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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

DENNIS THORNTON,	Cause No.: CV-25-83-M-DWM
Plaintiff,	
v.	DEFENDANTS' RESPONSES TO PLAINTIFF'S FIRST DISCOVERY REQUESTS TO DEFENDANTS
TRAVIS AHNER, in his official and individual capacities; ASHLEY FRECHETTE, in her official and individual capacities; MICHAEL NOONAN in his official and individual capacities; and JOHN and JANE DOES 1-10,	
Defendants.	

Pursuant to Rules 33, 34 and 36 of the Federal Rules of Civil Procedure,  
Defendants Travis Ahner, Ashley Frechete, and Michael Noonan, through their  
counsel of record, file this response Plaintiff's First Discovery Requests as follows:

## INTERROGATORIES (25 total, including subparts)

1. Identify every person (full name, title, employer, last known address, phone, and email) with knowledge of the Thornton Matter, the Incident, or any facts relevant to this case, and describe in detail the nature and scope of each person's knowledge.

Response: Objection. Outside Defendants' knowledge as this Interrogatory seeks information related to the "Thornton Matter," as defined by Plaintiff. This Interrogatory is also overbroad and unduly burdensome. The information sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order*, (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

Without waiving said objection, the following individuals are believed to have information regarding Thornton's criminal trespass charge and ultimate dismissal underlying this matter as set forth in Doc. 38:

- Travis Ahner, Flathead County Attorney. May be contacted through counsel. Ahner is a named Defendant in this matter. He has knowledge of information regarding Plaintiff's claims and alleged damages, the operations of the Flathead County Attorney's Office, and his involvement with the criminal trespass charge and dismissal.

- Ashley Frechete, Flathead County Deputy Attorney. May be contacted through counsel. Frechette is a named Defendant in this manner. She has knowledge of information regarding Plaintiff's claims and alleged damages, the operations of the Flathead County Attorney's Office, and her involvement with the criminal trespass charge and dismissal.
- Michael Noonan, Former Flathead County Deputy County Attorney. May be contacted through counsel. Noonan is a named Defendant in this manner. He has knowledge of information regarding Plaintiff's claims and alleged damages, the operations of the Flathead County Attorney's Office, and his involvement with the criminal trespass charge and dismissal.
- Brian Heino. Flathead County Sheriff. May be contacted through Flathead County Commissioners or the undersigned counsel. Sheriff Heino has personal knowledge of his communications with Thornton, the operations of the Flathead County Sheriff's Office, and supervision of Flathead County Sheriff's Office employees.
- Josh Buls. Flathead County Sheriff's Office Detective Division Commander. May be contacted through Flathead County Commissioners or the undersigned counsel. Commander Buls has personal knowledge of his communications with Thornton regarding the 890 Boon Road, Somers, MT property and personal knowledge of the Flathead Sheriff Case Report written about the same.
- Sean Frampton, Attorney representing Whitefish Credit Union. 520 West 19<sup>th</sup> St., Suite 301, Whitefish, MT (406) 862-9600. Frampton is believed to have personal knowledge of his communication with Flathead County Sheriff's Office regarding the trespassing complaint regarding 890 Boon Road, Somers, Montana.
- Keith Stahlberg. Flathead County Sheriff's Office Sergeant. May be contacted through the Flathead County Commissioners or the undersigned counsel. Sergeant Stahlberg has personal knowledge of the initial report of trespass to 890 Boon Road, Somers, MT.

- Dennis Thornton. Thornton is the Plaintiff in this matter. Thornton is believed to have personal knowledge of his claims and alleged damages in this matter.

2. Describe in full detail every communication (date, time, participants, method, and verbatim or summarized substance) you had, sent, received, or are aware of regarding the Thornton Matter, including the Incident, the criminal complaint, title disputes, settlement agreement, or criminal prosecution.

Response: Objection. Outside Defendants' possession, custody, or control as this Interrogatory seeks information related to the "Thornton Matter," as defined by Plaintiff. This Interrogatory is also overbroad and unduly burdensome. The information sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order*, (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

Notwithstanding the objections, please see Bates Nos.: FC000653-FC000654, FC000633-FC000638, FC000616-FC000623, FC000615, FC000420, FC000407-FC000411, and FC000368-FC000373.

