

IN THE SUPREME COURT OF THE STATE OF MONTANA
SUPREME COURT CAUSE NO. DA 19-0533

NATIONAL INDEMNITY COMPANY,

Plaintiff and Appellant,

vs.

STATE OF MONTANA,

Defendant and Appellee,

and

TERRY JELLESED, et al.,

Intervenors.

**AFFIDAVIT OF MARCIA DAVENPORT IN SUPPORT OF
APPELLANT NATIONAL INDEMNITY COMPANY'S UNOPPOSED
MOTION FOR EXTENSION OF TIME OF 60 DAYS
TO FILE OPENING BRIEF**

On Appeal from the Montana First Judicial District Court,
Lewis and Clark County, the Honorable Holly Brown Presiding

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I, Marcia Davenport (a/k/a Maynard), am over the age of eighteen (18) years, am under no disability, and testify as follows based upon my personal knowledge:

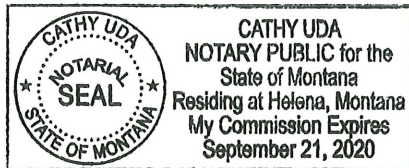
1. I am counsel of record for Appellant National Indemnity Company (“National”) in the above-captioned matter.
2. In support of National’s November 18, 2019 Unopposed Motion for Extension of Time of 60 Days to File Opening Brief, I hereby state:
 - (a) National’s Opening Brief is due December 2, 2019;
 - (b) National’s Opening Brief deadline of December 2, 2019 is when its brief was first due;
 - (c) National seeks an extension of 60 days to January 31, 2020;
 - (d) An extension is necessary due to the voluminous district court record—445 filings—and the breadth of the factual and legal issues involved in the appeal of the district court’s judgment in the amount of \$97,883,193.39 against National and in favor of the Appellee, the State of Montana (“State”);
 - (e) National has exercised diligence and has a substantial need for the extension and National’s Opening Brief will be filed on or before January 31, 2020; and
 - (f) Counsel for the State has been contacted and has no objection to the extension.

Dated November 18, 2019.

Marcia Davenport

Marcia Davenport (a/k/a Maynard)

SUBSCRIBED AND SWORN to before me November 18, 2019.



Cathy Uda

Notary Public for the State of Montana