

SENATE JUDICIAL  
CLERK NO. 24  
DATE 2/10/11  
CASE NO. SB 17,11

CASCADE COUNTY ATTY  
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MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

J. G. SHOCKLEY,

Petitioner,

vs.

CASCADE COUNTY,

Respondent.

No. ADV-10-534C

ORDER RE JOINDER OF PARTIES

The petitioner has asked this Court to order the respondent to release to him the personnel files of Jason Carol, a former detention officer in the employment of Cascade County, and confidential criminal justice information related to on the job incidents leading to the termination of Mr. Carol.

The respondent raised various defenses including failure to join indispensable parties. The Court ordered separate briefing on that issue.

Carol brought a claim against Cascade County for, among other things, wrongful discharge. Those claims were settled and a document executed entitled "Mutual Release and Settlement of all Claims". The Court has reviewed that document in camera. It contains a provision that its terms remain confidential. Hereinafter, that document shall be referred to as "Confidential Settlement Agreement".

This case appears to have devolved to an issue as to whether the Confidential Settlement Agreement may be disclosed. The parties to that agreement are Mr. Carol, his Union, International Brotherhood of Teamsters, Local 2, and Cascade County. The respondent argues that those parties as well as its insurer, Montana Association of Counties (MACo), should be

1 made parties to this litigation.

2 The Court does not find this to be appropriate as a complete defense. However, Rule  
3 19(a) Montana Rules of Civil Procedure provides in pertinent part as follows:

4 A person who is subject to service of process shall be joined as a party in the action if  
5 ... (2) the person claims an interest relating to the subject of the action and is so situated  
6 that the disposition of the action and the person's absence may (i) as a practical matter  
7 impair or impede the person's ability to protect that interest... . If the person has not  
been so joined, the court shall order that the person be made a party.

8 The Court finds that this applies to Carol and the Union. MACo is not a party to the  
9 agreement. The insurance company file has not been sought by petitioner's pleadings.

10 Accordingly,

11 IT IS HEREBY ORDERED that the petitioner join as parties, Jason Carol and International  
12 Brotherhood of Teamsters, Local 2, within twenty (20) days of the date of this Order.

13 DATED this 6<sup>th</sup> day of December, 2010.

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16 DISTRICT COURT JUDGE

17 cc: J.G. Shockley/P.O. Box 608, Victor, MT 59875  
18 CA/Carey Ann Shannon

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