3. State the complete factual and evidentiary basis for any belief that probable cause existed to initiate or continue the criminal trespass charge against Dennis Thornton, including all evidence relied upon and why any exculpatory evidence (title ambiguities, settlement language, good-faith belief, lack of notice) was disregarded.

Response: Objection. The information sought regarding exculpatory evidence exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order*, (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit. Notwithstanding the objections, the evidence supporting the charge of criminal trespass is contained in the Complaint previously disclosed as FC000002-FC000003.

4. Describe all steps taken to verify Whitefish Credit Union's ownership of 890 Boon Rd. as of September 29, 2021, before accepting, filing, or pursuing the trespass complaint, including title searches, deed reviews, communications with the Flathead County Clerk and Recorder, or any other verification efforts.

Response: Criminal prosecutors do not conduct investigations, as part of their job duties, to disprove information reported to law enforcement. Please see Bates Nos.: FC000002-000003 and FC000086-FC000119.

5. Identify every piece of exculpatory evidence known to you or in your possession, custody, or control regarding Thornton's good-faith belief in ownership or privilege, mistake of fact, lack of knowing unlawful entry, or absence of effective no-trespass notice, including internal memos, emails, notes, reports, title documents, settlement interpretations, or regulatory findings, and explain why each was not disclosed to defense counsel or used to decline/dismiss the charge.

Response: Objection. Vague, ambiguous, and unintelligible, particularly as to what "Thornton's good-faith belief" means. Further, the information exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order*, (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

Notwithstanding the objections, Defendants have no knowledge of what Thornton relied upon for his personal beliefs regarding ownership or privilege. Defendants are therefore unable to identify any evidence of the same.

6. Describe all internal policies, training materials, guidelines, or practices of your office/entity (as of 2021-2022) for handling misdemeanor trespass complaints on disputed or foreclosed properties, including requirements for ownership verification, proof of effective notice, referral to civil process, and disclosure of exculpatory evidence, and state whether each policy was followed in Thornton's case.

Response: No internal policies, training materials, guidelines, or practices exist for "handling misdemeanor trespass complaints on disputed foreclosed property."

7. State whether you or your office/entity ever considered declining to file, dismissing, or not pursuing the trespass charge due to the civil nature of the underlying ownership dispute, exculpatory evidence of good-faith belief, or lack of probable cause, and explain the specific reasons why the charge was filed and continued despite such considerations.

Response: Objection. The information sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order*, (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the

discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

Notwithstanding the objection. The charge was filed for the reasons stated in the Complaint. The charge was later dismissed at the discretion of the County Attorney. These discretionary actions are covered by prosecutorial immunity.

8. Describe every communication (date, time, participants, method, substance) between you and any co-defendant, Whitefish Credit Union representative, or third party regarding the Thornton Matter, including any discussion of improper motive, civil objectives, or suppression of exculpatory evidence.

Response: Objection. Interrogatory seeks communications protected attorney-client privilege and work product. This Interrogatory also seeks information outside Defendants' knowledge related to the "Thornton Matter," as defined by Plaintiff. This Interrogatory is also overbroad and unduly burdensome. The information sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order*, (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its

likely benefit. Without waiving said objection, Defendants have already disclosed responsive communications and documents referencing communications in their Initial Disclosures, including but not limited to Bates Nos.: FC000653-FC000654, FC000633-FC000638, FC000616-FC000623, FC000615, FC000420, FC000407-FC000411, and FC000368-FC000373.

9. Identify all prior complaints, grievances, internal investigations, or lawsuits against you or your office/entity alleging malicious prosecution, abuse of process, Brady violations, or improper handling of trespass cases involving disputed property ownership, including case numbers, dates, and outcomes.

Response: Objection. Outside the scope of Defendants' knowledge. This Interrogatory is overbroad and unduly burdensome because it is not limited in time, scope, or subject matter. Additionally, the information sought in this Interrogatory exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order*, (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit. Notwithstanding the objections, Defendants have located the following legal actions that have been filed and reported to Montana Association of Counties within the last ten years:

- *Dennis Thornton v. Travis Ahner, et al.*, the matter at issue, United States District Court, District of Montana, CV-25-83-M-DWM.

