

4. Appellee seeks a two-week extension of time to file his Response Brief, up to and including November 29, 2019.

5. Appellee obtained a multi-million-dollar judgment against Appellant BNSF pursuant to Montana's bad faith laws.

6. Appellant BNSF contends Appellee's state law claims are preempted by the Federal Employers Liability Act. It has marshalled two *Amicus Curiae* parties to appear on its behalf—the Association of American Railroads and the Washington Legal Foundation. Appellant BNSF also raises constitutional challenges to Appellee's claims.

7. Counsel for Appellee have worked diligently to complete Appellee's Response Brief by the present deadline. However, given the nature of the claims, the preemption issues raised on appeal, the constitutional challenge, the voluminous underlying record, and the appearance of multiple *Amicus Curiae* and *Pro Hac Vice* parties, finalizing Appellee's Response Brief has taken longer than anticipated.

8. Appellee has a substantial need for an additional two-week extension to submit the product this appeal deserves.

9. Should the Court grant this additional extension, Appellee assures the Court his brief will be completed and filed by November 29, 2019, without the need for any further extensions.

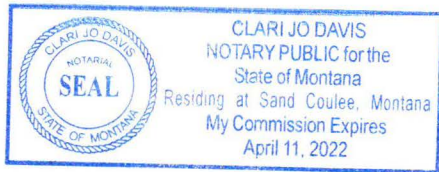
10. Counsel for Appellee has contacted counsel for Appellant BNSF.
BNSF has no objection to the requested extension.

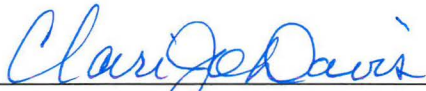
Further Affiant sayeth naught.

Executed on this 12th day of November, 2019.


DENNIS CONNER

SUBSCRIBED AND SWORN to before me this 12th day of November, 2019.




Notary Public for the State of Montana