

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE THE MARRIAGE OF:	
ELAINE HERMAN GIRDLER, Petitioner/Appellant, vs. JEFFREY ALAN GIRDLER, Respondent/Appellee.	Supreme Court Cause No. DA 22-0218 District Court Cause No. ADR 2021- 308

MOTION FOR 30-DAY EXTENSION

On Appeal from the Montana First Judicial District Court, Lewis and Clark
County, the Honorable Mike Menahan, Presiding

APPEARANCES:

Joseph Nevin Joseph Nevin Attorney at Law 3624 Green Meadow Dr. Helena, MT 59602 (406) 465-9917 (Voice) bada55_jd@hotmail.com Attorneys for Petitioner/Appellant Elaine Herman Girdler	Rachel N. Mech Offit Kurman, P.A. 300 East Lombard Street, Suite 2010 Baltimore, Maryland 21202 (410) 209-6447 (Voice) rmech@offitkurman.com Pro Hac Vice for Petitioner/Appellant
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Michelle H. Vanisko HINSHAW & VANISKO, PLLC 1 N. Last Chance Gulch, Ste. 1 Helena, MT 59601 (406) 442-1925 (Voice) michelle@hinshawlaw.net	
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Attorneys for Respondent/Appellee

COMES NOW Respondent/Appellee Jeffrey Alan Girdler, by and through his counsel of record, and hereby respectfully requests that the above-entitled Court grant the Respondent and Appellee an additional thirty (30) days, until October 3, 2022, in which to file Appellee's Response Brief in the above-captioned matter. This request is timely because the opening brief is not due until September 3, 2022 (30 days from August 4, 2022).

The undersigned has contacted Joseph Nevin and Rachel Mech, counsel for Petitioner and Appellant. They have not been able to contact their client at this time, so the undersigned is unsure whether the Petitioner/Appellant objects. See email correspondence attached hereto as **Exhibit A**.

Dated: September 2, 2022.

By: **Michelle H. Vanisko**
Michelle H. Vanisko
Attorney for Respondent/Appellee
Jeffrey Alan Girdler
(Electronically Signed on 9/2/2022)

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2022, I caused to be served a true and correct copy of the foregoing **MOTION FOR 30-DAY EXTENSION** to all parties or their counsel of record via their last contact information as set forth below:

Rachel N. Mech
Offit Kurman, P.A.
300 East Lombard Street, Suite 2010
Baltimore, Maryland 21202

☒ U.S. Mail, postage prepaid
☒ Electronic Mail
rmech@offitkurman.com
☐ Facsimile Transmission
☐ Personal Delivery

Pro Hac Vice for Petitioner/Appellant

Joseph Nevin
Joseph Nevin Attorney at Law
3624 Green Meadow Dr.
Helena, MT 59602

☐ U.S. Mail, postage prepaid
☒ Electronic Mail
bada55_jd@hotmail.com
☐ Facsimile Transmission
☐ Personal Delivery

Attorneys for Petitioner/Appellant Elaine Herman Girdler

Gregory J. Votta
Law Office Of Shelly M. Ingram
8161 Maple Lawn Blvd., Suite 330
Fulton, Maryland 20759

☐ U.S. Mail, postage prepaid
☒ Electronic Mail
votta@shellyingramlaw.com
☐ Facsimile Transmission
☐ Personal Delivery

Courtesy copy

Michelle Vanisko

From: Michelle Vanisko
Sent: Friday, September 2, 2022 1:43 PM
To: Mech, Rachel; Joseph Nevin; Crystal Sykes
Cc: e40f5b1c378f468db1cb71c4ccd8c98b@lawmail.cosmolex.com
Subject: RE: Herman v. Girdler, DA 22-0218

Tracking:	Recipient	Delivery
	Mech, Rachel	
	Joseph Nevin	
	Crystal Sykes	Delivered: 9/2/2022 1:43 PM
	e40f5b1c378f468db1cb71c4ccd8c98b@lawmail.cosmc	

Thank you for making the effort. I will file our motion stating your position as unknown. Have a very nice weekend.

From: Mech, Rachel <rmech@offitkurman.com>
Sent: Friday, September 2, 2022 1:42 PM
To: Michelle Vanisko <Michelle@Hinshawlaw.net>; Joseph Nevin <bada55_jd@hotmail.com>; Crystal Sykes <Crystal@Hinshawlaw.net>
Cc: e40f5b1c378f468db1cb71c4ccd8c98b@lawmail.cosmolex.com
Subject: RE: Herman v. Girdler, DA 22-0218

Hi Michelle,

I was unable to reach our client to provide a response regarding the request for extension. Please feel free to file this email chain with your motion so the Court knows that we discussed but were unable to provide an answer before you needed to file.


