



ORIGINAL

Hertha Lund  
Lund Law PLLC  
662 S. Ferguson Avenue, Unit 2  
Bozeman, MT 59718  
Phone (406) 586-6254  
Fax (406) 586-6259  
Lund@Lund-Law.com

David B. Gallik  
Gallik Law Office, PLLC  
1124 Billings Avenue  
Helena, MT 59601  
Phone (406) 443-0009  
Fax (406) 443-0609  
Dave@GallikLaw.com

*Attorneys for Dennis McDonald*

IN THE SUPREME COURT OF THE STATE OF MONTANA  
DA-22-0055

<p>DENNIS DEE MCDONALD as a general partner, managing partner and limited partner, OPEN SPEAR RANCH FAMILY LIMITED PARTNERSHIP</p> <p style="text-align: center;">Counter-Defendant/Appellant,</p> <p>v.</p> <p>SHARON MCDONALD, as a general partner, managing partner and limited partner, KELLY MCDONALD FRASER, as a limited partner, COURTNEY MCDONALD, as a limited partner, and CASEY MCDONALD, as limited partner, OPEN SPEAR RANCH FAMILY LIMITED PARTNERSHIP</p> <p style="text-align: center;">Counterclaimants/Appellees.</p>	<p style="text-align: center;"><b>AFFIDAVIT OF DAVID B. GALLIK IN SUPPORT OF MOTION FOR EXTENSION FOR FILING APPELLATE'S OPENING BRIEF UNTIL JULY 8, 2022</b></p> <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">JUN 09 2022</p> <p style="text-align: center;">Bowen Greenwood Clerk of Supreme Court State of Montana</p>
---	---

David B. Gallik, being first duly sworn upon oath, deposes and states;

- I am one of the attorneys of record for the Appellant, Dennis McDonald, in the above-entitled matter.

2. I make this affidavit of my own personal knowledge and could and would testify to the truthfulness of the contents hereof if called upon to so testify.

3. This motion is made pursuant to M.R.App.P. 16 and 26(2), requesting an extension of an additional thirty (30) days, until July 8, 2022, in which to file Appellant's Opening Brief in the above-captioned matter.

4. The reason for this request is that on June 8, 2022 the Supreme Court issued a Notice of Filing indicating the final transcripts deemed necessary for this Appeal, dated 8/9/2016 and 10/4/2016, 6/20-6/22/2018 and 11/5/2019, were received by the Supreme Court from the Sweet Grass County District Court on June 8, 2022. These transcripts now complete the record on Appeal. That notice further states "If the transcript completes the record on appeal, the Appellant's opening brief is due 30 days from June 8, 2022."

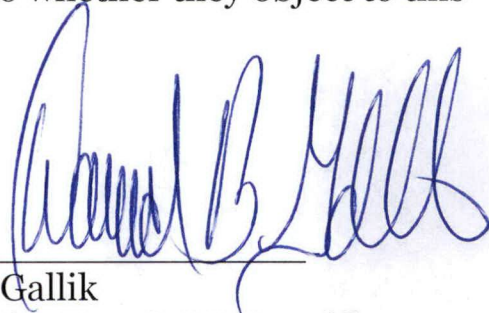
5. The transcripts referenced in the preceding paragraph of this Affidavit does complete the record on appeal.

6. Prior to receiving the above referenced additional transcripts on June 8, 2022, the District Court had forwarded other portions of the record to the Montana Supreme Court.

7. The Appellant's Opening Appellate Brief is currently due on June 20, 2022. The brief was originally scheduled to be due on May 20, 2022.

8. Jim Lippert and Rodd Hamman, counsel for the Appellees have been contacted and have not yet responded as to whether they object to this request.

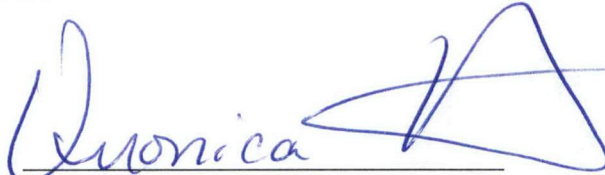
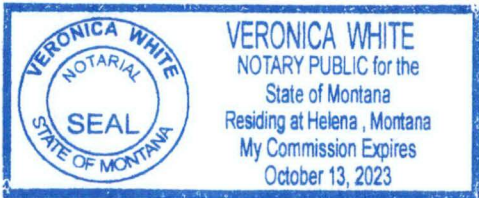
Dated this 9<sup>th</sup> day of June, 2022.