No other legal actions have been identified.

10. State your understanding of the claim preclusion and issue preclusion doctrines from the Montana Supreme Court's decisions in DA 18-0595 (2019 MT 138N) and *Thorco, Inc. v. Whitefish Credit Union* (2021 MT 207N), and explain whether you believe they categorically bar evidence of good-faith belief in ownership or privilege in a misdemeanor criminal trespass prosecution, and why.

Response: Objection. Vague, ambiguous, and unintelligible. Defendants are unable to ascertain what this Interrogatory is seeking. Further, the information exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order*, (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

Notwithstanding the objection, Defendants assert that the opinions of the Montana Supreme Court speak for themselves. Claim preclusion and issue preclusion are doctrines not at issue in this matter.

11. Describe all regulatory audits, examinations, inquiries, or complaints (including by NCUA or Montana Division of Banking) related to the Thorco Inc./Dennis Thornton loan, foreclosure, or settlement enforcement from 2012 to 2021, including dates, scope, findings, identified violations, and corrective actions.

Response: Objection. Outside Defendants' possession, custody, control, or knowledge as County prosecutors. This Interrogatory is also overbroad and unduly burdensome. The information sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

12. Identify all internal memos, emails, notes, reports, or other records acknowledging any doubts, concerns, or discussions about probable cause, Thornton's intent, the criminal nature of the entry, or the appropriateness of criminal charges in a civil title dispute.

Response: Objection. Misrepresents the facts. Interrogatory seeks privileged communications. Notwithstanding the objections, criminal charges were not filed in a civil title dispute because criminal matters and civil matters are separate.

Please see Plaintiff's file produced as FC000368-FC000673.

13. State the factual and legal basis for any assertion that the vexatious litigant designation in 2021 MT 207N justified excluding ownership-related evidence in the criminal case rather than allowing it to rebut the “knowingly” and “unlawfully” elements of trespass.

Response: Objection. Interrogatory No. 13 is incomprehensible, vague, and ambiguous. Defendants cannot determine the nature of the information being sought. Defendants are not aware of what “assertion” regarding the vexatious litigant designation this Interrogatory refers to. Defendants also cannot determine what Interrogatory No. 13 is referring to with regard to allowing vexatious litigant designation to rebut elements. Without waiving said objection, County Defendants do not take the position that Plaintiff's designation as a vexatious litigant in separate unrelated matters bears on the issues in this matter.

14. Describe all steps taken by you or your office/entity to ensure that Dennis Thornton received effective, documented notice that his access to 890 Boon Rd. was revoked prior to September 29, 2021, including copies of any written notices, proof of delivery/receipt, and any internal records confirming such notice.

Response: None. The duties of criminal prosecutors do not include notifying individuals of their property rights.

15. Identify all video recordings, audio recordings, body camera footage, surveillance footage, dispatch logs, or other media related to the Incident or the property at 890 Boon Rd., including date/time stamps, chain of custody, and whether any material was altered, edited, or omitted before disclosure.

Response: Please see Bates No. FC000770.

16. Describe every interaction, communication, notice, warning, permission granted or revoked, or other contact between you (or your office/entity) and Dennis Thornton regarding the 890 Boon Rd. property from June 2016 through September 2021, including dates, methods, participants, and full substance.

Response: Objection. This Interrogatory is also overbroad and unduly burdensome. The information sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

17. State whether you believe the criminal prosecution of Dennis Thornton was motivated by any improper purpose (e.g., to assist Whitefish Credit

Union’s civil interests, to punish prior civil litigation, or to deter further claims), and explain the factual basis for your answer.

Response: Objection, vague and ambiguous as to what “improper purpose” means in this context other than the three examples provided by Plaintiff.

Additionally, the information sought in this Interrogatory exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order*, (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the importance of the discovery in resolving the issues.

Notwithstanding the objection, Defendants do not believe that the criminal prosecution was motivated by an improper purpose. The criminal prosecution was supported by the probable cause contained in the Complaint, and discretion was later exercised to dismiss the charge.

