allowed in their May deposition at meetings. If it happens again then were will consider that Nacierio perjured herself.

Richard Bolen said tonight all request are to go to you for approval by you, Rick. Here is our written request notice:

Your clients have 5 business days, which is until the 17th, to allow us to view and copy:

1. the GLA Board meeting minutes from April 23rd, 2012, May 14, 2012, and June 18th, 2012 (minutes approved tonight without almost no change).
2. We also request GLA Board private meeting minutes and agendas held on these same days April 23rd, 2012, May 14, 2012, and June 18th, 2012 (with any legal/confidential information redacted, yet at least a general idea of what was discussed is requested).
3. We also request to view and copy any project review documents and any other documents approved by the Board April 23rd, 2012, May 14, 2012, and June 18th, 2012.

35-2-907 is applicable here and says:

- (3) A member may inspect and copy the records identified in subsection (2) only if:
  - (a) the member's demand is made in good faith and for a proper purpose;
  - (b) the member describes with reasonable particularity the purpose and the records the member desires to inspect; and
  - (c) the records are directly connected with this purpose.
- (4) This section does not affect:
  - (a) the right of a member to inspect records under 35-2-535 or, if the member is in litigation with the corporation. . .

Exhibit 03

Per this statute, our demand for recent minutes is made in good faith and for a proper purpose to know and have a record of what happened at these meetings. We missed most of them and have a hard time hearing and/or recalling everything said at meetings. Such purpose is also to keep a record of actions taken at our Board meetings that effect members. Such minutes are directly connected with these proper purposes.

Sincerely,  
Val O'Connell

On Oct 7, 2012, at 5:02 PM, Val O'Connell <valoc@mac.com> wrote:

Date: evening of Oct. 7, 2012  
From: Daniel and Val O'Connell  
Emailed To: Alannah Griffith, Alyssa Allen, Richard Bolen, Denise Kirk,

To the GLA Board of Directors and legal council named above,

Regarding charges for GLA documents and receipts, your email of Oct. 4th said:

With regard to your recent request for the check details (receipts) and other documents the Board is happy to make those available to you. Of course, pursuant to Montana law, you will have to pay for the cost the Board incurs for procuring such information. Furthermore, it has come to my attention that the Board has not yet billed you for their cost on collecting the Draft Assessment Policy, Meeting Minutes, Membership lists, Drafts of Erickson Agreement, Minnick Management Agreement, Board Confidentiality Agreements and Board Conflict of Interest Statements for you in July. It is my understanding that these documents were not part of the pending litigation in July. As you can see from the Invoice to the Board, the Board paid \$60.00 to collect those documents. The Board has paid that amount. Pursuant to Montana law, you owe the Board \$60.00 for procuring those documents. Please send the Board a check for that amount. The Board has sent a request for its management company to procure the check details and other documents. Once they are collected, they will be available for you upon payment of this invoice, and the invoice generated regarding your request for the check details and other documents. Please note, with your request for the minutes of the private meeting(s), some of the information is protected by attorney-client privilege. It will take a fairly significant time to redact the document(s). If you want to withdraw your request, then we understand. Once both invoices are paid, you will receive the requested documents.

**This GLA statement above is contrary to the following GLA Bylaws and state statutes:**

Bylaw Art. VIII(F) which says, "Notice of Annual Meetings of Members shall be accompanied by the estimated budget of capital and operating expenses for the forthcoming fiscal year prepared by or on behalf of the Board of Directors. The Board may not increase the annual operating expense budget by more than twenty percent (20%) over the preceding year without the approval of the Members. The Board shall cause a copy of a statement to simultaneously be prepared showing receipts and expenditures for the preceding fiscal year. This statement shall be mailed to each Member within thirty (30) days after the end of the fiscal year and presented at the Annual Meeting."

Bylaw Art. VIII (H)" ... In any event, the Association will furnish the Members with a statement of the receipts and expenditures of the Association for each fiscal year."

Bylaw Art. VIII (I) "Inspection of Books. The financial reports and Membership records of the Association shall be available at the principal office of the Association for inspection at reasonable times by any Member" or within 5 business days as 35-2-907, MCA. allows.

These GLA Bylaws above require the GLA to give to all members "receipts and expenditures for the preceding fiscal year." However GLA receipts have never been given to members. Notice this Bylaw above does not require any payment to receive copies of such "receipts and expenditures."

**Thus the O'Connells demand without charge that the GLA mail to all members the (check detail) receipts for the past three years on or before October 10th, 2012 and also present such documents at the annual meetings. Note: the GLA has NO authority to charge members for such copies of documents as "receipts and expenditures" as allowed by these Bylaws.**

Furthermore, the GLA Bylaws allow for members to inspect or copy other member records such as membership lists and minutes.

State statute, 35-2-906. Corporate records says in part, "(4) A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time, 5)...within 2 business days." 35-2-908.MCA further states, "(3) The corporation may impose a reasonable charge, covering the costs of labor and material, for copies of documents provided to the member. The charge may not exceed the estimated cost of production or reproduction of the records."

