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10 *Glastonbury Landowners*
11 *Association, Inc.*

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

8 DANIEL K. O'CONNELL and VALERY A.
9 O'CONNELL,

10 Plaintiffs,

11 v.

12 GLASTONBURY LANDOWNERS
13 ASSOCIATION, INC. Board of Directors,

14 Defendants.

Cause No.: DV-2011-114
Judge David Cybulski

AFFIDAVIT OF DANIEL KEHOE

15 STATE OF MONTANA)
16 :SS
17 County of Park)

18 Daniel Kehoe, being first duly sworn on his oath deposes and states:

19 1. I am the President of the Glastonbury Landowners Association, Inc. (GLA). I have owned
20 property in Glastonbury South for 27 years. I have served on the board of directors for several terms
21 since 1997 totaling over 8 years.


22 2. On May 18, 2015, the GLA board held a closed session meeting after the regular open
23 meeting. The purpose of the closed session meeting was to discuss confidential matters and seek legal
24 advice in a telephone conference with the GLA's attorney to discuss this litigation. Plaintiffs attended
25 the open meeting and as usual, recorded it. Everyone but the board was asked to leave at the conclusion
26 of the open meeting, and the closed session began.
27
28

1 3. The GLA's attorney called in and was discussing this litigation with the board when Plaintiff
2 Daniel O'Connell reentered the room and disrupted the meeting. He picked up his recording device
3 which, unbeknownst to the board, had been left in the room running. Mr. O'Connell remarked, "I left
4 my phone here, I apologize. I've been recording your whole meeting, too. I am the only one... my wife
5 will probably be the only other person who hears this... I will not publish anything that I hear on this
6 from your private meeting I promise you. You have my word on that." and left the room.

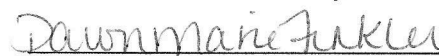
8 4. On May 26, 2015, Plaintiffs posted to their privately run website, www.mygla.org, an article
9 about what was purportedly said during the closed session. The GLA board has not been provided a
10 copy of the recording.

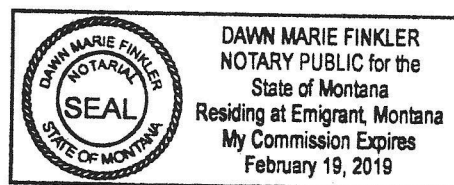
11 Further, affiant sayeth naught.

12 DATED this 27th day of July, 2015.

13
14 
15 Daniel Kehoe

16 SUBSCRIBED AND SWORN to me by Daniel Kehoe on this 27th day of July, 2015.

17 
18 Dawn Marie Finkler



(State of MT
County of Park