18. Identify every insurance policy, excess/umbrella policy, self-insurance agreement, indemnity bond, risk pool participation, or other coverage or indemnification arrangement that may provide coverage for any judgment, settlement, or defense costs in this action, including: a. Name of insurer, carrier, or indemnitor; b. Policy number, bond number, or agreement identifier; c. Effective dates of coverage; d. Policy limits (per occurrence and aggregate); e. Type of

coverage (e.g., general liability, professional liability, errors & omissions, law enforcement liability, public officials liability, municipal liability); f. Named insured(s); g. Any deductibles, self-insured retentions, or co-insurance provisions; h. Name, address, phone number, and email of the claims adjuster, agent, or underwriter assigned to any claim arising from this action or the underlying criminal matter.

Response: Please see Bates Nos. FC000674-FC000769.

19. Describe all training, education, or certifications you received in the past 10 years on §1983 liability, malicious prosecution, Brady v. Maryland obligations, discovery duties, or constitutional rights in criminal prosecutions.

Response: Objection. The information sought in this Interrogatory exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit. Additionally, the request is vague, ambiguous, and unduly burdensome as to what "training" includes and whether it includes any research into the law, discussions, etc.

Notwithstanding these objections, Defendants are licensed attorneys in the State of Montana and adhere to the Rules of Professional Responsibility.

Defendants also comply with the continuing legal education requirements as set forth by the State Bar of Montana.

20. State all facts supporting any affirmative defenses you have asserted or intend to assert in your answer to the complaint.

Response:

First Affirmative Defense: Plaintiff's injuries, damages, and losses, if any were caused by the intervening superseding, or contributing acts of others.

Discovery is ongoing. If this defense is not supported by evidence obtained in discovery, it will not be pursued.

Second Affirmative Defense: Defendants entitled to immunity for their acts and omissions alleged in Plaintiff's Second Amended Complaint. The facts supporting this affirmative defense have been set forth in Defendants' motion to dismiss.

Third Affirmative Defense. Plaintiff's state law claims do not provide for personal liability against defendants. Montana law does not permit personal liability for governmental employees acting in the course and scope of their employment. Defendants were acting within the course and scope of their employment.

Fourth Affirmative Defense. Plaintiff's injuries, if any, were caused by his own comparative negligence and his recovery is either barred or diminished in accordance with his percentage of negligence pursuant to Montana Code Annotated § 27-1-702. Discovery is ongoing. If this defense is not supported by evidence obtained in discovery, it will not be pursued.

Fifth Affirmative Defense. Plaintiff's claims are offset or barred by Plaintiff's failure to take reasonable to minimize or to otherwise mitigate his damages, if any. Discovery is ongoing. If this defense is not supported by evidence obtained in discovery, it will not be pursued.

Sixth Affirmative Defense. Damages, if any, are limited or barred as set forth in Montana Code Annotated §§ 2-9-105, 2-9-108, 2-9-50, 2-9-314, and 2-9-317. This legal defense is self-explanatory.

21. Identify all persons you intend to designate as expert witnesses in this action, including their names, addresses, qualifications, and the subject matter and substance of their expected testimony.

Response: None.

22. Describe all damages, injuries, or losses you claim resulted from Plaintiff's actions or filings in this case or the underlying Thornton Matter.

Response: Objection. Outside Defendants' possession, custody, or control as this Request seeks information related to the "Thornton Matter," as defined by

Plaintiff. This Interrogatory is also overbroad and unduly burdensome. The information sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

Notwithstanding the objections, Defendants have not made a civil claim in this matter and therefore do not seek damages. Litigation is ongoing, and Defendants retain the right to seek costs and attorney fees incurred in the defense of this matter.

23. State whether any disciplinary actions, internal investigations, citizen complaints, or professional complaints have been filed against you or your office/entity related to similar cases involving malicious prosecution, abuse of process, or Brady violations, including dates, case numbers, and outcomes.

Response: Please see response to Interrogatory No. 9.

24. Identify all third parties (including insurers, indemnitors, co-obligors, or subrogation entities) that may have liability or an interest in the outcome of this action.

Response: Please see response to Interrogatory No. 18.

