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

11 KATHLEEN RAKELA and other members of
12 the Glastonbury Landowners Association,

13 Plaintiffs,

14 vs.

15 GLASTONBURY LANDOWNERS
16 ASSOCIATION, INC. (GLA), DENNIS RILEY,
17 DANIEL KEHOE, MARK SEAVER,
18 RICHARD JOHNSON, CHARLENE MURPHY,
19 KEVIN NEWBY, LEO KEELER and Other
20 Does,

21 Defendants,

Cause No. DV 17-150

Judge Brenda R. Gilbert

**DEFENDANT'S RESPONSE IN OPPOSITION
TO NOTICE OF PERMISSIVE JOINDER:
ADDING VALERY O'CONNELL AS
INVOLUNTARY PLAINTIFF RE: GLA
DEFENDANTS AFFIRMATIVE DEFENSE(S)
AGAINST O'CONNELL**

22 COME NOW Defendants Glastonbury Landowners Association, Inc. (GLA), Dennis Riley,
23 Daniel Kehoe, Mark Seaver, Richard Johnson, Charlene Murphy, Kevin Newby, and Leo Keeler
(hereinafter "Defendants") and submit this response in opposition to the Notice of Permissive Joinder:
Adding Valery O'Connell as Involuntary Plaintiff re: GLA Defendants Affirmative Defense(s) against
O'Connell filed by Valery O'Connell.

1. Valery O'Connell has not shown an asserted right or interest in the action.

Ms. O'Connell's reliance on Mont. R. Civ. P. 19 and 20 is misplaced. Neither of those rules give her a basis for joining this case. Neither does she have a right to intervene under Mont. R. Civ. P. 24 as she has no interest in this action, has not statutory right to intervene, or any claim in that has a common

1 question of law or fact. A person seeking to intervene must make a prima facie showing of a direct,
2 substantial, legally protectable interest in the proceedings and a “mere claim of interest is insufficient to
3 support intervention as a matter of right.” *Loftis v. Loftis*, 255 Mont. 316, ¶ 13, 227 P.3d 1030, 2010 MT
4 49. Ms. O’Connell has failed to make a prima facie showing.

5 She claims the Defendants’ eleventh affirmative defense gives her an interest. That defense reads:

6
7 Plaintiff may be a proxy for Valery O’Connell in violation of the Court’s Order dated May 8,
8 2017, declaring Valery O’Connell a vexatious litigant. Additionally, Ms. O’Connell may be
engaging in the unauthorized practice of law. Def.’s 1st Am. Ans. at 9 (Dec. 28, 2017).

9 That defense asserts no claim against, nor does it give her any interest related to the claims asserted in the
10 Complaint. It asserts that she may have acted in violation of a standing Court Order, as she has represented
11 to the Defendants that she is the one drafting documents filed by Plaintiff Kathleen Rakela.

12
13 The Complaint asserts claims personal to Kathleen Rakela; namely that Ms. Rakela was
14 wrongfully disqualified from the 2017 GLA ballot and that the GLA misapplied Ms. Rakela’s 2016
15 assessments. The Complaint makes no mention of Valery O’Connell, and clearly, she can assert no right
16 in regard to Rakela’s disqualification from the ballot or Rakela’s assessments. She has no interests related
17 to the claims made.

18
19 **2. The Court’s Order of January 3, 2018, already gives Ms. O’Connell adequate
20 opportunity to address the Defendants’ concern.**

21 This Court issued an Order on January 3, 2018, setting a briefing schedule to address the
22 Defendants’ concern as to whether Valery O’Connell has violated the Court’s Order declaring her a
23 vexatious litigant. It gives Ms. O’Connell the opportunity to address the issue before the Court without
24 joining her to the case. This Order sufficiently allows Ms. O’Connell to respond to Defendants’ concern
25 with two briefs.

26
27 The issue raised by Defendants is a narrow one and not related to the claims asserted by Ms.
28 Rakela, except for the fact that Ms. O’Connell claims to be drafting legal documents on her behalf. Ms.

1 Rakela now has counsel, and no doubt Ms. O'Connell's legal help will no longer be required. The Court's
2 Order allows this narrow issue to be addressed in a sufficient and limited manner, and Ms. O'Connell's
3 attempt to intervene as an "involuntary plaintiff" should be denied.

4 DATED this 12th day of January, 2018.

5 BROWN LAW FIRM, P.C.

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7 BY 

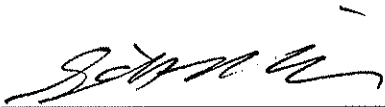
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CERTIFICATE OF SERVICE

This does certify that a true and correct copy of the foregoing was duly served by U.S. mail, postage prepaid, and addressed as follows, this 12th day of January, 2018:

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Jami Rebsom Law Firm, PLLC
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By: 
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