However the state statutes above only require for such documents only a reasonable charge be imposed not to exceed "reproduction of the records." Also these statutes say such documents must be in a "form capable of conversion into written form within a reasonable time." This means a digital form or written form readily available and indexed so that it does not require hours of research to go find such documents. A reasonable amount to charge for copies of any such member list or minutes should thus be the industry standard of Therefore a reasonable amount to charge for copies of any such member list or minutes should thus be the industry standard of Therefore a reasonable amount to charge for copies of any such member list or minutes should thus be the industry standard of



10 cents per page for such readily available documents.

The O'Connells written requests for Board meeting minutes, including private meeting minutes has not been forthcoming even after 2 1/2 months. Therefore this document request must be fulfilled by Oct. 15th, 2012 or legal action will be warranted in violation of the settlement agreement that allows such documents.

Also note that all documents already received by the O'Connells on or before July 20th were part of the settlement request and proceedings that did not require payment. Therefore any attempt to collect \$60.00 for such documents violates the settlement agreement for case DV-11-193 which states, "Each party shall bear its own attorney's fees and costs."

Sincerely,

Daniel and Val O'Connell  
PO Box 77  
Emigrant, Mt. 59027

From: **Daniel O'Connell** dko@mac.com  
Subject: **Request to Inspect and Copy Documents**  
Date: **May 22, 2012 at 9:44 AM**



To: **Paul Rantallo** paulranttalo@mail.com, **Richard Bolen** richbolen@aol.com, **Sheridan Stenberg** sheridan.stenberg@gmail.com,  
**Laura Boise** lauraboise@glawest.net, **Rich Spallone** richspallone@aol.com, **Sean Halling** seanhalling@hotmail.com,  
**Janet Nacario** Jannac99@aol.com, **Ken haug\_kenneth**@hotmail.com, **Alyssa Allen** alyssa@imt.net, **Gerald Dubiel**  
dubielassociates@yahoo.com, **William Smith** octagon@wispwest.net  
Cc: **Denise Orr Kirk** denise@glawest.net, **Dan&Val O'Connell** dko@mac.com

Dear GLA Board of Directors,

As Members of the GLA, the following written demand is being made per GLA Bylaws and applicable statutes of montana law. You have 5 business days with which to comply.

1. Inspect and copy the Collection Policy and the minutes of the meeting wherein such policy was made. As Members it is our right to know the decisions of our Board. Therefore this request is being made in good faith and for a proper purpose.
2. Inspect and copy the Conflict of Interest Policy of the Directors of the GLA and the minutes of the meeting wherein such policy was made. As Members it is our right to know the decisions of our Board. Therefore this request is being made in good faith and for a proper purpose.
3. Inspect and copy the Non-Disclosure Agreement of the GLA Board and employees/independent contract workers and the minutes of the meeting wherein such policy was made. As Members it is our right to know the decisions of our Board. Therefore this request is being made in good faith and for a proper purpose.
4. Inspect and copy of the minutes of the meeting wherein the Board voted to file a counter-claim in the DV-11-193 case. As Members it is our right to know the decisions of our Board. Therefore this request is being made in good faith and for a proper purpose.

Respectfully,  
Daniel and Valery O'Connell  
P.S. This request is not being made as a litigant but as a Member of the GLA.

cc: mailed May 22, 2012  
TO: GLA  
P.O. Box 312  
Emigrant MT 59027

From: Dan and Val O'Connell  
TO: GLA Board and Brown Law Firm  
Re: 2nd written demand for new

So as not to repeat it, the September 15th Email written document request below is incorporated herein this request as if fully contained herein. As stated below this September 15th document requests is a member request only and as allowed under state law therein. As proof all the documents requested are member documents and not discovery requests nor attempted discovery. That is why this document request states " O'Connells 2014 document requests have nothing to do with discovery for the 114 lawsuit."

Brown Law Firm letter of September 18th attached sole reason to deny such member document request is yet for the sole assumption made and stated that they suspect this is discovery for the 114 case. However, Brown and GLA failed to give any proof of such assumption or claim, and failed to refute our stated proper reasons for this member documents request for the reasons given below.

Furthermore, such further member document request was also agreed by Brown and Alyssa after the July document request was cut short by the church facility suddenly becoming unavailable. We have a recording of this verbal agreement to reschedule and continue that member document request. To continue to deny any and all further member document requests by O'Connells also harms their Board candidacy and ability to fully prepare for the November Board elections and denies their rights under the law cited below and others.

To not allow the below member document requests by **September 23** at the GLA's new office location on Liberty Lane will be considered an unsupported refusal and denial of such member documents for no good cause as grounds for a new litigation claim.

