FILED
02/07/2025
Tammy Helmuth
CLERK
Dawson County District Court
STATE OF MONTANA
By: Tammera Helmuth
DV-11-2025-0000007-OC
Rieger, Olivia
1.00

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IN THE DAWSON COUNTY 7TH JUDICIAL DISTRICT COURT
IN AND OF THE
STATE OF MONTANA

TERESEA OLSON, an individual requestor, Petitioner, v. CITY OF GLENDIVE, a municipality, Respondent.	Cause No. DV-11-2025-0000007-OC COMPLAINT TO ENFORCE CONSTITUTIONAL RIGHT TO KNOW

Petitioner Teresea Olson sets forth the following petition against the City of Glendive to enforce her right to access public records:

I. JURISDICTION

1.1 The Court has jurisdiction over the parties and subject matter of these proceedings.

1.2 Venue is proper in Dawson County District Court because the records at issue are situated in the County.

II. PARTIES

2.1 Teresea Olson, petitioner, is an individual who requested public records from Respondent.

2.2 Respondent is a local government and public agency subject to Montana Const. art. II Sec. 8 and 9 and MCA 2-6-1001 et seq.

III. FACTS

3.1 On or about May 21, 2024, Petitioner Olson, through counsel, requested the following records as clarified:

> Please provide public records responsive to the following requests for public records for the time frame of January 1, 2022 to the date of this request:
>
> All communications and documents to or from **Jason Stuart** about:
> - Teresa Olson
> - Jeremy Swisher
> - Kitty Schmid
> - Shannon Kadrmas
> - Katie Mills
> - Scott Herring
> - The appointment of Deb Dion
> - The hiring process of a Chief of Police of Glendive, MT.
> - The hiring process of Jeremy Swisher as a consultant
> - Glendive, MT City Council Resolution 3131
>
> This search should include, but not be limited to, emails, text messages, memos, voice messages, phone call logs, video call logs, meeting notes, phone or file sharing app communications (including but not limited to Teams Chat Messages, Jabber, Slack, Zoom, Signal, iMessage, What's App or any other encrypted messaging application), social media communications (including any posts, shared files or photos/pics, and direct/instant messages) whether on a publicly paid device. I do not need duplicates. I am requesting metadata.
>
> All communications and documents to or from **Leon Baker** about:
> - Teresa Olson
> - Jeremy Swisher
> - Jason Stuart
> - Kitty Schmid

- Shannon Kadrmas
- Katie Mills
- Scott Herring
- The appointment of Deb Dion
- The hiring process of Jeremy Swisher as a consultant
- The hiring process of a Chief of Police of Glendive, MT.
- Glendive, MT City Council Resolution 3131

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All communications and documents to or from **John Hrubes** about:

- Teresa Olson
- Jeremy Swisher
- Jason Stuart
- Kitty Schmid
- Shannon Kadrmas
- Katie Mills
- Scott Herring
- The appointment of Deb Dion
- The hiring process of a Chief of Police of Glendive, MT.
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All communications and documents to or from **Rhett Coon** regarding:

- Teresa Olson
- Jeremy Swisher
- Jason Stuart
- Kitty Schmid
- Shannon Kadrmas
- Katie Mills
- Scott Herring
- The appointment of Deb Dion
- The hiring process of a Chief of Police of Glendive, MT.
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All communications and documents to or from **Doug Baker** about:

- Teresa Olson
- Jason Stuart
- Jeremy Swisher
- Kitty Schmid
- Shannon Kadrmas
- Katie Mills
- Scott Herring
- The appointment of Deb Dion
- The hiring process of a Chief of Police of Glendive, MT.
- Glendive, MT City Council Resolution Resolution 3131

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All communications and documents to or from **Gerald Reichert** about:

- Teresa Olson
- Jason Stuart
- Jeremy Swisher
- Kitty Schmid
- Shannon Kadrmas
- Katie Mills
- Scott Herring
- The appointment of Deb Dion
- The hiring process of a Chief of Police of Glendive, MT.
- Glendive, MT City Council Resolution Resolution 3131

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All communications and documents to or from **Deb Dion** about:

- Teresa Olson
- Jason Stuart
- Jeremy Swisher
- Kitty Schmid
- Shannon Kadrmas
- Katie Mills
- Scott Herring
- The appointment of Deb Dion
- The hiring process of a Chief of Police of Glendive, MT.
- Glendive, MT City Council Resolution Resolution 3131

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3.2 On or about May 21, 2024, Mayor Dion acknowledged receipt of the request and sought clarification:

