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7 *Attorney for Respondent*

8 **MONTANA SIXTH JUDICIAL DISTRICT COURT,**
9 **PARK COUNTY**

10 DENNIS RILEY, WENDY RILEY, JERRY
11 LADEWIG, JEFFREY LADEWIG, MARK
12 SEAVER, ANDREA SEDLAK, MARTHA
13 McALISTER, JOHN McALISTER,
14 together with and on behalf of other lot
15 owners,

16 **Petitioners,**

17 **vs.**

18 GLASTONBURY LANDOWNERS'
19 ASSOCIATION, INC.,

20 **Respondent.**

21 **DV-21-0101-DX**

22 **BRIEF REGARDING STATUS REPORT**

23 COMES NOW, the undersigned, and provides the following brief to the Court
24 regarding the Status Report and subsequent Order of this Court:

25 At the time the undersigned was retained, Glastonbury Landowners Association,
Inc. ("GLA"), was made up of board members that authorized the undersigned to advance
positions on behalf of GLA in response to the case presented by the Petitioners in this matter.
On March 8, 2022, Wm. Nels Swandal was appointed by the Court as *Custodian Pendente*
Lite. On September 6, 2022, Mr. Swandal provided his Status Report to the Court.

1 In the Status Report, Mr. Swandal provides that an election was held for the
2 establishment of a new board. Twelve new board members were elected (six on the South
3 and six on the North). Additionally, a vote was held on the issue of whether to separate
4 North and South Glastonbury into two separate homeowners' associations. Mr. Swandal
5 identifies that an ambiguity exists in the language of the Bylaws and Covenants of the GLA
6 as to the issue of whether there was the requisite number of votes necessary to amend the
7 Covenants. On this front, Mr. Swandal invited respective counsel to file briefing as to this
8 ambiguity.
9

10 On September 12, 2022, this Court issued an Order Allowing Briefing to allow the
11 parties to file briefing regarding the matter raised in the Status Report.
12

13 At this time, the undersigned is unable to advance a position (either for or against
14 separation) on behalf of the GLA as he has not been provided any directive from the newly
15 elected board. The same is true with respect to the briefing filed by the Petitioners, i.e., the
16 GLA as the Respondents in this action, may agree or disagree with the positions advanced
17 by the Petitioners.
18

19 Out of an abundance of caution, and in the hopes that finality can be brought to these
20 longstanding disputes, the undersigned respectfully requests that the Court allow an
21 additional 30 days for the new board to meet and vote as to whether the GLA desires that
22 the undersigned submit briefing on the issue raised in the Status Report and/or the positions
23
24
25

1 advanced by the Petitioners in their briefing. The undersigned further believes it necessary
2 that the Petitioners, three of which are on the newly elected North GLA Board, be recused
3 from any such vote.
4

5 In summation, the undersigned is in an awkward position as the counsel of record
6 of the GLA that is now comprised of new leadership which may not have the same
7 objectives as the previous board. Thus, the undersigned is respectfully requesting that an
8 additional 30 days be provided to the GLA to allow for a formal meeting and vote to be held
9 as to any briefing the GLA wishes to advance – if any.
10

11 Dated this 12th day of October 2022.

12 **Jackson Law, P.C.**

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16 _____
17 Ryan K. Jackson

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CERTIFICATE OF SERVICE

I hereby certify that, on the 12th day of October 2022, I served a true and correct copy of the above foregoing document upon the counsel of record via e-filing:

Nicholas J. Lofing
Garlington, Lohn & Robinson, PLLP
PO Box 7909
Missoula, MT 59807-7909



Ryan K. Jackson

CERTIFICATE OF SERVICE

I, Ryan Kurt Jackson, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Response Brief to the following on 10-12-2022:

Nicholas J. Lofing (Attorney)

Garlington Lohn & Robinson PLLP

PO Box 7909

Missoula MT 59807

Representing: Dennis Riley, Jeffrey Ladewig, John McAlister, Andrea Sedlak, Mark Seaver, Jerry Ladewig, Martha McAlister, Wendy Riley

Service Method: eService

Electronically Signed By: Ryan Kurt Jackson

Dated: 10-12-2022