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Attorneys for Jennifer J. Simon, APRN

IN THE SUPREME COURT OF THE STATE OF MONTANA
DA 23-0170

MONTY CLARENCE PETERSEN,

Plaintiff and Appellant,

v.

JENNIFER J. SIMON, APRN,

Defendant and Appellee.

**UNOPPOSED MOTION TO
SUBSTITUTE COURT-
APPOINTED MEDIATOR AND
MOTION FOR EXTENSION OF
TIME TO COMPLETE
APPELLATE MEDIATION**

Defendant and Appellee Jennifer J. Simon, APRN, (“APRN Simon”), respectfully moves the Court to substitute William T. Wagner (“Mr. Wagner”) as the mediator in this matter, in place of the Court-Appointed Mediator, Dennis Lind (“Mr. Lind”). Mr. Lind has represented to the parties that his availability is limited until sometime in August. Currently, the appellate mediation must be completed on

or before May 30, 2023. With this in mind, the parties have agreed to having Mr. Wagner serve as a substitute mediator. The parties, their counsel, and Mr. Wagner have determined that mediation can be completed on or before July 3, 2023, pursuant to their respective schedules.

Although the time for stipulating to substitution of a mediator has elapsed, APRN Simon respectfully requests that the Court rescind Mr. Lind's appointment as mediator, appoint Mr. Wagner as mediator, and extend the time to complete the requisite appellate mediation until July 3, 2023. The parties are interested in efficient resolution of the case and were not aware of Mr. Lind's full schedule until after the deadline had passed.

Counsel for Plaintiff and Appellant Monty Clarence Petersen has been contacted and supports this motion.

Respectfully submitted this 16th day of May 2023.

HALL BOOTH SMITH, P.C.
Attorneys for Appellee Jennifer J. Simon
APRN

/s/ Jori Quinlan
Jori Quinlan

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16(3) of the Montana Rules of Appellate Procedure, I certify that this Motion to Substitute Court-Appointed Mediator and Motion for Extension of Time to Complete Appellate Mediation uses a proportionately-spaced, Times New Roman typeface of 14 points; is double-spaced; and the word count calculated by Microsoft Word 360 is not more than 215 words.

/s/ Jori Quinlan

Jori Quinlan

CERTIFICATE OF SERVICE

I certify that on the 16th day of May, I served a true and accurate copy of this
**UNOPPOSED MOTION TO SUBSTITUTE COURT-APPOINTED
MEDIATOR AND MOTION FOR EXTENSION OF TIME TO COMPLETE
APPELLATE MEDIATION** on the following counsel of record and/or other
persons as indicated below:

Recipient	Method of Service
	Hand Delivery
	First-Class Mail
	Overnight Delivery Service
1-2	E-Mail

1. Dennis E. Lind
Datsopoulos, MacDonald & Lind, P.C.
201 W. Main Street, Suite 201
Missoula, MT 59802
dlind@dmlaw.com
Appointed Mediator
2. William Wagner
Wagner Mediation Services
wwagner@wagnermediations.com



Kaitlyn Thompson

CERTIFICATE OF SERVICE

I, Jori Lydia Quinlan, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 05-16-2023:

Michael Hawkins O'Brien (Attorney)
2620 Radio Way
P.O. Box 17255
Missoula MT 59808
Representing: Monty Clarence Petersen
Service Method: eService

Donald Craig St. Peter (Attorney)
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Representing: Jennifer J. Simon
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Electronically signed by Kaitlyn Thompson on behalf of Jori Lydia Quinlan
Dated: 05-16-2023