Subject RE: Public Records Request Montana Constitution Art II Part II Sec. 9 - Right to Know
Date: Tuesday, May 21, 2024 at 11:34:39 AM Pacific Daylight Time
From: Mayor
To: Joan Mell
CC: Jennifer Shaw
Hi,
I was not left any phone logs, text messages, Jabber, Slack, Zoom, Signal, Imessage, or What's App messages. I am not on any social media platforms. I can do a search of the mayor's emails regarding these names. Is this what you are asking? In several parts of the request you are seeking information on Jason Swisher, do you mean Jason Stuart or Jeremy Swisher or both?
Thanks!
Deb Dion
Mayor City of Glendive

3.2 On May 21, 2024, petitioner clarified the request as set forth above in paragraph 3.1 and stated the following:

Subject: Re: Public Records Request Montana Constitution Art II Part II Sec. 9 - Right to Know
Date: Tuesday, May 21, 2024 at 11:47:56 AM Pacific Daylight Time
From: Joan Mell
To: Mayor
CC: Jennifer Shaw

I am asking that Glendive search technologies used by any of the individuals listed and provide me access to the records I am not limiting the search request to your office. As Mayor, I expected you would manage the request. There is no apparent portal for public records requests so I sent it to you to locate the responsive documents.

It appears there is a mix up on names, but to clarify the request is for both as corrected below.

Joan K. Mell
III Branches, PLLC

3.4 Respondent produced nothing and provided no explanation for its inaction.

3.3 On or about June 28, 2024, petitioner sought clarification regarding Glendive's failure to respond:

Subject Re: Public Records Request Montana Constitution Art II Part II Sec. 9 - Right to Know
Date: Friday, June 28, 2024 at 11:32:23 AM Pacific Daylight Time
From: Joan Mell

To: mayor@glendiveMT.gov
In review of my records, I do not see that Glendive has responded to my public records request.
Please provide me an update as to Glendive's responsiveness or intention not to respond?
Joan K. Mell
III Branches, PLLC

3.4 On or about July 15, 2024, City Attorney John T. Hrubes e-mailed the following:

Subject: City of Glendive
Date: Monday, July 15, 2024 at 3:06:04 PM Pacific Daylight Time
From: John Hrubes
To: Joan Mell

Joan,

I spoke with the Mayor today and she informed me that you had sent some other requests to her. Please forward everything through me. Thank you.

- John

--

John T. Hrubes
Glendive City Attorney
218 W. Bell Street, #209
Glendive, MT 59330
Phone: (406) 377-4226

John T. Hrubes
McCone County Attorney
PO Box 58
Circle, MT 59215
Phone: (406) 485-3530

3.5 To date, Respondent has made no records available for public disclosure.

3.6 Petitioner has the need to access the information for purposes of informed consent and to hold accountable elected and appointed officials and employees working for Respondent Glendive.

3.7 Petitioner has incurred attorney's fees and costs in pursuit of enforcement of her constitutional right to know and access and statutory open government laws.

IV. CAUSE OF ACTION

4.1 Petitioner seeks to enforce MT Const. art. II Sections 8 & 9 and the corresponding statutory public records act, MCA 2.6.1006. et seq.

4.2 Respondent has denied petitioner access to Glendive public records.

4.3 Respondent did not make any public records available in response to the request.

4.4 Glendive did not publish it procedures for processing a public records request and did not otherwise offer any access or explanation for denying access.

4.5 Respondent Glendive has violated the constitution and open government statutes.

4.6 Respondent Glendive should be ordered to make the public records available for inspection promptly and enjoined from future violations.

4.7 Respondent Glendive should be ordered to pay attorney's fees and costs to petitioner to cover attorney's fees and costs incurred to enforce her rights and the constitution and statute.

V. PRAYER FOR RELIEF

Petitioner prays for the following relief:

5.1 An order compelling Respondent to comply with the Constitution and open government statutes and make available the public records requested;

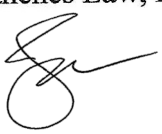
5.2 An order enjoining continuing violations;

5.3 An order awarding penalties, attorney's fees, and costs;

5.4 An order providing for other and further relief as the Court deems just and equitable.

Dated this 15th day of January, 2025 at Hamilton, MT.

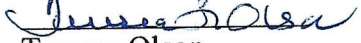
III Branches Law, PLLC



Joan K. Mell
Attorney for Teresea Olson

I, Teresea Olson, have read the above petition and certify that the facts are true and correct to the best of my abilities.

Dated this 14th day of January, 2025 at



Teresea Olson