

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. DA 09-0128

STATE OF MONTANA,)	
)	
Plaintiff/Appellee,)	
)	
v.)	<u>DEFENDANT/APPELLANT'S</u>
)	<u>UNOPPOSED MOTION FOR</u>
CLAY DAVID REDDING,)	<u>EXTENSION OF TIME</u>
)	
Defendant/Appellant.)	

Treasure County District Court, Cause No. DC 06-01
Honorable Joe L. Hegel Presiding

Appearances:

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FILED
APR 27 2009
Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

COMES NOW David Clay Redding, by and through undersigned counsel, and pursuant to M.R.App.P. 26(1), moves the Court for a thirty day extension of time to file his initial brief with this Court. The reason for this motion is that Redding's counsel has had two briefs due in the Ninth Circuit in the last three weeks, was out of town in Great Falls three out of five days last week (attending cases in both state and federal court) and has had numerous depositions to attend.


Mr. Redding's brief is currently due Monday, April 27, 2009 and a thirty day extension would make his initial brief due May 27, 2009. Because this is the first such extension that Redding has requested, M.R.App.P. 26(1) applies, which states that "a party may move for and be granted one 30-day extension of time in which to file a brief required...under these rules."

Opposing counsel Treasure County attorney Gary Ryder has no objection to this motion. Pursuant to M.R.App.P. 16(1), a proposed order accompanies this motion, together with sufficient copies for service on all parties and stamped, addressed envelopes.

The reason this motion was not filed yesterday, April 23, 2009, is because my secretary's power went out in her area at 4:00 p.m. (outside of Belgrade, MT). She waited to see if it was a brief outage (until 4:20 p.m.), however, the power had not returned at that time. She believed that at that point she no longer had enough time to prepare and file this motion and order, and travel to the post office in time.

Therefore, this motion is being filed at her first next opportunity to do so.

DATED this 24th day of April, 2009.




Terry F. Schaplow, P.C.
Attorney for Defendant/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of April, 2009, a copy of the foregoing was served upon the following by fax and U.S. Mail:

Gary Ryder
Treasure County Attorney
P.O. Box 72
Hysham, MT 59038-0072



Terry F. Schaplow