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OF DISTRICT COURT

2017 NOV 29 PM 1 38

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BY *Michelle Braelley*  
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1 HON. BRENDA R. GILBERT  
2 District Judge  
3 Sixth Judicial District Court  
4 414 East Callender Street  
5 Livingston, Montana 59047  
6 406-222-4130

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

8 KATHLEEN RAKELA and other members of the )  
9 Glastonbury Landowners Association, )

10 Petitioners, )

11 vs. )

12 BOARD OF DIRECTORS FOR GLASTONBURY )  
13 LANDOWNERS ASSOCIATION, INC. (GLA), )  
14 DENNIE RILEY, DANILE KEHOE, MARK )  
15 SEAVER, RICHARD JOHNSON, CHARLENE )  
16 MURPHY, KEVIN NEWBY, LEO KEELER, and )  
17 Other Does, )

18 Respondents. )

CAUSE No. DV 17-150

**ORDER GRANTING TEMPORARY  
RESTRAINING ORDER AND  
ORDER SETTING HEARING**


19 THE COURT has reviewed Petitioner(s) Motion for Temporary Restraining Order and  
20 Motion to Show Cause Why a Preliminary Injunction Should Not Issue and Declaratory Judgment  
21 Hearing Motion. The Petitioner, Kathleen Rakela, has alleged violations of the Association's rule-  
22 making requirements that would directly impact her rights regarding the December 2, 2017  
23 election. Petitioner Rakela further alleges that an unpaid assessment for her property in North  
24 Glastonbury is being impermissibly used to disqualify her from being on the ballot for election of  
25 Board Members for the South Glastonbury Board of Directors. It appears to the Court that a delay  
26 in granting the relief set forth below would cause immediate and irreparable injury to Petitioner  
27 Rakela before the adverse party or the party's attorney could be heard in opposition. Given that  
28

1 there is insufficient time for service and an opportunity for Respondents to respond prior to the  
2 December 2, 2017 election, and the need to preserve potentially crucial evidence, the Temporary  
3 Restraining Order is entered pursuant to §27-17-315, M.C.A. to enjoin the Respondents pending a  
4 hearing and further Order of the Court.  
5

6 IT IS HEREBY ORDERED AS FOLLOWS:

- 7 1. The GLA annual election now scheduled for December 2, 2017 is hereby postponed  
8 until this matter is resolved by further Order of the Court. The existing Directors' terms  
9 shall be extended pending a later election date.  
10  
11 2. The election ballots already cast for Petitioner Rakela and Marshall Haley shall be  
12 preserved until further Order of the Court.  
13  
14 3. The recordings of GLA Board meetings and Election Committee meetings from August,  
15 2017 through the present shall be preserved until further Order of the Court.  
16  
17 4. A hearing on whether the Court should issue a preliminary injunction shall be held on  
18 **Tuesday, January 2, 2018 at 1:30 p.m.** The hearing shall be **strictly limited to two**  
19 **hours, with each side having one hour in which to present testimony and evidence.**  
20  
21 5. The Petitioner shall be responsible for serving this Order upon the Respondents no later  
22 than five (5) days prior to the hearing.

23 DATED this 29<sup>th</sup> day of November, 2017.

24 

25 BRENDA R. GILBERT, District Judge

26 cc: Kathleen Rakela

27 *Alana Griffith by email + US Mail*

*} wld  
11-29-17  
MB*