Sincerely,  
Dan and Val O'Connell  
PO Box 77  
Emigrant, Mt. 59027

On Sep 15, 2014, at 6:54 PM, Daniel OConnell <[dko@mac.com](mailto:dko@mac.com)> wrote:

Date: September 15, 2014,  
From: Dan and Val O'Connell  
PO Box 77  
Emigrant, MT. 59027  
To: GLA Board  
Re: 1st Written Demand for new GLA documents AND continued request for documents from 3rd Demand email letter (sent today July 29th, 2014)

To the above parties,

New document requests for

- 1) documents and board email related to Story Ranch Access use of Bradford & Taurus
- 2) Member records privacy policy (proposed & adopted)

O'Connells 2014 document requests have nothing to do with discovery for the 114 lawsuit.

Continued request for documents from 3rd Demand email letter (sent today July 29th, 2014) is for:

- 1) GLA member complaint/suggestion letters to the Board for the last 36 months.
- 2) GLA member account balances &
- 3) GLA Board communications with members.
- 4) GLA payment plans with members.

Note: O'Connell's pending requests for GLA account balances in state law is called "accounting records" and "financial statements;" O'Connell's pending requests for GLA "minutes of [GLA] meetings" is named the same in state law & includes all Board meeting minutes such as confidential Board meetings and Board committee minutes;  
O'Connell's pending requests for GLA communications, & payment plans with members is the same as state laws that allow "resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members."

All these documents are allowed by the following state law for good cause & purpose as O'Connells board candidacy and need for these membership records for our ongoing records to know what our board is doing.

§35-2-906MCA, says in part, "(4) A corporation shall maintain its records in written form or in

another form capable of conversion into written form within a reasonable time. (5) A corporation shall keep a copy of the following records at its principal office or a location from which the records may be recovered within 2 business days:" such records as

"(c) resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members;"

"(d) the minutes of all meetings of members and the records of all actions approved by the members for the past 3 years;"

"(e) the financial statements available to members for the past 3 years under 35-2-911;" and more.

Sincerely,  
Dan and Val O'Connell



From: Daniel O'Connell dko@mac.com  
 Subject: Re: Message from KMBT\_C220  
 Date: November 7, 2014 at 1:16 PM  
 To: Alanah Griffith Alanah@GriffithLawGroup.com  
 Cc: Robert Wallace robhw@wispwest.net, GLA email Box info@glamontana.org, Janice McCann mccanns8@gmail.com, Paul Rantallo pauirantalo@mail.com, Robert Branson robranson@bigsky.net, Gerald Dubiel gpdubiel@yahoo.com, Denise Orr Kirk denisegla@wispwest.net

Alanah,

I wanted to respond separately to something else you said in your letter today. Your letter said, "The Association is unable to provide you a list "before the ballots are counted but after the ballots are cast at the annual election & meeting" so that you can confirm who is in good standing at the time. No such list will exist."

To the contrary this list does exist. In fact, the GLA uses such membership list that has been updated at the annual meeting BEFORE ballots are counted so that they know who paid assessments that day and effects who can vote at the annual meeting. We want the same updated list that the GLA uses to count ballots for this reason.

My prior email today quotes §35-2-535 MCA that allows this and says in part, "(3) The corporation shall make the list of members available at the meeting, and any member, a member's agent, or a member's attorney is entitled to inspect the list at any time during the meeting or any adjournment."

Notice this state law says we are entitled to inspect the list "at any time during the meeting."

Everyone including you should stop thwarting our member document requests. And for your continued denial of all our prior document requests made via email to the Board on July 29th, 2014, September 15th, and September 26, 2014, we may be forced to take necessary legal action. Some of these requests are attached below.

Sincerely,  
 Val with Dan O'Connell

On Sep 26, 2014, at 2:29 PM, Daniel O'Connell <dko@mac.com> wrote:

Date: September 26, 2014  
 From: Dan and Val O'Connell  
 TO: GLA Board and Brown Law Firm  
 Re: 3rd written demand for new GLA documents below AND continued request for documents from 3rd Demand email letter (sent today July 29th, 2014)

The September 15th and September 18th email written document request below is incorporated herein this request as if fully contained herein.

The below September 15th and September 18th member document requests have been ignored by the GLA, yet such documents to members are allowed under state law cited below therein these emails. As proof, all the documents requested are member documents and are not discovery requests nor attempted discovery. That is why all these document request states "O'Connells 2014 document requests have nothing to do with discovery for the 114 lawsuit"

For GLA's refusal to provide these documents to us, O'Connells again make request for these documents 1-4 below for a good cause (O'Connells board candidacy & elections):

Continued request for documents from 3rd Demand email letter (sent today July 29th, 2014) is for:

- 1) GLA member complaint/suggestion letters to the Board for the last 36 months.
- 2) GLA member account balances &
- 3) GLA Board communications with members.
- 4) GLA payment plans with members.
- 5) GLA Board meeting minutes from "closed secessions" for the last 36 months.

For the GLA to continue to deny us members such member documents at the GLA's new office location on Liberty Lane is considered an unsupported refusal and denial of such member documents for no good cause as grounds for a new litigation claim.

Sincerely,  
 Dan and Val O'Connell  
 PO Box 77  
 Emigrant, Mt. 59027

On Sep 18, 2014, at 4:25 PM, Daniel O'Connell <dko@mac.com> wrote:

Date: September 18, 2014