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FILED
BY *Molly Bradberry*
DEPUTY

MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

GLASTONBURY LANDOWNERS ASSOCIATION,
INC.

Newman Brozovsky, President
Charlotte Mizzi, Secretary

DV 21-52
PETITION FOR JUDICIAL
RELIEF PURSUANT TO
§35-2-130, M.C.A.

Newman Brozovsky, President, and Charlotte Mizzi, Secretary, on behalf of the
Glastonbury Landowners' Association by and through its attorney, Jenifer Reece files this
Petition for Judicial Relief pursuant to §35-2-130, M.C.A.

PARTIES

1. The Glastonbury Landowners' Association, Inc. ("GLA") is a non-profit corporation in the state of Montana.

ALLEGATIONS TO PETITION

2. Pursuant to the Restated Bylaws of the Glastonbury Landowners' Association, Inc. ("Restated Bylaws") the GLA is required, upon proper notice, to hold an annual meeting. (Restated Bylaws; Art. V, Sec. B. attached hereto as Exhibit A).
3. At such annual meeting, there shall be elected, by ballot of the Members, a Board of Directors pursuant to the Restated Bylaws. (Restated Bylaws, Art. V, Sec. B; Ex. A).

email Petition w/ original exhibits

4. Prior to each annual meeting the Board of Directors shall prescribe the opening date and the closing of a reasonable filing period (nomination period) in which every Member in good standing who has interest in serving as a Director may file as a candidate for any Board or Ombudsman position up for election. ("Restated Bylaws, Art. 6, Sec. C; Ex. A):
5. An annual meeting and was set by the Board of Directors in 2020.
6. The Board of Directors, prior to the scheduled Annual Meeting for 2020, opened a nomination period for members for the open Board of Directors positions.
7. The current Board of Directors include the following individuals:
 - a. Newman Brozovsky
 - b. Charlotte Mizzi
 - c. Aija-Mara Accatino
 - d. Tim Brockett
 - e. Claudette Dirkers
 - f. Ed Dobrowski
 - g. Gerald Dubiel
 - h. Jerry Ladewig
 - i. Andrea Sedlak
 - j. John McAllister
 - k. John Carp - Ombudsman (North)
 - l. Miriam Barker - Ombudsman (South)
8. Due to resignations of two Board Members, the Board of Directors currently consists of ten members.

9. Of the twelve Board Member positions (excluding the ombudsman), eight Board Member positions needed filled at the annual meeting.
10. An annual meeting including an election for the vacant Board of Director positions was scheduled and properly noticed. (See Annual Election Meeting of the Glastonbury Landowners' Association attached as Exhibit B).
11. Nominations for the available Board Member positions were accepted by the administrator for the GLA Board of Directors. (See Nomination Packet, attached as Exhibit C).
12. Though an annual meeting was to be held to elect the necessary Board Members, as of the date of this filing an annual meeting to elect the necessary Board Members has not been held.
13. There is a dispute between the Members of the GLA as to the nomination and election process for the GLA Board of Directors.
14. There is a dispute between the members of the Board of Directors as to the nomination and election process for the GLA Board of Directors.
15. Following the receipt of nominations the GLA Board of Directors at its October 1, 2020 voted to disqualify five nominees.
 - a. The GLA has never previously disqualified any nominee for any reason unless the nominee was not in good standing.
 - b. Current Board Members running for re-election did not abstain from voting and voted in favor of disqualifying nomination.
 - c. As a result of the action of the Board of Directors, the nomination and election process was modified after information was provided to the members of the GLA.

16. Due to the dispute and a grid-lock of the members of the Board of Directors, the Board of Directors at its December 7th, 2020 meeting agreed to let the member landowners of the GLA decide how to proceed with the election allowing them to choose between: (1) continue with election in accordance with the October disqualifications; (2) start the nomination and election process over from the beginning; or (3) continue with the election including all names including those disqualified by the Board of Directors.

a. Despite reaching this agreement at the December Board of Directors Meeting, the Board was then unable to obtain a majority vote to approve materials to send to the members.

17. Two separate Petitions have been filed with the Board of Directors by members of the GLA. The requests included in the Petitions conflict with each other.

18. The first petition, A Members' Petition for Special Meeting ("Members' Petition") was filed with the GLA Board of Directors on December 30, 2020. (Members' Petition for Special Meeting, attached as Exhibit D).

a. The Petition requests that a special meeting be held to complete the election with the GLA Election Ballots that were provided to members in October 2020. (See Members' Petition, Ex. D).

19. The second Petition, A Petition to Request a Special Meeting and Removal of Five Members of the GLA ("Petition for Meeting and Removal") dated December 31, 2020 was filed with the Board of Directors on January 2, 2021. (See Petition to Request a Special Meeting and Removal of Five Members of the GLA, attached as Exhibit E).