25. Describe any settlement discussions, offers, demands, or negotiations related to this federal action or the underlying criminal matter, including dates, participants, and terms offered or rejected.

Response: Thornton wrote to the undersigned to confer regarding potential discussion or prospects for settlement on February 12, 2026. The undersigned advised Thornton on February 23, 2026, that discussion of settlement was premature until discovery has been conducted. No terms have been discussed. Settlement discussions do not occur in criminal matters, as settlement is a process in civil litigation.

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All documents, ESI, or records related to the Thornton Matter, including police reports, witness statements, videos, audio, emails, memos, notes, and investigative files.

Response: Objection. Outside the scope of Defendants' custody, possession, or control as this Request seeks information related to the "Thornton Matter," as defined by Plaintiff. This Request is also overbroad and unduly burdensome. The information sought in this Interrogatory exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this

action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit. Notwithstanding the objections, please see Bates Nos. FC000001-FC000673 already disclosed to Plaintiff. Please also see Bates Nos. FC000674-000770.

2. All communications (emails, letters, texts, call logs, voicemails) between you and any co-defendant, Whitefish Credit Union representative, or third party regarding the Incident or Thornton Matter.

Response: Objection. Request seeks attorney-client privileged communications. The request fails to meet the requirements of Fed. R. Civ. P. 34 because it does not give Defendants reasonable notice of what Plaintiff requests. The request is vague, ambiguous, overly broad, and unduly burdensome because it is not limited in time or scope. Additionally, the information sought in this Request for Production exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed

discovery that will outweigh its likely benefit. Notwithstanding the objections, please see Bates Nos.: FC000653-FC000654, FC000633-FC000638, FC000616-FC000623, FC000615, FC000420, FC000407-FC000411, and FC000368-FC000373.

3. All policies, manuals, training materials, guidelines, or directives on trespass investigations/prosecutions, probable cause determinations, Brady disclosures, and disputed-property cases.

Response: The request is vague, ambiguous, overly broad, and unduly burdensome because it is not limited in time or scope or to any department or entity. Additionally, the information sought in this Request for Production exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit. Notwithstanding the objections, no responsive documents.

4. All title documents, deeds, liens, mortgages, satisfactions, releases, and recorded instruments for 890 Boon Rd., including the Revised Title Commitment dated November 29, 2017.

Response: Objection, request calls for Defendants to produce documents that are not in possession, custody, or control of Defendants. The requested documents are in the public record and readily and equally available to Plaintiff. Plaintiff is believed to have knowledge and control over documents to which he was a party therein.

5. The June 8, 2016 Settlement Agreement between Thornton/Thorco and Whitefish Credit Union, including all drafts, amendments, correspondence, and related documents.

Response: Objection, request calls for Defendants to produce documents that are not in possession, custody, or control of Defendants. Plaintiff is believed to have knowledge or control of the documents he requests, as he was party to the Settlement Agreement.

6. All exculpatory evidence related to Thornton's good-faith belief in ownership or privilege, including internal acknowledgments of title ambiguities, settlement interpretations, or lack of notice.

Response: Objection vague and ambiguous as to what "Thornton's good-faith belief" is. Defendants cannot ascertain what evidence relates to the subjective

belief of the Plaintiff. Request further seeks privileged internal communications of Defendants. Notwithstanding the objections, Defendants are unaware of responsive documents.

7. All video, audio, body camera footage, surveillance footage, or other media related to the Incident or property, in native format with metadata preserved.

Response: Please see Bates No. FC000770.

8. All no-trespass notices, warnings, cease-and-desist letters, revocation documents, or demands sent to Thornton, including proof of delivery/receipt.

Response: Objection, request calls for Defendants to produce documents that are not in possession, custody, or control of Defendants. Request is also vague and ambiguous as to who Thornton alleges to have sent the documents, and therefore Defendants are unable to ascertain what the request is seeking. Plaintiff is believed to have knowledge or control of the documents he requests, because the request seeks documentation already sent to him.

9. All regulatory reports, audits, examinations, inquiries, or complaints (NCUA, Montana Division of Banking) regarding the Thornton loan, foreclosure, or settlement.

