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*Attorneys for Defendants/Appellants, Corey Shirley, Owen Kenney
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**IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 21-0416**

JESS ROMO, et al.,)
)
Plaintiffs/Appellees,)
)
v.)
)
USA BIOFUELS, LLC, Utah Limited)
Liability Corporation; VITALITY)
NATURAL HEALTH LLC; EUREKA)
93 INC.; GREG RANGER; DAVID)
RENDIMONTI; COREY SHIRLEY;)
OWEN KENNEY; ROBERT)
LEAKER, SEAN POLI; STEPHEN)
ARCHAMBEAULT; KENT)
HOGGAN; VITALITY CBD)
NATURAL HEALTH PRODUCTS,)
INC.; SURETY LAND)
DEVELOPMENT; LLC, Utah Limited)
Liability Corporation; AND JOHN)
DOES 11-15,)
)
Defendants/Appellants.)

STATUS REPORT

On the 4th day of January, 2022, the Montana Supreme Court entered an Order requiring a status report in this matter, noting that the transcript was well overdue and no extension had been sought. The status of the case is that the Court Reporter is ill and needs additional time to prepare the transcript. A copy of her affidavit is attached. Moreover, counsel for the Appellants, the undersigned, did not fully understand his responsibility as counsel to bring this attention to the Court under Rule 9 Mont. R. App. Pro. He has carefully read the Rule and intends to file simultaneously with this Status Report, an Unopposed Motion for an Extension of Time to Transmit the Record.

DATED this 12th day of January, 2022.

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/s/ Mark D. Parker

Mark D. Parker

Attorneys for Defendants/Appellants Corey

Shirley, Owen Kenney, Kent Hoggan and Surety

Land Development, LLC

Kimberly Kurtz
Court Reporter
15th Judicial District Court
100 West Laurel Ave
Plentywood, MT 59254

MONTANA FIFTEENTH JUDICIAL DISTRICT COURT
ROOSEVELT COUNTY

Jess Romo, et al.,
Plaintiff and Appellees,

Cause No. DV-2018-45
S.C. No. DA 21-0416

Versus

USA Biofuels, LLC, Utah Limited Liability Corporation; VITALITY NATURAL HEALTH LLC; EUREKA 93 INC., GREG RANGER; DAVID RENDIMONTI; COREY SHIRLEY; OWEN KENNEY; ROBERT LEAKER; SEAN POLI; STEPHEN ARCHAMBEAULT; KENT HOGGAN; VITALITY CBD NATURAL HEALTH PRODUCTS, INC.; SURETY LAND DEVELOPMENT; LLC, Utah Limited Liability Corporation; and JOHN DOES 11-15,
Defendants and Appellants

AFFIDAVIT IN SUPPORT OF
LATE FILING OF TRANSCRIPT

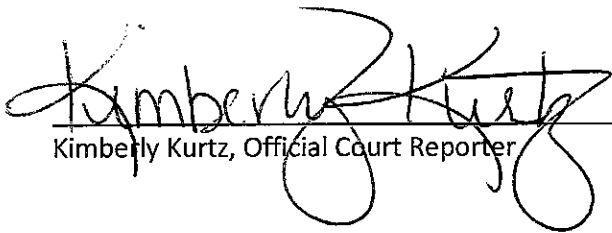
State of Montana)
 :
County of Roosevelt)

COMES NOW, the Affiant, KIMBERLY KURTZ, and states under oath, as follows:

1. I am the Official Court Reporter for the 15th Judicial District Court, Roosevelt County, Wolf Point, Montana.
2. I was the Official Court Reporter who reported the proceeding in the above-entitled cause.

3. On June 28th I was diagnosed with blood clots in my right lung and leg and again in the left lung on November 27th. These have made sitting and typing difficult. I can only sit for an hour or so at a time without needing to get up and walk around and tire very easily. This has attributed for it taking a while to complete the requested transcripts. I have been working on the transcripts for this matter as much as I can. It has been a slow process and I am still working on it.
4. I am requesting to have until Monday January 31st to complete the Jury Trial Transcript.

Dated this 5th Day of January, 2022


Kimberly Kurtz, Official Court Reporter

CERTIFICATE OF SERVICE

I, Mark D. Parker, hereby certify that I have served true and accurate copies of the foregoing
Other - Other to the following on 01-12-2022:

Ross Thomas Johnson (Attorney)
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P.O. Box 2325
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Representing: Amber Anderson, Beau Anderson, David Anderson, Stephanie Anderson, Ty Anderson,
Bears Coulee Ranch, LLC, Berwick Farms, LLC, DSF Logistics, Inc., Enander Seed Farm, LLP, Dave
Granley, Keith Kyle Groh, Wyatt Handy, Chris Hansen, Wagner Harmon, Nelson Farms, Nolan
Nelson, Nelson Paydon, Chase Picard, David Picard, Bryan Prevost, Romo Brothers, LLP, Jess Romo,
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Service Method: Conventional

Robert Leaker (Other)

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Service Method: Conventional

Sean Poli (Other)

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Service Method: Conventional

Greg Ranger (Other)

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unknown MT 59000

Service Method: Conventional

USA Biofuels, LLC (Other)

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Service Method: Conventional

Vitality CBD Natural Health Products, Inc. (Other)

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Representing: Scot Panasuk, Todd Panasuk

Service Method: Conventional

Electronically signed by Larissa Sikel on behalf of Mark D. Parker
Dated: 01-12-2022