- a. The Petition request that five Board Members be removed from office, including Timothy Brockett, Jerry Ludwig, John McAllister, Andrea Sedlak, and Claudette Dirkers.
 - b. The Petition requests that the Board of Directions hold a new election including a new nomination period. (See Petition for Meeting and Removal, Ex. E).
20. There is a dispute between the Members of the Board of Directors as to how to proceed with the election required pursuant to the Restated Bylaws and the Petitions filed with the GLA.
 21. The former head of the election committee, Jerry Ladewig, is in possession of all of the election materials for the GLA and will not return them to the Secretary.
 22. The website director, Tim Brockett, has the login credentials for the GLA website maintained by the Board of Directors and will not provide the login credentials to the Secretary.
 23. The Board of Directors, due to its dispute, has been unable to approve meeting minutes from five meetings of the Board of Director, including August 10, 2020; September 14, 2020, October 1, 2020; October 12, 2020; November 19, 2020; and December 7, 2020.
 24. The Board of Directors is in a grid-lock and is unable to proceed with the annual meeting and election of directors as required by the Restated Bylaws.
 25. The Board of Directors, at the time of this Petition for Judicial Relief, is dysfunctional and is unable to proceed with necessary business at this time.

PETITION FOR JUDICIAL RELIEF

26. Petitioners replead and reincorporate by reference the allegations contained in Paragraphs 1 through 15 of this Petition.

27. Montana Code Annotated §35-2-130 (1) provides as follows:

If for any reason it is impractical or impossible for a corporation to call or conduct a meeting of its members, delegates, or directors or to otherwise obtain their consent, in the manner prescribed by its articles, bylaws, or this chapter, then upon petition of a director, officer, delegate, member, or the attorney general, the state district court for the judicial district in which the principal office is located or, if the principal office is not located in this state, in Lewis and Clark County may order that a meeting be called or that a written ballot or other form of obtaining the vote of members, delegates, or directors be authorized, in the manner the court finds fair and equitable under the circumstances.

28. It is currently impractical and impossible for the GLA to call and conduct its annual meeting for the election of directors due to a deadlock of its Board Members on how to proceed.

29. Pursuant to the Restated Bylaws of the GLA is required, upon proper notice, to hold an annual meeting. (Restated Bylaws; Art. V, Sec. B. attached hereto as Exhibit A).

30. At such annual meeting, there shall be elected, by ballot of the Members, a Board of Directors pursuant to the Restated Bylaws. (Restated Bylaws, Art. V, Sec. B; Ex. A).

31. Prior to each annual meeting the Board of Directors shall prescribe the opening date and the closing of a reasonable filing period in which every Member in good standing who has interest in serving as a Director may file as a candidate for any Board or Ombudsman position up for election. ("Restated Bylaws, Art. 6, Sec. C; Ex. A).

32. Upon this Petition the Sixth Judicial District Court may properly order that an annual meeting be called or that a written ballot or other form of obtaining the vote of the members.

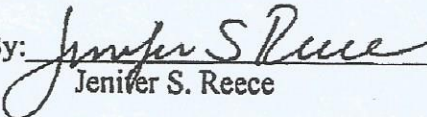
REQUESTED FOR RELIEF

WHEREFORE, having set forth this Petition, Petitioners pray for judgment as follows:

1. For the Court to grant this Petition for Judicial Relief pursuant to Montana Code Annotated §35-2-130 (1);
2. For an Order providing as follows:
 - a. Set the annual meeting date for the GLA;
 - b. Prescribe the opening date and the closing of a reasonable filing period in which every Member in good standing who has interest in serving as a Director may file as a candidate for any Board or Ombudsman position up for election. ("Restated Bylaws, Art. 6, Sec. C);
 - c. Provide proper notice to the members of the GLA of the annual meeting; and
 - d. Prescribe procedures for the creation of a ballot and the election to fill vacancies in the GLA Board of Directors.
3. Order all election materials be returned to the Secretary;
4. Order that all login credentials for the GLA maintained website be provided to the Secretary.
5. For such further and other relief as the Court deems just and proper.

DATED this 26th day March, 2021

REECE LAW, PLLC

By: 
Jennifer S. Reece

Attorney for Petitioners

VERIFICATION

Petitioner, Newman Brozosky as President of the Glastonbury Landowners Association, Inc., being first duly sworn on oath, states:

That he has read the contents of the foregoing Petition, and that the facts and matters contained therein are true, accurate, and complete to the best of his knowledge and belief.

Newman Brozosky
Newman Brozosky, President

STATE OF MONTANA)

: ss :

County of Gallatin) PARK

This instrument was acknowledged before me on this 26th day of March 2021, Newman Brozosky as President of the Glastonbury Landowners Association, Inc.



Jane A. Hohmann
Notary Public for the State of Montana