

APR 19 2018

PARK COUNTY CLERK
OF DISTRICT COURT
JUNE LITTLE

2018 APR 17 AM 8 58

FILED
BY *Molly Buel*
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
9 the Glastonbury Landowners Association,

10 Plaintiffs,

11 vs.

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

18 Defendants.

Cause No. DV 17-150

Judge Brenda R. Gilbert

**ORDER ON PLAINTIFF'S MOTION TO
MODIFY ORDER ON TEMPORARY
RESTRAINING ORDER TO COMPORT
WITH AGREEMENT**

19 Upon review of Plaintiff's Motion to Modify Order on Temporary Restraining Order to Comport
20 with Agreement and Defendant's response in opposition, the Court makes the following Order:

- 21 1. Plaintiff's Motion to Modify Order on Temporary Restraining Order to Comport with
22 Agreement is DENIED.
- 23 2. The Court's Order after Hearing on Motion for Temporary Restraining Order dated March 26,
24 2018 was based directly on Court's Exhibit 1 which contained proposed make-up election
25 timelines and procedures.
- 26 3. The Court offered Plaintiff 10 days to respond to Court's Exhibit 1. Plaintiff's attorney, after
27 consultation with her client, stated "Judge, we're okay with this, these timelines. We don't
28 need ten days."

- 1 4. Based on that representation, the Court issued its Order and Defendants have already expended
2 time and expense complying with it.
- 3 5. Plaintiff has reserved her right to continue to litigate the election procedures she disagrees with
4 in this ongoing action. Plaintiff has not demonstrated that she will be harmed by leaving the
5 Court's original Order in place.
- 6 6. The Court's Order was intended to resolve the issue of having a make-up election for the
7 Glastonbury Landowners Association 2017 annual election, including the petition by other
8 landowners led by Clare Parker. Ms. Parker attended the March 23, 2018 hearing and agreed
9 to abide by the Court's Order.
- 10 7. Allowing her to proceed with a separate election constitutes an undue burden on the
11 Glastonbury Landowners Association.
- 12 8. It is hereby ORDERED, that the make-up election for the Glastonbury Landowners
13 Association 2017 annual election will proceed in accordance with the Court's March 26, 2018
14 Order. Clare Parker and any other Glastonbury Landowners Association members are
15 prohibited from interfering with that process with any other separate petitions for special
16 meetings. Any petitions for special meetings to hold elections are held in abeyance until the
17 June 16, 2018 election is done.

18 DATED this 17th day of April, 2018.

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23 Brenda R. Gilbert
24 Hon. Brenda R. Gilbert
25 District Court Judge

26 cc: Jami Rebsom *me*
27 Seth Cunningham

mlal
4-17-18

MB