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Attorneys for Appellant, Eric Vallejo

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 20-0022

ERIC VALLEJO,

Petitioner and Appellant,

v.

STATE OF MONTANA,
MONTANA DEPARTMENT OF
JUSTICE
MOTOR VEHICLE DIVISION,

Respondent and Appellee.

UNOPPOSED THIRD MOTION FOR
EXTENSION OF TIME FOR
APPELLANT TO FILE OPENING
BRIEF

COMES NOW Appellant Eric Vallejo, by and through his counsel of record,
Lowy Law, PLLC pursuant to Mont. R. App. Pro. 26 and respectfully moves this
Court for and additional 10-day extension of time, until May 30, 2020, in which to
prepare, serve, and file the opening brief in the above-entitled matter.

The deadline for filing is May 20, 2020.


If this Motion is granted for an additional 10 days, the new deadline will be **May 30, 2020.**

Opposing counsel has been contacted about the contents of this motion and there is no objection to this motion for an extension of time.

In support of this motion, undersigned counsel respectfully submits the following Declaration

RESPECTFULLY submitted this 20th day of May, 2020.

Lowy Law, P.L.L.C.
103 S. 5th St. E
Missoula, Montana 59801



Matthew B. Lowy
Lowy Law, PLLC
Co-Counsel for Petitioner/ Appellant

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I, Mathew B. Lowy, hereby declare as follows:

1. I am over 18 years of age and am a resident of the State of Montana. I have personal knowledge of the facts herein and, if called as a witness, could testify completely thereto.
2. I am a licensed, practicing attorney in the State of Montana, representing Appellant Eric Vallejo in this appeal.

3. Appellant's opening brief was initial due March 20, 2020.

4. Appellant previously sought and received two previous extensions of time within which to file His opening brief, from March 20, 2020 to April 20, 2020, and again from April 20, 2020 to May 20, 2020. I am moving this Court for a third additional extension of time of 10 more days within which to file the opening brief, from May 20, 2020 to **May 30, 2020**.

5. The reasons for the Motion is principally the COVID-19 pandemic. The pandemic has kept schools and pre-schools closed, keeping firm employees home supervising / teaching their children and parenting children under 5 who require even more attention. Honoring courts and client obligations while simultaneously parenting children is like trying to brush your teeth while eating Oreos.

6. This is the **THIRD** request for an extension of time on this case.

7. I have contacted the Attorney General's Office (opposing counsel). The State of Montana does not oppose an extension of time for 30-days

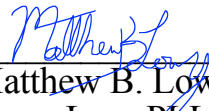
8. It is gracious for opposing counsel to agree to a 1-month extension of time, however less time than that is needed to complete this opening brief, this Court has previously granted two extensions of time, and moving this matter forward before June is prudent.

9. I have been working diligently to complete the briefing within the requested period and shall continue to do so.

10. 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 20th day of May, 2020.



Matthew B. Lowy
Lowy Law, PLLC
Co-Counsel for Appellant, Eric Vallejo

CERTIFICATE OF SERVICE

I hereby certify that I have provided a true and accurate copy of the foregoing THIRD UNOPPOSED MOTION FOR EXTENSION OF TIME with:

Kathleen Anne Molsberry (Attorney)
103 S. 5th Street E.
Missoula MT 59801
Representing: Co-Counsel for Appellant, Eric Vallejo
Service Method: eService

Timothy Charles Fox (Prosecutor)
Montana Attorney General
PO Box 201401
Helena MT 59620
Representing: State of Montana
Service Method: eService

Douglas Christian Schaller (Attorney)
Missoula City Attorney
435 Ryman St.
Missoula MT 59802
Representing: Justice, Department of, Motor Vehicle Division
Service Method: E-mail Delivery



CERTIFICATE OF SERVICE

I, Matthew B Lowy, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 05-20-2020:

Kathleen Anne Molsberry (Attorney)
103 S. 5th St. E
Missoula MT 59802
Representing: Eric Vallejo
Service Method: eService

Timothy Charles Fox (Prosecutor)
Montana Attorney General
215 North Sanders
PO Box 201401
Helena MT 59620
Representing: State of Montana
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Douglas Christian Schaller (Attorney)
Missoula City Attorney
435 Ryman St.
Missoula MT 59802
Representing: Justice, Department of, Motor Vehicle Division
Service Method: E-mail Delivery

Electronically Signed By: Matthew B Lowy
Dated: 05-20-2020