

MAR 28 2018

PARK COUNTY CLERK
OF DISTRICT COURT
JUNE LITTLE

2018 MAR 26 AM 10 55

FILED
BY Gene Lube
DEPUTY

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 Plaintiffs,)

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 Defendants.)

CAUSE No. DV 17-150

**ORDER AFTER HEARING
ON MOTION FOR TEMPORARY
RESTRAINING ORDER**

19 The Court held a hearing on the Temporary Restraining Order on March 23, 2018. The
20 Plaintiff, Kathleen Rakela, was personally present with counsel, Jami Rebsom. The Defendants'
21 representative Charlene Murphy was present and Defendants were represented by counsel, Seth M.
22 Cunningham.

23 Upon review of the testimony and evidence presented at the hearing, and with good cause
24 appearing the Court makes the following Order:

25 1. By Agreement of the parties, an Election shall take place as set forth in Court's Exhibit

26 #1 and herein:

27 Nomination Period: April 2- May 2, 2018
28

1 Nomination materials will be mailed April 2, 2018 and will notify members of these
2 procedures. Nominees must be current on all assessments and not in violation of the
3 Covenants.

4 Ballots and other election materials will be mailed May 12 and are due back by June
5 15, 2018 if the member is voting by absentee ballot.

6 Election Day: June 16, 2018 Emigrant Hall

7 To be eligible to vote, members must be in good standing as of April 30, 2018
8 which is the due date of the second quarterly assessment. This means all
9 assessments, penalties and interest must be postmarked by April 30, 2018 and the
10 member may not be in violation of the Covenants. Nominees must also be in good
11 standing on these same terms for their votes to be counted on the election day.

12 2. All other matters are taken under advisement.

13 3. Counsel shall submit proposed Findings of Fact and Conclusions of Law to the Court,
14 both on paper to the Clerk of Court and in electronic form to the Court Administrator on
15 or before April 13, 2018.

16 DATED this 26th day of March, 2018.

17 
18 BRENDA R. GILBERT, District Judge

19 cc: Jami Rebsom
20 Seth M. Cunningham
21 Court Administrator

} mld
3-26-18
JC

MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

District Court Minutes: Friday, March 23, 2018 @ 10:00 A.M.

KATHLEEN RAKELA, and Other Members
Of the Glastonbury Landowners. Assn.

Plaintiffs,

vs

BOARD OF DIRECTORS FOR
GLASTONBURY LANDOWNERS ASSN
DENNIS RILEY, DANIEL KEHOE,
CHARLENE MURPHY, RICHARD
JOHNSON, KEVIN NEWBY, MARK
SEEVER, LEO KEELER AND OTHER
DOES,

Defendants.

Cause No. DV 2017-150

TEMPORARY PRELIMINARY
INJUNCTION HEARING

A hearing for Temporary Preliminary Injunction Hearing came on this day in the above-entitled cause before the Honorable Brenda R. Gilbert.

10:00 A.M. Counsel for the plaintiffs and the defendants met in Court's Chambers to discuss pre-trial issues.

10:05 A.M. Present in open court were Kathleen Rakela, plaintiff, represented by Jami Rebsom and the defendant's represented by Seth Cunningham. Sandra Hogstad, Court Reporter, was also present.

The Court advised that all witnesses that are not listed as a party are sequestered.

Kathleen Rakela, was duly sworn and testified to the direct examination of Jami Rebsom, plaintiff's proposed exhibit 1, marked, identified, offered, no objection, admitted into evidence, plaintiff's proposed exhibit 2, marked, identified, offered, objection, refused, plaintiff's proposed exhibits 2A, 3A, 4, 10, 11, 13, 15, marked, identified, offered no objection, admitted into evidence, plaintiff's proposed exhibit 29, 30, and 31, marked, identified, offered, objection, admitted into evidence, plaintiff's proposed exhibits 7 and 7-1 marked, identified, offered, no objection, admitted into evidence, plaintiff's proposed exhibit 32 and 33, marked, identified offered, objection, admitted into evidence, plaintiff's proposed exhibits 34 and 35, marked, identified, offered, no objection, admitted into evidence, cross examination by Seth Cunningham, witness excused.

Simon Rudyard Parker, was duly sworn and testified to the direct examination of Jami Rebsom, cross examination by Seth Cunningham, witness excused.

Clare Elizabeth Parker, was duly sworn and testified to the direct examination of Jami Rebsom, cross examination by Seth Cunningham, witness excused.

11:55 A.M. Petitioner rests.


11:56 A. M. Court in recess until 1:30 P.M.

1:30 P.M. Court reconvened with all parties and court officials present as before.

Charlene Murphy, was duly sworn and testified to the direct examination of Seth Cunningham, defendant's proposed exhibit A, marked, identified, offered, no objection, admitted into evidence, cross examination by Jami Rebsom, plaintiff's proposed exhibit 16, marked, identified, offered, no objection, admitted into evidence, re-direct examination by Seth Cunningham, re-cross examination by Jami Rebsom, inquiry by the Court, re-cross examination by Jami Rebsom, witness excused.

Regina Margaret Wunch, was duly sworn and testified to the inquiry of the Court, witness excused.

The Court inquired of counsel regarding the upcoming election and ordered that the election shall take place on June 16, 2018 at Emigrant Hall. The Court will prepare a written order regarding the election and takes the other issues under advisement. The Court grants counsel three weeks to file proposed findings of fact and conclusions of law on the other issues.



JUNE LITTLE
CLERK OF DISTRICT COURT

Copies to: Jami Rebsom
Seth Cunningham

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