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IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 21-0259

CHELSEY E. GEORGE f/k/a
CHELSEY E. FRANK,

Petitioner/Appellant

v.

MICHAEL E. FRANK,

Respondent/Appellee

**APPELLANT’S SECOND MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF**

In accordance with Montana Rule of Appellate Procedure 26(2), Appellant brings this motion seeking an extension of time up to and including October 6, 2021, in which to file their opening brief. The filing deadline for Appellants’ opening brief is currently September 6, 2021. This is the second extension of time requested by Appellants.

Counsel for Appellees has been contacted concerning this motion and no position has been given. The extension of time is needed for the reasons stated in the undersigned's Affidavit, specifically:

- First, a mediation occurred on August 3, 2021 with the Honorable Jeffrey Sherlock and continued informally through August 10, 2021. The parties were hopeful that an agreement would be reached at the time of mediation or shortly thereafter. To begin drafting a brief prior to the conclusion of possible settlement would have resulted in additional cost which could have impeded the parties' ability to resolve this case. As the Court knows, the case did not settle.
- Secondly, as a result of the global COVID-19 pandemic, the undersigned's practice has been the busiest it has been in his 38 years of practice, with multiple depositions, settlement conferences, and significant trials scheduled for most months between now and March 2021. While the undersigned is fulfilling the professional obligations owed to his clients, and the Courts, and has the necessary professional assistance in his office that is required of this demand, managing deadlines has been at times challenging.
- Third, at the present time the opening brief is to be filed on or before September 6, 2021. Between today and September 6, 2021, there are

eight working days. In these eight days, the undersigned is traveling to Billings for a mediation (2 days), traveling to Bozeman for a pre-trial conference with co-counsel and clients relating to major litigation filed in Gallatin County (1.5 days), is in a mediation in Missoula on a separate date (1 day), and is scheduled for argument in Court in Ravalli County on a separate date (1 day). As the Court can see, there is limited time to finalize the appellate brief to be filed by September 6, 2021.

- Fourth, this is an appeal from a decision in a dissolution proceeding. The issues presented are significant and of major importance to practitioners who work in the family law area. The undersigned has consulted with other attorneys to solicit their input on these issues and their input was recently provided. The significance of the issues, the importance of the issues to my client, dissolution practitioners, and the judiciary requires providing a clear and concise argument with respect to multiple issues.

As required by Montana Rule of Appellate Procedure 16(3), this Motion does not exceed 1,250 words.

A proposed order and accompanying affidavit are submitted herewith.

Respectfully submitted this 24 day of August 2021.

COTNER LAW, PLLC

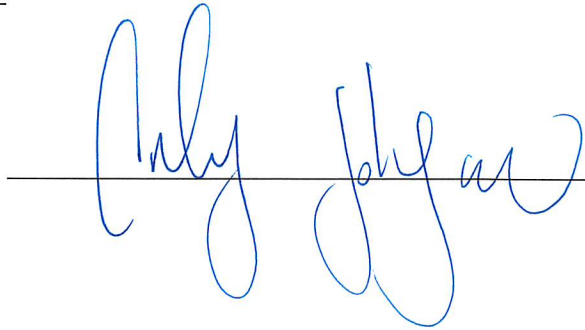


David B. Cotner
Attorney for Appellant

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Cotner Law, PLLC, hereby certify that on August 24 2021 a true and correct copy of the foregoing was filed by electronic means to the Montana Supreme Court. Additionally, a copy was sent via electronic means to:

Molly K. Howard
J.R. Casillas
DATSOPOULOS, MacDONALD & LIND, P.C.
201 West Main Street, Suite 201
Missoula, MT 59802
Email: mhoward@dmlaw.com
jrcasillas@dmlaw.com

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to read "Molly K. Howard".

CERTIFICATE OF SERVICE

I, David Brian Cotner, 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 08-24-2021:

Molly K. Howard (Attorney)
201 W Main, Ste 201
Missoula MT 59802
Representing: Michael E. Frank
Service Method: eService

Electronically Signed By: David Brian Cotner
Dated: 08-24-2021