

David B. Cotner
Kyle C. Ryan
COTNER RYAN LAW, PLLC
321 W. Broadway, Suite 500
Missoula, MT 59802
Telephone: (406) 541-1111
Facsimile: (406) 541-1122
Email: dcotner@cotnerlaw.com
kryan@cotnerlaw.com

Attorneys for Plaintiffs/Appellants

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA-22-0486

GILBERT R. JOHNSTON and JUDITH A. JOHNSTON, husband and wife; STEPHEN R. GIBBS; SCOTT SHONE; DONALD S. SMITH and BRENDA J. SMITH, husband and wife as trustees of the Donald S. Smith and Brenda J. Smith AB Living Trust; RACHELLE AMBER McCRACKEN; MICHAEL ALLEN McCRACKEN; SEAN JUSTIN SMITH; GERALD B. WOODAHL and SUSAN A. WOODAHL, husband and wife; JEFFREY M. HOLLENBACK; JIM S. FERGUSON; ERIC W. SMART and STEPHANIE NICOLE SMART, husband and wife; NANCY CORDIAL; EDS INVESTMENTS, LLC an Arizona limited liability company; NEWS DEVELOPMENT, LLC a Montana limited liability company; and JCO PROPERTIES, LLC, a Montana limited liability company,

Plaintiffs and Appellants

v.

**AFFIDAVIT OF
DAVID B. COTNER**

FLYING S TITLE & ESCROW, INC. f/k/a FIRST AMERICAN TITLE COMPANY, Defendant and Appellee	
---	--

STATE OF MONTANA)

: ss.

County of MISSOULA)

I, DAVID B. COTNER, under oath, duly state and allege as follows:

1. That I am the attorney of record for the above-named Appellants in the above-referenced litigation. Kyle C. Ryan serves as co-counsel.

2. That I am an attorney licensed to practice law in the state of Montana. I was admitted to practice in June of 1983. Kyle has been licensed to practice in Montana since October 2012.

3. The Appellants' Reply Brief in this case is currently due March 30, 2023.

4. The Appellants request an additional fourteen (14) days in which to file their Reply Brief. If granted, the Reply Brief will be due April 13, 2023.

5. The Appellants' request for additional time in which to file their Reply Brief is due to the undersigned's workload, including the undersigned's involvement in presenting argument to the Montana Supreme Court on March 31, 2023, at 10:00 a.m. at the George Dennison Theatre at the University of Montana.

6. Additionally, my co-counsel had scheduled to take a spring break vacation

with his family (wife and three children) to an out of state location. He is scheduled to be back from that vacation on Sunday, March 26, 2023. If an extension is not granted, he will have limited time to prepare his reply. Upon his return there are other briefs that are required to be filed in other cases in the week of March 27, 2023.

7. Movants are exercising diligence in the preparation of the Reply Brief.

8. Opposing Counsel was contacted and have no objection to this request.

FURTHER, Affiant sayeth not.

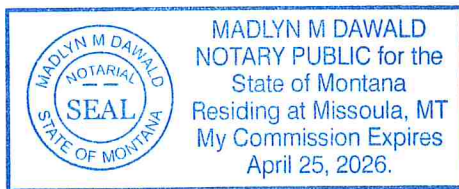
DATED this 21st day of March 2023.

COTNER RYAN LAW, PLLC



David B. Cotner
Attorney for Appellants

SUBSCRIBED AND SWORN to before me this 21st day of March 2023, by
David B. Cotner.



Notary Public for the State of Montana