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Attorneys for Defendant

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 20-0609

ARIANE WITTMAN and JEREMY
TAYLEN,

Plaintiffs/Appellants,

-vs-

CITY OF BILLINGS,

Defendant/Appellee.

**AFFIDAVIT OF COUNSEL
IN SUPPORT OF
UNOPPOSED
MOTION FOR 15 DAY
EXTENSION OF TIME TO
FILE APPELLEE'S ANSWER
BRIEF**

1. I am counsel for Appellee City of Billings in this matter.
2. The City has requested a 15-day extension up to and including June 16, 2021, within which to file Appellee's Answer Brief. The Brief is currently due on June 1, 2021.

3. We have been diligently working on drafting the City's response brief. However, an emergency matter has arisen that will require all of counsel's attention and resources for at least the next three to four business days, if not more.

4. An emergency has arisen with a ditch bank in the Billings area. The potential for a catastrophic breach is substantial. Counsel is required to devote all their time attempting to prevent through the legal process a failure of the ditch bank, with the consequential need for emergency filings such as a temporary restraining order and an emergency hearing.

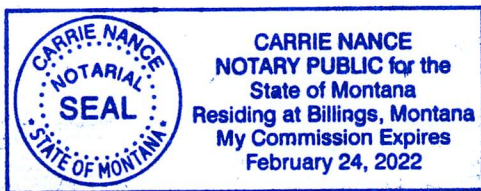
5. Counsel is authorized to state that Appellants do not object to the Motion.

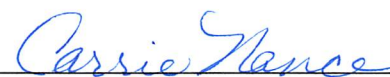
DATED this 27th day of May, 2021.



Gerry Fagan

SUBSCRIBED AND SWORN to before me on this 27th day of May, 2021, by
Gerry Fagan.





Notary Public for the State of Montana
My Commission Expires: 2/24/2022