

PARK COUNTY CLERK
OF DISTRICT COURT
JUNE LITTLE

2018 MAR 22 PM 3 28

MAR 26 2018

FILED
BY *Mallie Bralley*
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
8 **MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

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

CAUSE No. DV 17-150

11 Plaintiffs,)

12 vs.)

**ORDER CONCERNING
NOTICE OF PERMISSIVE JOINDER**

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

19 Defendants.)

20 Valery O'Connell filed a Notice of Permissive Joinder: Adding Valery O'Connell as
21 Involuntary Plaintiff Re: GLA Defendants Affirmative Defenses Against O'Connell. By this
22 "Notice", Valery O'Connell asserts that she has the right to intervene as a party in this case. Ms.
23 O'Connell's assertion is based upon the Defendants' eleventh affirmative defense, which states,
24 "Plaintiff may be a proxy for Valery O'Connell in violation of the Court's Order dated May 9,
25 2017, declaring Valery O'Connell a vexatious litigant. Additionally, Ms. O'Connell may be
26 engaging in the unauthorized practice of law." (Defendants' First Amended Answer at 9.)

27 Nothing in the Defendants' eleventh affirmative defense, or any other pleading, has
28 operated to give Ms. O'Connell an interest in these proceedings that would serve as the basis for

1 her joinder as a party. The Complaint asserts claims that are specific to the Plaintiff, Ms. Rakela,
2 specifically her claim that she was wrongfully disqualified from the 2017 GLA ballot and that GLA
3 misapplied Ms. Rakela's 2016 assessments.

4 An individual seeking to intervene must make a prima facie showing of a direct,
5 substantial, legally protectable interest in the proceedings and a "mere claim of interest is
6 insufficient to support intervention as a matter of right." *Loftis v. Loftis*, 255 Mont. 316, ¶13, 227
7 P.3d 1030, 2010 MT 49. Ms. O'Connell has failed to make such a prima facie showing.

8 To the extent that Ms. O'Connell takes issue with the GLA's claim that the Plaintiff may
9 be a proxy for Ms. O'Connell in violation of the Court's Order dated May 9, 2017, the Court
10 afforded Ms. O'Connell two briefing opportunities regarding the Defendant's Motion for the Court
11 to Consider Whether This Litigation Violates its Declaration of Valery A. O'Connell as a
12 Vexatious Litigant. Ms. O'Connell filed nothing in response to the Motion, with the exception of a
13 Motion to Set Aside the Court's resulting Order.


14 Based upon the foregoing, good cause exists for entry of the following order:

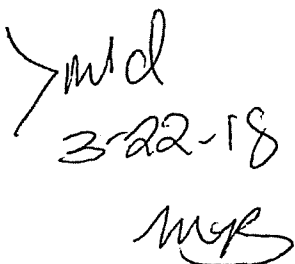
15 **ORDER**

16 1. Valery O'Connell does not have the right to intervene as a party in this case. Ms.
17 O'Connell's Notice of Permissive Joinder is accordingly disregarded by the Court.

18 DATED this 22nd day of March, 2018.

19 
20 BRENDA R. GILBERT, District Judge

21 cc: Jami Rebsome 
22 Seth M. Cunningham
23 Valery A. O'Connell

24 
25 mid
26 3-22-18
27 MJB
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