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*Attorneys for Plaintiffs*

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Cause No. DA 21-0358

CHRISTINA SCHMID and JENNIFER  
POWERS,

Plaintiffs / Appellants,

-vs-

JAE NOTTI, SUSIE NOTTI, and ET  
CATTLE COMPANY, LLC,

Defendants /

Appellees.

MOTION FOR EXTENSION OF  
TIME

Appellants Christina Schmid and Jennifer Powers (Plaintiffs in that cause of action filed in the Sixteenth Judicial District Court, in and for Powder River County, as Cause No. DV-38-2019-2587) hereby request an extension of time for Appellants to file their opening brief. The motion is made upon the following grounds:

1. The pending motion in the lower court has not yet been resolved and should be resolved prior to this appeal moving forward. Further the summary judgment order determined fewer than all of the claims of the parties and, thus, it is unclear whether the matter is ripe for appeal.


2. Appellants are filing a Rule 54(b) motion in the lower court proceedings concurrently herewith to clarify the status of the lower court proceedings for purposes of this appeal.

3. Appellants respectfully request an extension for filing their opening brief until such time as the lower court rules on the Rule 54(b) motion, or alternatively, for 120 days.

4. Appellants' counsel contacted Defendants/Appellees' counsel prior to filing this motion to discuss an extension in light of the lower court proceedings. Counsel did not say whether or not Appellees were objecting to the continuance prior to the undersigned filing this motion.

Respectfully submitted this 7th day of March, 2022.

**LONABAUGH AND RIGGS, LLP**

By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of March, 2022, I have filed a true and accurate copy of the foregoing Motion for Extension of Time with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing Motion for Extension of Time upon each attorney of record, as follows:

Afton E. Ball  
Jordan W. Fitzgerald  
Moulton Bellingham PC  
27 North 27th Street, Suite 1900  
P.O. Box 2559  
Billings, MT 59103-2559

  
\_\_\_\_\_  
OF LONABAUGH AND RIGGS, LLP

## **CERTIFICATE OF SERVICE**

I, Amanda Roberts, hereby certify that I have served true and accurate copies of the foregoing Motion - Extension of Time to the following on 03-07-2022:

Jordan FitzGerald (Attorney)  
27 North 27th Street, Suite 1900  
P.O. Box 2559  
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Representing: ET Cattle Company, LLC, Jae Notti, Susie Notti  
Service Method: eService

Afton Ball (Attorney)  
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Representing: ET Cattle Company, LLC, Jae Notti, Susie Notti  
Service Method: eService

Electronically Signed By: Amanda Roberts  
Dated: 03-07-2022