

ORIGINAL FILED  
March 27 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE  
STATE OF MONTANA

Supreme Court Case No. DA 08-0515

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CHIEF DULL KNIFE COLLEGE, a  
Tribal Community College chartered  
by the Northern Cheyenne Tribe,

Plaintiff and Appellant,

vs.

ARTHUR MCDONALD, DOREEN POND  
and JAMES TORSKE,

Defendants and Appellees.

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**Second Motion of James Torske for Extension of Time to File Response Brief**

Defendant/Appellee, James Torske, by and through his counsel of record, Michael K. Rapkoch of Crist, Krogh & Nord, LLC, respectfully moves the Court for an extension of time to file his Brief in this proceeding. This motion is made for the reason that counsel has been ill and needs the additional time to properly complete the Response Brief. Counsel's physicians have implemented treatment which they believe will act quickly to bring the flare up of Counsel's condition under control.

Counsel for Plaintiff/Appellant, Brian Chestnut, and counsel for Defendant/Appellee's Arthur MacDonald and Doreen Pond have been contacted and have no objection to the motion.

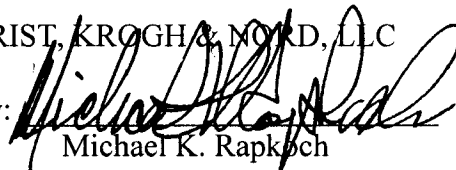
Should the Court grant this Motion, Torske's Brief currently due on March 31, 2009, would then become due on April 7, 2009. No additional motions to extend the filing deadline for Torske's Brief will be made as counsel will take steps to ensure the brief is filed on or before April 7, 2009.

A proposed order is attached.

DATED this 26<sup>th</sup> day of March, 2009.

CRIST, KROGH & NORD, LLC

By:



Michael K. Rapko

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Billings, MT 59101

Attorneys for Appellee, James Torske

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing **Second Motion of James Torske for Extension of Time to File Response Brief** was mailed to the following interested parties by first class mail this 26<sup>th</sup> day of March, 2009:


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Secretary for Crist, Krogh & Nord, LLC