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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 18-0646

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ZACHARY BRENNAN NEWBARY,

Defendant and Appellant.

**MOTION FOR EXTENSION OF TIME AND
DECLARATION IN SUPPORT**

The Appellee, State of Montana, respectfully requests a 60-day extension of time until September 25, 2019, in which to prepare, serve, and file its response

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brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following Declaration.

Respectfully submitted this 18th day of July, 2019.

TIMOTHY C. FOX
Montana Attorney General
Justice Building
P.O. Box 201401
Helena, MT 59620-1401

By: /s/ Aislinn W. Shaul-Jensen
AISLINN W. SHAUL-JENSEN
Assistant Attorney General

Pursuant to Mont. Code Ann. § 1-6-105, I, Aislinn W. Shaul-Jensen, hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Montana Department of Justice, Office of Attorney General, Agency Legal Services Bureau, as an Assistant Attorney General.
2. In my capacity as Assistant Attorney General, I have been assigned to handle this case.
3. The State's response brief was first due on April 28, 2019. The brief is presently due on July 27, 2019. This is Appellee's third request for an extension of time.
4. I am actively managing the following cases: *Berrington v. State*, DA 18-0281 (Appellee's brief is due at the end of this month); *Zondo v. State*,

CV 17-93-H-BMM-JTJ (D. Mont.) (Settlement conference last week); *Quigg v. Rees*, CV 18-86-H-DLC-JTJ (D. Mont.) (upcoming deadlines for document disclosures); *Smith v. Wilson*, CV 17-119-H-DLC-JTJ (D. Mont.) (discovery and substantive motions); *Langford v. Bullock*, CV 93-46-H-JCL (U.S. Dist. Mont); *Stewart v. Kirkegard*, CV 15-89-GF-BMM-JTJ; *Davis v. Rees*, CV 18-40-H-DLC-JTJ (U.S. Dist. Mont); *Stewart v. Jovanovich*, CV 15-84-H-DLC-JTJ (D. Mont.); *Smith v. State of Montana*, BDV 2008-303 (Mont. First Jud. Dist. Ct.); *Stewart v. State of Montana*, DV 17-100 (Mont. Third Jud. Dist.); and *Stewart v. State of Montana*, DV 39-2019 (Mont. Third Jud. Dist.). In addition, I have been working on projects for my agency clients, including the Montana Secretary of State and Montana Department of Administration.

5. I will work diligently to complete the matter in the time requested.

6. Mr. Newbary is incarcerated and proceeding pro se and, therefore, he has not been contacted concerning this motion.

7. I hereby declare under penalty of perjury under the laws of the United States of America and the State of Montana that the foregoing is true and correct.

Respectfully submitted this 18th day of July, 2019.

/s/ Aislinn W. Shaul-Jensen
AISLINN W. SHAUL-JENSEN

CERTIFICATE OF SERVICE

I, Aislinn Shaul-Jensen, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion and Affidavit for Second or Subsequent Extension to the following on 07-18-2019:

Kirsten H. Pabst (Prosecutor)
200 W. Broadway
Missoula MT 59802
Representing: State of Montana
Service Method: eService

Zachary Brennen Newbary (Appellant)
#3016633
Montana State Prison
700 Conley Lake Road
Deer Lodge MT 59722
Service Method: Conventional

Electronically signed by Kimberly Wollitz on behalf of Aislinn Shaul-Jensen
Dated: 07-18-2019