Response: Objection, request calls for Defendants to produce documents that are not in possession, custody, or control of Defendants. Plaintiff is believed to

have knowledge or control of the documents he requests, as he was party to the loan, foreclosure, and settlement.

10. All internal memos, emails, notes, reports, or other records discussing probable cause, Thornton's intent, criminal nature of entry, or decision to prosecute/dismiss.

Response: Objection, request seeks privileged communications.

Additionally, the information sought in this Interrogatory exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

Notwithstanding the objection, please see Bates Nos. FC000368-FC000673.

11. All documents from prior cases involving allegations of malicious prosecution, abuse of process, Brady violations, or disputed-property trespass, including outcomes.

Response: Please see response to Interrogatory No. 9. No responsive documents exist.

12. All insurance policies, excess/umbrella policies, self-insurance agreements, indemnity bonds, risk pool participation documents, or other coverage/indemnification arrangements that may provide coverage for liability, defense costs, or settlement in this action, including declarations pages, endorsements, riders, amendments, and claims files.

Response: Please see the response to Interrogatory No. 18.

13. All expert reports, CVs, opinions, or materials you intend to rely on in this action.

Response: None.

14. All documents reflecting disciplinary actions, internal investigations, citizen complaints, or professional complaints against you or your office/entity related to similar matters.

Response: Please see response to Interrogatory No. 9. No responsive documents exist.

15. All filings, briefs, exhibits, and orders from the Montana Supreme Court in DA 18-0595 (2019 MT 138N) and Thorco, Inc. v. Whitefish Credit Union (2021 MT 207N).

Response: Objection, request calls for Defendants to produce documents that that are not in possession, custody, or control of Defendants. The requested documents are public record and readily and equally available to Plaintiff. Plaintiff

is believed to have knowledge or control of the documents because he was a party to the two referenced cases.

16. All communications with the Flathead County Justice Court regarding the criminal case, including appearance notices, dockets, and minute entries.

Response: Objection, vague and ambiguous as to what “communications” with a court are. Without waiving said objection, presumably Plaintiff is in possession of the court docket for the criminal case in which he was a party. Defendants do not have ex parte communications with courts during criminal proceedings. Plaintiff has also been provided the documents, particularly Bates Nos. FC000001-FC000129.

17. All photographs, diagrams, maps, or visual depictions of 890 Boon Rd. showing security measures, signs, fences, gates, or locks as of September 29, 2021.

Response: Objection, vague and ambiguous as to what photographs, diagrams, maps, or visual depictions the request is referring to or if they exist. Additionally, Defendants are unable to ascertain if they in possession, custody, or control of the requested documents if they do not know what the request seeks. Notwithstanding said objections, please see Bates No. 000770.

18. All payment ledgers, bank statements, financial records, or accounting documents related to the settlement agreement or loan.

Response: Objection, request seeks documentation that Defendants are not in possession, custody, or control of. Plaintiff is believed to have knowledge of or control of documentation regarding a settlement agreement or loan to which he was a party.

19. All body camera footage, dispatch logs, radio recordings, or other Sheriff's Office records related to interactions with Thornton.

Response: None.

20. All documents related to vexatious litigant proceedings against Thornton or Thorco Inc.

Response: Objection. Defendants are not in possession, custody, or control of the requested documents. Litigation proceedings are public record and readily and equally available to Plaintiff. The documents are already within the knowledge or control of Plaintiff.

21. All settlement offers, demands, or discussions in this federal case or the underlying criminal matter.

Response: This information is already within the knowledge or control of Plaintiff because he initiated the settlement discussions in this case. Settlement offers, demands, and discussions do not occur in criminal matters, and therefore no responsive documents exist.

22. All ESI backups, server logs, deleted files, or archived data related to the Thornton Matter (produce in native format with metadata).

Response: Objection. Outside Defendants' possession, custody, or control as this Request seeks information related to the "Thornton Matter," as defined by Plaintiff. This Request is also overbroad and unduly burdensome. The information sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

Notwithstanding the objections, please see Bates Nos. FC000001-FC000770 for responsive documents to this matter.

23. All training records, certifications, or attendance logs related to §1983 liability, malicious prosecution, Brady obligations, or discovery duties.

Response: See response to Interrogatory No. 19.

