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Attorneys for Plaintiffs and Appellants

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 22-0109

NETZER LAW OFFICE, P.C. and DONALD L. NETZER,

Plaintiffs and Appellants,

v.

STATE OF MONTANA by and through AUSTIN KNUDSEN
In his official capacity as Attorney General and LAURIE ESAU,
Montana Commissioner of Labor and Industry,

Respondents and Appellees.

MOTION TO FILE OVER-LENGTH REPLY BRIEF

COMES NOW, the Plaintiffs and Appellants by and through their attorneys, and pursuant to Rule 12(10) of the Montana Rules of Appellate Procedure respectfully submits this motion seeking to file an overlength reply brief in the amount of 7,500 words. Consistent with the attached affidavit, Netzer Law is seeking this length extension for the following reasons:

- (1) This case deals with numerous, complex constitutional questions of first impression and, as the State has acknowledged, involves issues of significant public importance (State Br. at 50 n.13);
- (2) The State's response brief raises a substantial number of new legal theories and arguments on appeal to which Netzer Law intends to respond to in the event that the Court decides the State has not waived those arguments;
- (3) Netzer Law has demonstrated its respect for word limits and restraint to date, having filed an opening brief that was only 8,299 words long, though Netzer Law was entitled to 10,000; and

(4) Netzer Law is committed to providing thorough and responsive arguments in an effort to help the Court and its judicial clerks manage the numerous complex issues raised by this appeal in the most concise manner possible.

See generally Declaration of Joel Krautter in Support of Motion to File Over-Length Reply Brief.

Earlier today, Netzer Law contacted the State to see whether they would oppose this motion. Understanding that the State was given short notice, Netzer Law attributes no fault to them for having not responded at the time of this filing. However, should the State oppose this request, they are free to file such an opposition. The date currently set for filing the reply brief at issue is Monday, August 22nd, 2022.

For the foregoing reasons, Netzer Law respectfully requests that this Court grant this Motion.

Dated this 19th, day of August, 2022.

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By: /s/ Joel G. Krautter
JOEL G. KRAUTTER
Attorney for Netzer Law Office, P.C.
and Donald L. Netzer

CERTIFICATE OF SERVICE

I, Joel G. Krautter, hereby certify that I have served true and accurate copies of the foregoing Motion - Opposed to the following on 08-19-2022:

Brent A. Mead (Govt Attorney)
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Electronically Signed By: Joel G. Krautter
Dated: 08-19-2022