

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Cause No. DA-22-0358

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DAVID LOCKHART AND DOREEN LOCKHART,  
Appellants/Cross-Appellees,

vs.

WESTVIEW MOBILE HOME PARK, LLC,  
Appellee/Cross-Appellant.

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**MOTION FOR EXTENSION OF TIME TO FILE BRIEF**

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On Appeal from the District Court of the Fourth Judicial District  
of the State of Montana, In and for the County of Missoula,  
Before the Honorable Shane Vannatta

Appearances:

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COMES NOW Appellee and Cross-Appellant, Westview Mobile Home Park, LLC (“Westview”), by and through counsel, and respectfully moves the Court for additional time to file its response brief to Appellants opening brief. Westview requests an additional 30 days, up to and including December 28, 2022. Appellants were contacted and oppose this motion.

Mont. R. App. P. 26(1) allows a party to “move for and be granted one 30-day extension of time in which to file a brief required or allowed to be filed under these rules.” The clerk of the supreme court is authorized to act on any motions for 30-day extension of time which are unopposed. *Id.* Any second or subsequent motion for extension of time must be filed at least seven (7) days prior to the expiration of time and be supported by an affidavit. Mont. R. App. P. 26(2).

This is Westview’s first motion for an extension of time so no affidavit is required, and it should be granted as a matter of course. Additionally, Westview requires additional time after a separate case addressing the same or similar issue of law was identified, specifically DA 22-0948, GREENER MONTANA PROPERTY MANAGEMENT, LLC, TRAVIS MARTINEZ, Individually and KRISTYN MARTINEZ, Individually, Plaintiffs and Appellees, v. HYDI CUNNINGHAM, Defendant and Appellant, on appeal from the Montana Twenty-First Judicial District Court. Westview believes the related case may impact its response and requires additional time to fully brief this issue.

DATED this 23rd day of November, 2022.

CHRISTIAN, SAMSON & BASKETT, PLLC

/s/ Rufus I. Peace

Rufus I. Peace

*Attorney for Plaintiff-Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing MOTION FOR EXTENSION OF TIME TO FILE BRIEF with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing motion as follows:

VIA U.S. MAIL:

David and Doreen Lockhart  
2435 McDonald Ave.  
Missoula, MT 59801  
*Appellants/Cross-Appellees*

VIA E-FILING:

Clerk of District Court  
200 W. Broadway  
Missoula, MT 59802

DATED this 23rd day of November, 2022.

CHRISTIAN, SAMSON & BASKETT, PLLC

/s/ Rufus I. Peace

Rufus I. Peace

*Attorney for Plaintiff*

## **CERTIFICATE OF SERVICE**

I, Rufus I. Peace, hereby certify that I have served true and accurate copies of the foregoing Motion - Opposed to the following on 11-30-2022:

David James Lockhart (Attorney)  
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Electronically signed by Jane Rasmussen on behalf of Rufus I. Peace  
Dated: 11-30-2022