24. All documents identifying John Does 1-10, including names, roles, contact information, and involvement in the Thornton Matter.

Response: Objection, vague and ambiguous as to who John Does 1-10 are. Defendants cannot produce documents identifying individuals that they cannot

ascertain who the request is referring to. This Request also seeks information outside of Defendants' possession, custody, or control related to the "Thornton Matter," as defined by Plaintiff. This Request is also overbroad and unduly burdensome. The information sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit.

25. All other documents not listed above but relevant to the claims or defenses in this case.

Response: All responsive documents have been disclosed.

## **REQUESTS FOR ADMISSION**

1. Admit that Dennis Thornton had a good-faith belief in his privilege to enter 890 Boon Rd. on September 29, 2021, based on the settlement agreement and title ambiguities.

Response: Defendants lack sufficient knowledge or belief to admit or deny what subjective beliefs Dennis Thornton possessed and therefore deny. Defendants

have made a reasonable inquiry and the information they possess or can readily obtain is insufficient to enable them to admit or deny.

2. Admit that probable cause for the trespass charge was lacking due to unresolved title issues from DV-12-174(B) and DV-18-336(D).

Response: Deny. Judge Eric Hummel found probable cause to believe that Plaintiff had committed the offense of Trespass, a misdemeanor on January 19, 2022.

3. Admit that no formal written no-trespass notice was served on Thornton with proof of receipt before the Incident.

Response: Objection, vague and ambiguous as to what constitutes a “formal written no-trespass notice” and who the request for admission alleges would have served the notice. Notwithstanding the objection, Defendants deny Thornton was not aware that he was not authorized to access the 890 Boon Road, Somers, Montana property. Flathead County Sheriff’s Office Commander Buls advised Thornton he was not authorized to access the property on August 26, 2021.

4. Admit that exculpatory evidence of Thornton’s ownership claim was known but not disclosed under Brady v. Maryland.

Response: Objection. The admission sought exceeds the scope of Fed. R. Civ. P. 26: Given the limited issues in this matter, as defined by January 23, 2026, *Opinion and Order* (Doc. 38 at 4-23), information sought is not relevant to claims

in this action and not proportional to the needs of the case, considering the importance of the issues at stake, the parties' resources, the importance of the discovery in resolving the issues, and the burden and expense of the proposed discovery that will outweigh its likely benefit. Notwithstanding the objection, deny. Defendants are unaware of any exculpatory evidence of Thornton's ownership claim.

5. Admit that the prosecution was motivated by improper purpose, such as aiding Whitefish Credit Union's civil interests.

Response: Deny. Defendants acted pursuant to Title 7, chapter 4, part 27, Montana Code Annotated.

6. Admit that the property lacked visible no-trespass signs or effective barriers as of September 29, 2021.

Response: Objection, vague and ambiguous as to what "effective barriers" refers to. Without waiving said objection, Defendants deny the property lacked barriers. Defendants admit the property was locked, and admit Thornton cut that lock to access the property.

7. Admit that the video evidence does not show knowing unlawful entry but is consistent with mistake of fact.

Response: Objection, vague and ambiguous as to what video evidence this request for admission refers to. Defendants cannot admit or deny what the video

shows without knowledge of what video evidence the request for admission is referencing.

8. Admit that preclusion doctrines from civil cases do not bar good-faith defenses in criminal trespass.

Response: Objection, vague, ambiguous, and unintelligible. Defendants cannot ascertain what admission the request seeks because they cannot ascertain what “good-faith” defenses are. The request is also overly broad because it does not limit or define what “civil cases” it applies to. Civil cases can exist in numerous venues, matters, and instances, and Defendants cannot admit or deny what has not been limited to a specific request.

9. Admit that regulatory violations in the foreclosure/settlement were identified but concealed.

Response: Deny. Defendants cannot admit or deny facts regarding “regulatory violations” when they do not know what the request refers to and therefore deny. Defendants further cannot admit or deny that someone “identified and concealed” information without knowledge of who the request refers to and therefore deny.

10. Admit that the charge was continued despite internal doubts about probable cause or intent.

Response: Admit that criminal prosecution was maintained from January 18, 2022, through June 15, 2023. Deny that the charge lacked probable cause. Flathead County Justice Court found probable cause to support the prosecution on January 19, 2022.

