

Lewis K. Smith
SMITH LAW FIRM, P.C.
26 West Sixth Avenue
PO Box 1691
Helena, MT 59624
Telephone: (406) 442-2980
Email: lsmith@smithlawmt.com

Attorney for Appellant William Michael Smith

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA-22-0580

IN RE THE MATTER OF:)	AFFIDAVIT IN SUPPORT OF UNOPPOSED
)	APPELLANT'S SECOND MOTION FOR
PEGGY LEANN SMITH,)	EXTENSION OF TIME TO FILE OPENING
)	BRIEF
Petitioner and Appellee,)	
)	
vs.)	
)	
WILLIAM MICHAEL SMITH,)	
)	
Respondent and Appellant.)	

* * * * *

Lewis K. Smith, first being duly sworn, attests to the following:

1. I am the attorney for Appellant William Michael Smith.
2. The Court has previously extended the filing date for our Opening Brief from December 23, 2022 to January 23, 2023.
3. Due to illness and computer server issues this past week, I was unable to spend as much time as planned to complete the Opening Brief.

4. The Parties have also been attempting to resolve this matter without having to complete the Supreme Court Appeal. However, it has been difficult to get in touch with our clients due to their schedules, making this take longer than anticipated to hopefully resolve.

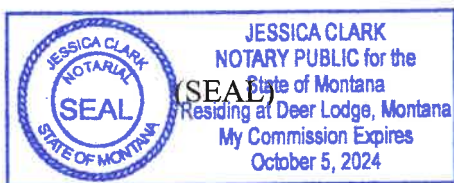
5. Counsel for the Appellant has an out of state trip that is scheduled to have him out of state from January 18 through January 23. The trip has pre-paid airline tickets and an event ticket. Counsel had believed he would have the brief completed before January 18, 2023, however, I have lost the three days last week due to illness and computer issues. Counsel had blocked out time for completing the brief this past week and weekend, but with the loss of the three days due to the illness and computer problems has been unable to complete the brief.

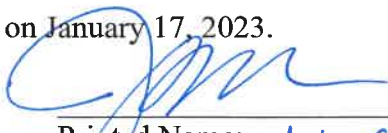
6. Counsel for the Appellee has been contacted and indicated she does not object to the continuance and suggested a longer time period to the middle of February to give us more time on the mediation side. The request is to have an extension until February 17, 2023.

DATED January 17, 2023.


Lewis K. Smith

Subscribed and sworn before me on January 17, 2023.




Printed Name: Jessica Clark
Notary Public for the State of Montana
Residing at: Deer Lodge, MT