Enjoy the labor day weekend—

My best,
Rachel

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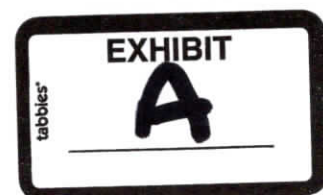
Rachel Mech

Principal
D 410.209.6447
rmech@offitkurman.com

 View My Bio »

300 E Lombard Street
Suite 2010
Baltimore, MD 21202
T 410.209.6400
F 410.209.6435
offitkurman.com



From: Michelle Vanisko <Michelle@Hinshawlaw.net>
Sent: Friday, September 2, 2022 2:28 PM
To: Mech, Rachel <rmech@offitkurman.com>; Joseph Nevin <bada55_jd@hotmail.com>; Crystal Sykes <Crystal@Hinshawlaw.net>
Cc: e40f5b1c378f468db1cb71c4ccd8c98b@lawmail.cosmolex.com
Subject: RE: Herman v. Girdler, DA 22-0218

Rachel and Joe,

Due to timing, I will be filing our motion by 1pm today. If we get further information from you, we will note to the Court the objection or nonobjection, depending on your response. If we do not hear further, I will likely attach the below email communication and let the Court know we do not know whether there is an objection. I cannot reasonably wait longer to file our request because we need a decision before the Court leaves for the day.

-Michelle

From: Mech, Rachel <rmech@offitkurman.com>
Sent: Friday, September 2, 2022 11:20 AM
To: Joseph Nevin <bada55_jd@hotmail.com>; Crystal Sykes <Crystal@Hinshawlaw.net>
Cc: Michelle Vanisko <Michelle@Hinshawlaw.net>; e40f5b1c378f468db1cb71c4ccd8c98b@lawmail.cosmolex.com
Subject: RE: Herman v. Girdler, DA 22-0218

Hi Joe,

We do not have authority from the client to do that. I am on the phone, but when available, I can call you and then we can respond to Michelle.

Michelle, sorry for the hold up. We will get back to you very soon and hope that we can grant the extension as a courtesy.

Rachel

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Attorneys At Law

Rachel Mech

Principal
D 410.209.6447
rmech@offitkurman.com

 [View My Bio »](#)

300 E Lombard Street
Suite 2010
Baltimore, MD 21202
T 410.209.6400
F 410.209.6435
offitkurman.com

[in](#) [f](#) [t](#) [@](#)

From: Joseph Nevin <bada55_jd@hotmail.com>

Sent: Friday, September 2, 2022 1:12 PM

To: Crystal Sykes <Crystal@Hinshawlaw.net>; Mech, Rachel <rmech@offitkurman.com>

Cc: Michelle Vanisko <Michelle@Hinshawlaw.net>; e40f5b1c378f468db1cb71c4ccd8c98b@lawmail.cosmolex.com

Subject: Re: Herman v. Girdler, DA 22-0218

Rachel:

Just wanted to confirm that Michelle's office reached out to me and I did not object to the extension. It's a common courtesy in Montana (and the court would almost certainly grant the extension regardless).

Cordially,
Joe

From: Crystal Sykes <Crystal@Hinshawlaw.net>

Sent: Friday, September 2, 2022 10:55 AM

To: rmech@offitkurman.com <rmech@offitkurman.com>

Cc: Michelle Vanisko <Michelle@Hinshawlaw.net>; bada55_jd@hotmail.com <bada55_jd@hotmail.com>; e40f5b1c378f468db1cb71c4ccd8c98b@lawmail.cosmolex.com
<e40f5b1c378f468db1cb71c4ccd8c98b@lawmail.cosmolex.com>

Subject: Herman v. Girdler, DA 22-0218

Ms. Mech,

In follow up to my voicemail I just left you, Michelle Vanisko asked me to find out if you would object to a 30 day extension for Jeffrey Girdler to file his Response Brief in the above-referenced matter. I just spoke with Mr. Nevin, and he doesn't object to the extension but asked us to check with you. We have been working on the brief but Michelle wasn't feeling well last night so she would like just a little extra time. She does not expect to take the full 30 days. Barring any emergencies, she expects it will be filed next week.

Please let us know if you object so we can add that to our motion.

Thank you,

Crystal Sykes, Paralegal
HINSHAW & VANISKO, PLLC
1 N. Last Chance Gulch, Suite 1
Helena, MT 59601
Tel: (406) 442-1925 x1002
Fax: (406) 442-1922
Email: crystal@hinshawlaw.net

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CERTIFICATE OF SERVICE

I, Michelle H. Vanisko, hereby certify that I have served true and accurate copies of the foregoing Motion - Extension of Time to the following on 09-02-2022:

Joseph R. Nevin (Attorney)
3624 Green Meadow Drive
Helena MT 59602
Representing: Elaine Girdler
Service Method: eService

Rachel Mech (Interested Observer)
300 East Lombard Street
Suite 2310
Baltimore MD 21202
Service Method: Conventional

Electronically Signed By: Michelle H. Vanisko
Dated: 09-02-2022