

Helena hearing was over before it began

A District Court hearing was held in Helena December 23 to determine if the orders of protection filed by county employees Jami Moody and Arlene Yost against Sweet Grass County Attorney Rich Malagisi should be lifted.

Before the hearing the court was informed by counsel the matter had been resolved and "the appeal dismissed, the restraining order quashed, and the parties agree to stay away from one another".

James G. Hunt, counsel for Moody and Yost, was reached by telephone after the hearing for an explanation of the situation.

Hunt stated the matter was resolved in an agreement between his clients and that Malagisi accomplished the same thing as the orders had - they would all stay away from each other.

Hunt was troubled by some actions taken by Malagisi during the hearing, however. At one point in the proceedings, said Hunt, Malagisi informed him he was terminating the employment of Yost and Moody.

When asked on what basis

Malagisi was taking such action, Hunt attested Malagisi insisted he was taking this action because the women had staged an "attempted coup" against him.

It is Hunt's assertion, however that Malagisi is the problem, not his clients.

"He is the problem," Hunt told The Pioneer "He has repeatedly berated them and has called at least one of them a liar in writing."

Moody and Yost, he points out, have worked effectively and successfully with two previous county attorneys without any problems.

"He is taking the action because he is vindictive," feels Hunt, "he is out of control."

Asked what action his clients plan to take in the wake of their termination, Hunt indicated nothing will be done until official notification of the firings is received.

If this occurs, he and his clients will next go to the Sweet Grass County Commissioners seeking some type of relief.

His clients' preference is that they retain their jobs, Hunt asserts, and voiced concerns about the mediation process that had taken place in the matter so far.

While he feels an elected official should be given deference (respect), Hunt believes Malagisi's actions justify this respect being withdrawn.

He also indicated he and his clients are not pleased with the psychological evaluation Malagisi underwent after the orders of protection were filed against him.

Hunt contends the person who did the evaluation was chosen by Malagisi and not agreed to beforehand by the commissioners.

Another thing that makes Hunt feel Malagisi is terminating the women out of retaliation is the fact that Malagisi has stated he believes he will be going to Iraq in March for approximately one year.

"He stated he would fire them anyway," said Hunt, "even though he will be gone for a year."

Hunt asserts his clients' agreement to drop the orders of protection do not mean they have given up and when the time comes to take the next step, he and they will be ready.

Malagisi denies firings

Sweet Grass County Attorney Rich Malagisi told The Pioneer late Tuesday afternoon he has not fired his assistants, Arlene Yost and Jami Moody, but had considered it a possibility.

Malagisi said, "It's up to Jami and Arlene to decide what to do next."

The attorney said at first he thought the three could not work together in the future, but on second thought wants to try and work out an arrangement between the women

and himself.

He added it will be up to Yost and Moody whether or not they terminate their positions in his office.

Malagisi will be traveling to Ohio for the holidays. He will return to his office in Big Timber on January 2. In the meantime, he said, the Attorney General's office will "keep watch over" the situation.

Malagisi also noted Yost and Moody had voluntarily quashed the orders of protection against him before the hearing in Helena began.

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Continued

Yost, Moody

stated, was that the order prevented him from performing necessary legal work for the county since November 30.

Yost and Moody point out in their response that Malagisi was on reserve duty until December 11 and in contact with their office during that time.

It was only after he returned December 12, they insist, that he was prevented from entering the Sweet Grass County Attorney's office due to a voluntary leave of absence agreement he signed with the commissioners.

They also state the orders of

protection do not bar him from performing his duties at another location, only his agreement with the commissioners bars him from performing these duties.

Moody and Yost assert Malagisi's request for the emergency hearing is a tactic designed to intimidate and influence them, rather than a true emergency and point out the county has standby legal counsel in the form of county attorneys from neighboring counties as well as assistance from the State Attorney General's office.

The women also feel another factor in the request for the emergency hearing was Malagisi's inability to force them to comply with two ultimatums he issued the week of December 15, when he threatened to go to the news media and describe the incident as a "failed coup" attempt.

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