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IN THE SUPREME COURT OF THE STATE OF MONTANA
DA 18-0607

IN RE THE ESTATE OF EDWARD M. BOLAND,

Deceased,

PAUL BOLAND and THOMAS E. TOWE,

Petitioners and Appellants,

v.

CHRIS BOLAND, BARRY BOLAND, ED BOLAND
CONSTRUCTION, INC., and NORTH PARK
INVESTMENTS, LLC,

Respondents and Appellees,

**APPELLANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF**

COME NOW the Petitioners/Appellants, Paul Boland and Thomas E. Towe, by and through their attorney of record, and pursuant to Rules 16 and 26(1) M.R. App. P., request an extension of 30 days to file Appellants' Opening Brief. The Brief is first due, and is now due, December 7, 2018. Thirty days would make the Brief due Sunday, January 6, 2019, thus making the Brief due Monday, January 7, 2019.

This is the first request for extension of the issues of this case. By Order of this Court filed November 20, 2018, this case has been consolidated with a case involving some of the same parties and involving the same case below, namely, DA 18-0370 (*In the Matter of the Estate of Edward M. Boland, Deceased, Paul Boland and Mary Gettel, Co-Personal Representatives of the Estate of Dixie L. Boland, Petitioners and Appellants, v. Chris Boland, Barry Boland, Ed Boland Construction, Inc., and North Park Investments, LLC, Respondents and Appellees*).

Thus, there is now a second question, namely, whether the Opening Brief for the Consolidated case will be due on the date the Opening Brief of the last case to be filed is due. Counsel suggests that this would be the logical conclusion. Opposing Counsel agrees. The last case to be filed is the instant case.

While Counsel has nearly completed the brief in the first case to be filed (DA 18-0370) which was due on Monday, December 3, 2018, Counsel has not had an opportunity to adequately prepare a brief in the instant case (DA 18-0607). In addition to spending time on the first brief, the undersigned Counsel was out of the country for two weeks and just now returned.

The undersigned has contacted Appellees' counsel, who indicated they have no objection to this Motion. Appellees also have no objection to the filing of one brief for the two cases on the due date of the Opening Brief in this case and count the due dates for other deadlines accordingly.

Therefore, Appellants respectfully request an extension to file their Opening Brief up to and including January 7, 2019.

DATED this 29th day of November, 2018.

TOWE, BALL, MACKEY, SOMMERFELD
& TURNER, PLLP
Attorneys for Petitioners/Appellants

By 
THOMAS E. TOWE, ESQ.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered to the following counsel of record, served by e-service and/or U.S. mail, postage-prepaid, upon:

Ed Smith
Clerk of Montana Supreme Court
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Billings, MT 59104-2598

Dated this 29th day of November, 2018.

TOWE, BALL, MACKEY, SOMMERFELD
& TURNER, P.L.L.P.
Attorney for Petitioners/Appellants

By Thomas E. Towe

CERTIFICATE OF SERVICE

I, Thomas E. Towe, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Extension of Time - Brief (First Request 30 Days) to the following on 11-29-2018:

Jason Trinity Holden (Attorney)
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Representing: Chris Boland, Barry Boland, Ed Boland Construction, Inc., North Park Investments LLC
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Electronically Signed By: Thomas E. Towe

Dated: 11-29-2018