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Attorneys for Lindsay Burns Barbier, Petitioner and Appellant

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 22-0456

IN THE MATTER OF THE ESTATE OF

HORATIO W. BURNS,

Deceased.

**SECOND MOTION FOR
EXTENSION OF TIME
FOR COURT REPORTER
TO TRANSMIT RECORD**

Pursuant to Rule 9(4) of the Montana Rules of Appellate Procedure, Appellant Lindsay Burns Barbier (“Lindsay”) respectfully moves for an extension of time for the Court Reporter who is preparing the transcripts that have been requested of the trial proceedings in this matter, Deidre Taber, to have until April 17, 2023, by which to file the requested transcripts.

Ms. Taber has made this request in her Affidavit, which is attached to this Motion as Ex. A. Lindsay understands that Ms. Taber needs additional time to

prepare the requested transcripts as the trial was seven days long and as Ms. Taber is working as a Court Reporter during the day in court hearings and trials, and she is working to prepare this and other transcripts in the evenings and on weekends.

Pursuant to Rule 16(1) of the Montana Rules of Appellate Procedure, Lindsay has contacted opposing counsel for the Cross-Appellants, but they have not yet responded as to whether they oppose this Motion. Also pursuant to Rule 16(1), Lindsay is providing a proposed order along with this Motion for the Court's consideration.

DATED this 14th day of February, 2023.

MOULTON BELLINGHAM PC

By /s/ Stephanie Baucus
CHRISTOPHER T. SWEENEY
STEPHANIE BAUCUS
BOBBI OWEN
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ATTORNEYS FOR PETITIONER/
APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing Motion for Extension of Time for Court Reporter to Transmit Record with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing SECOND MOTION FOR EXTENSION OF TIME FOR COURT REPORTER TO TRANSMIT RECORD upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript has been ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Ralph W. Steele Ralph W. Steele, P.C. 202 West Main Street, Suite 201 Bozeman, MT 59715 rsteale@steelelawmt.com	Molly S. Considine Morgan E. Tuss Patten, Peterman, Bekkedahl & Green P.O. Box 1239 Billings, MT 59103-1239 mconsidine@ppbglaw.com mtuss@ppbglaw.com <i>Attorneys for Seth S. Burns</i>
Devlan Geddes Kyle W. Nelson Katherine B. DeLong Goetz, Geddes & Gardner, P.C. P.O. Box 6580 Bozeman, MT 59771-6580 Devlan@Goetzlawfirm.com knelson@goetzlawfirm.com kdelong@goetzlawfirm.com <i>Attorneys for the Estate and PR</i>	H. W. Burns Family LLC c/o Margaret Weamer Tarlow Stonecipher Weamer & Kelly 1705 West College Bozeman, MT 59715-4913 mweamer@lawmt.com <i>Attorneys for H.W. Burns Family, LLC</i>
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DATED this 14th day of February, 2023.

By: /s/ Stephanie Baucus
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BARBIER

Deidre Taber
Official Court Reporter
Fergus County Courthouse
712 West Main St.
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(406) 535-1081

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF SWEET GRASS

IN THE MATTER OF THE ESTATE OF)	
HORATIO W. BURNS,)	
)	DP 2018-10
)	
Deceased.)	AFFIDAVIT OF DEIDRE
)	TABER REQUESTING
)	EXTENSION OF TIME
)	FOR TRANSMISSION
)	OF TRANSCRIPT
)	

DEIDRE TABER, being first duly sworn, upon her oath, deposes and says as follows:

1. The Affiant is the Court Reporter for the District Court in the above-captioned appeal.
2. Affiant did not have sufficient time after notice from the Appellant to format and transmit copies of the trial transcript to the Clerk of the Supreme Court within the forty (40) day period under Rule 9, which expires February 15, 2023.

3. Affiant requires additional time to transmit the transcript necessary for this appeal due to her schedule.

4. Affiant will transmit the transcript so that it will be filed no later than April 17, 2023.

DATED this 7th of February, 2023.

/s/Deidre Taber
Official Court Reporter

CERTIFICATE OF SERVICE

I, Stephanie Denton Baucus, hereby certify that I have served true and accurate copies of the foregoing Motion - Extension of Time to the following on 02-14-2023:

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Service Method: eService

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Electronically signed by Debbie Braaten on behalf of Stephanie Denton Baucus
Dated: 02-14-2023