

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

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No. DA 21-0370

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**HAMLIN CONSTRUCTION AND DEVELOPMENT COMPANY INC.,** a  
Montana Corporation; **JERRY HAMLIN**  
and **BARBARA HAMLIN**, Individually  
and as **TRUSTEES OF THE HAMLIN**  
**FAMILY REVOCABLE LIVING**  
**TRUST,**

Plaintiffs and Appellants,

vs.

**MONTANA DEPARTMENT OF**  
**TRANSPORTATION; JOHN DOES 1-**  
**5; JANE DOES 1-5; ABC ENTITIES,**  
**ORGANIZATIONS OR AGENCIES 1-**  
**5,**

Defendants and Appellees.

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**PLAINTIFFS/APPELLANTS' UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO FILE THEIR OPENING BRIEF**

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Appeal from the District Court of the First Judicial District  
of the State of Montana in and for the County of Lewis and Clark  
Cause No. XBDV-2018-1429  
The Honorable Luke Berger

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## **Attorneys of Record**

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### **Attorneys for Defendants and Appellees**

Plaintiffs Hamlin Construction and Development Company, Inc., Jerry Hamlin and Barbara Hamlin, individually and as Trustees of the Hamlin Family Revocable Living Trust (collectively “the Hamlins”), hereby respectfully move this Honorable Court pursuant to Rule 26(1) of the Montana Rules of Appellate Procedure for an extension of time to file their Opening Brief. Specifically, Hamlins’ Opening Brief is currently due on or before October 7, 2021. Hamlins request, however, that they be allowed a 30-day extension of time to prepare, file, and serve their Opening Brief, with a revised filing date of on or before November 8, 2021.

In accordance with Rule 26(1), M.R. App. P., the undersigned contacted counsel for the Montana Department of Transportation concerning this extension of time request. Defendants and Appellees’ counsel advised they do not oppose the filing of this Motion. Pursuant to Rule 16(1), M.R. App. P., a proposed order is presented with this Motion.

Respectfully submitted this 24<sup>th</sup> day of September 2021.

**WALL, McLEAN & GALLAGHER,  
PLLC**

By /s/ Denny K. Palmer

**Denny K. Palmer**  
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**ATTORNEYS FOR PLAINTIFFS/APPELLANTS**

## CERTIFICATE OF SERVICE

I, Denny Kevin Palmer, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 09-24-2021:

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Electronically signed by Diane L Williams on behalf of Denny Kevin Palmer

Dated: 09-24-2021