\_\_\_\_\_  
David B. Gallik  
Attorney for Dennis McDonald

STATE OF MONTANA )  
                                  :  
County of Lewis & Clark)

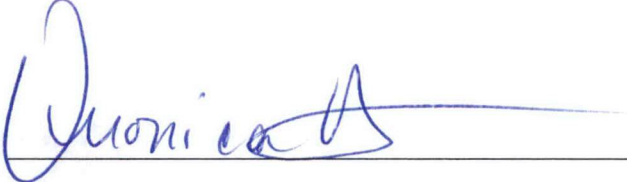
SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of June, 2022, by David B. Gallik.

  
\_\_\_\_\_  
Notary

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of June, 2022, a true and correct copy of the foregoing document was served upon the following individuals in the manner set forth below:

<p>Jim Lippert Attorney at Law PO Box 1636 301 W. 1<sup>st</sup> St., Suite B Big Timber, MT 59011 (406) 932-5410 <a href="mailto:jimlippertlaw@itstriangle.com">jimlippertlaw@itstriangle.com</a></p>	<p>X U.S. First-class mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Via Fax: X Via Email: <input type="checkbox"/> Other:</p>
<p>Rodd A. Hamman CALTON HAMMAN &amp; WOLFF, P.C. 2075 Central Avenue, Suite 4 Billings, MT 59102-4956 (406) 656-0900 <a href="mailto:roddhamman@chwlawfirm.com">roddhamman@chwlawfirm.com</a></p>	<p>X U.S. First-class mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Via Fax: X Via Email: <input type="checkbox"/> Other:</p>
<p>Clerk of 6<sup>th</sup> Judicial District Court 200 W. 1<sup>st</sup> P.O. Box 698 Big Timber, MT 59011-0698 (406) 932-5154 <a href="mailto:bswanson@mt.gov">bswanson@mt.gov</a></p>	<p>X U.S. First-class mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Via Fax: X Via Email: <input type="checkbox"/> Other:</p>

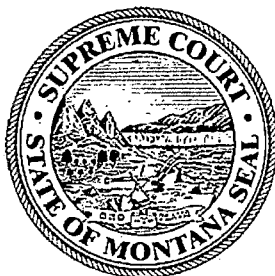


FILED

06/08/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 22-0055



IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003

June 8, 2022

NOTICE OF FILING

Supreme Court No.  
DA 22-0055

DENNIS DEE MCDONALD as a general  
partner, managing partner and limited  
partner of the OPEN SPEAR RANCH FAMILY  
LIMITED PARTNERSHIP,

Counter-Defendant and Appellant,

v.

SHARON MCDONALD, as a general partner,  
managing partner and limited partner,  
KELLY MCDONALD FRASER, as a limited partner,  
COURTNEY MCDONALD, as a limited partner;  
and CASEY MCDONALD, as limited partner,  
OPEN SPEAR RANCH FAMILY LIMITED  
PARTNERSHIP,

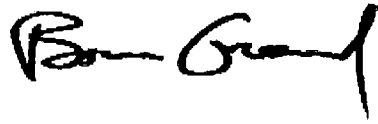
Counterclaimants and Appellee's.

Three (3) electronically imaged Transcripts in Sweet Grass County District Court Cause No. DV-2014-19 dated 8/9/2016 and 10/4/2016, 6/20-22/2018, and 11/5/2019 were received and filed on June 8, 2022.

NOTE: If the transcript completes the record on appeal, the Appellant's opening brief is due 30 days from June 8, 2022. Parties are responsible for calendaring their own due dates.

*As a reminder, one can follow this case online through the Clerk of the Supreme Court's Public View Docket at <http://supremecourtdocket.mt.gov/>.*

Sincerely,

A handwritten signature in black ink, appearing to read "Bowen Greenwood". The signature is fluid and cursive, with the first name "Bowen" and last name "Greenwood" clearly distinguishable.

Bowen Greenwood  
Clerk of the Supreme Court