11. Admit that policies for disputed-property trespass were violated in this case.

Response: Deny.

12. Admit that Thornton was not provided effective notice of access revocation.

Response: Deny. Thornton was aware of the results of the ongoing litigation and property dispute with Whitefish Credit Union, as he was a party to that ongoing litigation. Commander Buls advised Thornton he was not authorized to access the property.

13. Admit that the settlement agreement contained ambiguities allowing retained interest.

Response: Objection. The request is vague, ambiguous, and outside the scope of knowledge of Defendants. Defendants lack sufficient knowledge or belief to admit or deny what general “ambiguities” the request references and therefore deny any facts regarding the same. Interpretation of settlement agreements is outside the scope of knowledge of criminal prosecutors.

14. Admit that liens or encumbrances remained unsatisfied as of September 29, 2021.

Response: Objection. The request is vague, ambiguous, and outside the scope of knowledge of Defendants. The request does not specify what liens or encumbrances the request refers to. The request is also overly broad because it could apply to any lien or encumbrance of any individual or entity or any property and is not limited in matter or scope.

15. Admit that the prosecution violated Thornton's constitutional rights under §1983.

Response: Deny.

16. Admit that John Does 1-10 participated in suppressing exculpatory evidence.

Response: Objection, vague and ambiguous as to who John Does 1-10 are. Defendants lack sufficient information or belief as to who "John Does 1-10" refer to and therefore deny.

17. Admit that the criminal case was dismissed on June 15, 2024, due to lack of merit.

Response: Admit that the criminal charge was dismissed without prejudice on June 15, 2024, in the interest of justice. Deny that the charge was dismissed due to lack of merit.

18. Admit that Whitefish Credit Union misrepresented facts to establish probable cause.

Response: Deny. County Defendants lack sufficient knowledge or belief to admit or deny what a third party represented and therefore deny. County Defendants lack sufficient knowledge or belief to admit or deny what “facts” this request for admission refers to and therefore deny.

19. Admit that the August 26, 2021 warning was ambiguous and not a clear revocation.

Response: Deny. Commander Buls personally told Dennis Thornton on August 26, 2021, that he was not authorized to access the 890 Boon Road, Somers, MT property.

20. Admit that no independent title verification was performed before filing the charge.

Response: Objection. Request is vague and ambiguous as to who it refers to having not conducted an independent title verification. Notwithstanding the objection, Defendants admit that they did not conduct an investigation prior to and independent of the charging decision and subsequent prosecution.

21. Admit that vexatious litigant designation was misused to exclude evidence.

Response: Deny. Mr. Thornton's vexatious litigant designation was not used in the criminal charges that were filed against him and dismissed.

22. Admit that damages were caused by the malicious prosecution.

Response: Deny damages were caused by malicious prosecution. Admit Thornton's malicious prosecution claim in this matter was dismissed with prejudice on January 23, 2026. (Doc. 38 at 26.)

23. Admit that all requested documents are in your possession, custody, or control.

Response: Deny. Responses to requests for production herein identify requested documents that are not in the possession, custody, or control of County Defendants.

24. Admit that responses to these requests will be complete and truthful.

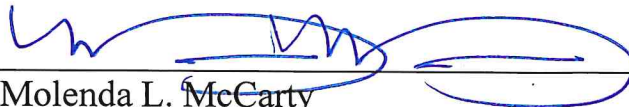
Response: Admit.

25. Admit that the prosecution lacked probable cause from the outset.

Response: Deny.

DATED this 10th day of March 2026.

County Litigation Group

  
Molenda L. McCarty

## CERTIFICATE OF SERVICE

I certify that on the 10th day of April 2026, a true and correct copy of the foregoing was sent to the Plaintiff by the following means:

Dennis Thornton  
151 Amatasia Lane  
Kalispell, MT 59901  
[thorcoinc@outlook.com](mailto:thorcoinc@outlook.com)

U.S. Mail, postage prepaid on  
4/10/2026  
 Overnight Delivery  
 Hand Delivery  
 Email

/s/ Finn Hanson  
Finn Hanson