

Tim E. Dailey, Esq.  
Michael P. Sherwood, Esq.  
MILODRAGOVICH, DALE  
& STEINBRENNER, P.C.  
620 High Park Way  
PO Box 4947  
Missoula, Montana 59806-4947  
Telephone: (406) 728-1455  
Fax No: (406) 549-7077  
[tdailey@bigskylawyers.com](mailto:tdailey@bigskylawyers.com)  
[msherwood@bigskylawyers.com](mailto:msherwood@bigskylawyers.com)  
*Attorneys for Plaintiffs/Appellants*

IN THE SUPREME COURT OF THE STATE OF MONTANA

WAYNE W. FIBKE, SPIRITS  
FLORIDA, INC., JIM EDWARDS, and  
J.E. REAL ESTATE HOLDING, INC.,

Plaintiffs/Appellants,

-vs-

KIP K HOLDING COMPANY, LLC  
d/b/a Precious Vodka, a/k/a Precious  
Vodka Spirits, a Montana limited liability  
Company; CLIFFORD "KIP"  
KIMERLY, and JOHN DOES I-V,

Defendants/Appellees.

) Case No. DA-23-0126

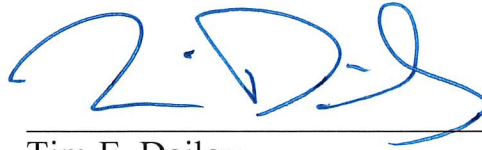
) **AFFIDAVIT OF TIM E. DAILEY**  
) **IN SUPPORT OF SECOND**  
) **MOTION FOR EXTENSION TO**  
) **FILE APPELLANTS' OPENING**  
) **BRIEF**

STATE OF MONTANA )  
: ss.  
COUNTY OF MISSOULA )

I, Tim E. Dailey, being first duly sworn according to law, hereby deposes  
and states upon personal knowledge:

1. I am an attorney with the firm of Milodragovich, Dale & Steinbrenner, P.C.
2. I am one of the attorneys representing Plaintiffs/Appellants Wayne W. Fibke, Spirits Florida, Inc., Jim Edwards and J.E. Real Estate Holding, Inc., in the above-captioned matter.
3. Pursuant to Rule 26(2), I am providing this Affidavit in support of my request for a second extension to file Appellants' Opening Brief.
3. Appellants' Opening Brief is currently due June 2, 2023.
4. Appellants' Opening Brief was first due May 3, 2023.
5. An extension is being sought from June 2, 2023 to June 16, 2023.
6. The extension is necessary due to my caseload, mediations, hearings, depositions and ongoing legal needs and briefing obligations of counsel, as well as my co-counsel's obligations.
7. The movant has exercised diligence and has substantial need for the extension given the burden of counsel.
8. The Appellants' Opening Brief will be filed within the time requested.
9. Opposing counsel has been contacted and does not oppose the Second Motion for Extension of Time.

DATED this 25 day of May, 2023.



\_\_\_\_\_  
Tim E. Dailey

SUBSCRIBED AND sworn to before me by Tim E. Dailey, this 25<sup>th</sup> day of May, 2023.



\_\_\_\_\_  
Notary Public

