

ISSUED

PARK COUNTY  
CLERK OF DISTRICT COURT  
MOLLY BNAUBERRY

2023 DEC 13 PM 4:21

ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER:

Daniel & Val O'Connell (Pro Se)  
PO Box 77  
Emigrant, Mt. 59027  
dko@mac.com  
(406)577-6339

FILED  
BY *Molly Bnauberry*  
DEPUTY

MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

Charlette Mizzi, Daniel O'Connell, Christal  
O'Connell, Valery O'Connell, Shannon  
O'Connell and Vesta O'Connell, Individuals,

Plaintiff(s),

v.

Cristin Dhieux-Fowle, Cheyenne Bray, Wyatt  
Adler,

Defendants(s).

Cause No.DV-22-109

Hon. Judge Brenda Gilbert

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
&/OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

RESPONDENTS: **GLA (Glastonbury Landowners Association) Inc. Board of Directors**  
**PO Box 312 &/or 101 Story Rd. (Emigrant Hall)**  
**Emigrant, MT. 59027**

*Production:* YOU ARE COMMANDED, to produce at the time, due date, and locations set forth below the following documents (including "designated documents, electronically-stored information, or tangible things in the GLA's possession, custody, or control, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of any material on the GLA premises") within the last 3 years (2020-2023), that pertain to and in any way involve above names Defendants-including Cristin Dhieux-Fowle (GLA landowner NG 10-B); and disobedience will be punished as a contempt of said court; and that all business and excuses being laid aside, that you comply regarding this matter, before the Sixth Judicial District, State of Montana, for the County of Park:

**LOCATIONS: 414 East Calendar St. Livingston, MT. 59047; Park County Sixth Judicial District Courtroom (top floor); and also email a .pdf file of documents to dko@mac.com**

**DUE DATE: Tuesday, December 18, 2017. TIME: 12:00 p.m.**

YOU ARE COMMANDED to specifically produce any document(s) within the last 3 years (2020-2023) (ie: GLA Board: meeting minutes, official records, emails, correspondents, media materials, pictures, notes, electronic and written records, phone calls-notes, dates & times, parties, recordings, statements) that you may have related to above named Defendants, and any other tangible documents, in the possession of the GLA Board, that pertain to and in any way involve Defendants, especially Cristin Fowle-GLA landowner NG 10-B.

This matter may be continued, however, this subpoena will remain in effect for a new time, date, and place until final determination of this case or unless this subpoena is quashed.

The following provisions of **Montana R. Civ. P. 45** are attached – Rule 45(a), relating to the place of compliance; Rule 45(d) relating to your protection as a person subject to a subpoena; and Rule 45(d)(2) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Witness, Clerk of Court of the Sixth Judicial District, in the Sixth Judicial District, and seal of said Court, this 8 day of December, 2023.

ATTEST: My hand and the seal of said court the day and year last above written.



**MOLLY BRADBERRY**

A handwritten signature in black ink, appearing to read "Molly Bradberry", written over a horizontal line.

Clerk

Deputy Clerk

(c) Notice of Service.

(1) Notice shall be provided to all parties no less than 10 days before the commanded production of documents, electronically-stored information, or tangible things, or inspection of premises before trial, and shall be served on each party in the manner prescribed by Rule 5(b).

(2) Subject to the provisions of clause (ii) of subparagraph (d)(3)(A) of this rule, a subpoena:

(A) for attendance at a hearing or trial may be served at any place within the state and may require the person subpoenaed to appear at the hearing or trial irrespective of the person's place of residence, place of employment, or where such person regularly transacts business in person;

(B) for the production of documentary evidence and/or the taking of a deposition may require a person to attend an examination or produce documentary evidence only at a place within the state; and

(i) in the case of residents or entities located within the state, within 100 miles of where that person resides or is employed or transacts business in person, or, if on an entity, within 100 miles of the principal location of that entity, or at such other convenient place as is fixed by order of court;

(ii) in the case of non-residents who have been served within the state, within 100 miles of where the non-resident is served, or at any other convenient place as is fixed by order of court.

(3) Proof of service when necessary shall be made by filing with the clerk of court by which the subpoena is issued a statement of the date and manner of service and of the names of the persons served, certified by the person who made the service.

(d) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction -- which may include lost earnings and reasonable attorney fees -- on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance not Required. A person commanded to produce designated documents, electronically-stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.

(B) Objections. A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the designated materials or to inspecting the premises -- or to producing electronically-stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expenses resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person -- except that, subject to Rule

45(d)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically-Stored Information. These procedures apply to producing documents or electronically-stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form of Producing Electronically-Stored Information Not Specified. If a subpoena does not specify a form for producing electronically-stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically-Stored Information Produced in Only One Form. The person responding need not produce the same electronically-stored information in more than one form.

(D) Inaccessible Electronically-Stored Information. The person responding need not provide discovery of electronically-stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of the undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly assert the claim; and

(ii) describe the nature of the withheld documents, communications, or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the

Antonius Blument (Acting Process Server)  
1106 Co. Park St #127 (address)  
LIVINGSTON MT 59047

**AFFIDAVIT OF SERVICE**

Court: District Court  
Case No: DV-22-109  
Attorney: Klinkhammer-retired  
STATYE OF MONTANA  
COUNTY OF PARK: SS

I HEREBY CERTIFY THAT I RECEIVED THE WITHIN          SUBPOENA  
ON THE 9<sup>th</sup> DAY OF December, 2023, AND  
PERSONALLY SERVED THE SAME DOCUMENTS ABOVE ON THE 9<sup>th</sup> DAY  
OF December, 2023 UPON GLA Board of Directors-Officer JEWEL WISBRO AER  
PERSONALLY TREASURER  
IN THE COUNTY OF PARK, A COPY OF SAID          SUBPOENA  
AND BY SHOWING THE ORIGINAL OF THE          SUBPOENA

DATED THIS 9<sup>th</sup> DAY OF Dec, 2023  
TIME - 10:30 AM / PM  
PLACE - 101 Stacy Road - Emigrant MONTANA

Antonius M. Blument  
(ACTING PROCESS SERVER)

Antonius M. Blument  
SUBSCRIBED AND SWORN BEFORE ME ON THIS 13 DAY OF Dec 2023



CIVIL ACTION No. DV-22-109

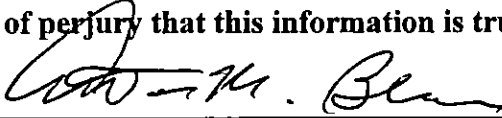
PROOF OF SERVICE

I received this subpoena for (Valery O'Connell-Plaintiff,) on (December 9, 2023) .  
I served the subpoena by delivering a copy to the named persons-GLA Board of Directors:  
as follows on (December 9, 2023); or

Or: I returned the subpoena unexecuted because:

My fees are \$ for travel and \$ for services, for a total of \$ 1<sup>00</sup>.

I declare under penalty of perjury that this information is true. Date: 12/9/23

Server's signature: 

Printed name and title: Antonius M. Blomard

Server's address: 1100 CO. Park #127 LIVINGSTON MT 59047

Additional information regarding attempted service, etc.: