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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 20-0221

STATE OF MONTANA,

Plaintiff and Appellee,

v.

GARY WAYNE TEMPLE, JR.,

Defendant and Appellant.

**UNOPPOSED MOTION FOR EXTENSION OF TIME
AND DECLARATION IN SUPPORT**

The Appellee, State of Montana, respectfully requests a 30-day extension of time until September 10, 2022, in which to prepare, file, and serve its response brief in the above-entitled matter.

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In support of this motion, undersigned counsel submits the following Declaration.

Dated this 2nd day of August, 2022.

AUSTIN KNUDSEN
Montana Attorney General
Justice Building
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: /s/ Katie F. Schulz
KATIE F. SCHULZ
Assistant Attorney General

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I, Katie F. Schultz, hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Montana Department of Justice, Office of Attorney General, Appellate Section, as an Assistant Attorney General.
2. In my capacity as Assistant Attorney General, I was assigned to handle the above-entitled matter on June 1, 2022.
3. The State's response brief was originally due on June 13, 2022 and is presently due August 11, 2022. This is the State's third motion for an extension of time.

4. Due to my current workload, I have been unable to complete the State's response brief and consult with the prosecuting attorney about this case.

5. Since this case was assigned to me, I have completed response briefs in the following cases: *State v. Gudmundsen*, Case No. 21-0340, filed June 21, 2022; *State v. Pitkanen*, Case No. 20-0474, to be filed June 30, 2022; and *H. Leal De La Hoz v. J. Kowalski*, OP 22-530, filed on July 22, 2022.

In addition, I prepared for, and presented, a Supreme Court Update on July 7, 2022, at the Montana County Attorney's Association Summer CLE. I have also been assigned to complete a response brief/answer in the following cases: *State v. Erickson*, Case No. 22-0146, presently due August 13, 2022; *State v. Henderson*, Case No. DA 22-0084, due September 3, 2022; and *Belanus v. Montana*, Mont. Dist. Court Case No. CV 16-104-H-DLC-JTJ, presently due September 6, 2022.

Finally, I have been out of the office for health reasons and have been unable to work for the past week and will likely be out for this week as well.

6. I will work diligently to complete the matter in the time requested, if not before.

7. Opposing counsel, Laura Reed, does not oppose this motion.

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8. I hereby declare under penalty of perjury under the laws of the United States of America and the State of Montana that the foregoing is true and correct.

Respectfully submitted this 2nd day of August, 2022.

/s/ *Katie F. Schulz*
KATIE F. SCHULZ

CERTIFICATE OF SERVICE

I, Kathryn Fey Schulz, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 08-02-2022:

Joshua A. Racki (Govt Attorney)
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Representing: State of Montana
Service Method: eService

Chad M. Wright (Attorney)
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Representing: Gary Wayne Temple
Service Method: eService

Electronically signed by Wendi Waterman on behalf of Kathryn Fey Schulz
Dated: 08-02-2022