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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 21-0499

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ESANDRO ROMAN RODRIGUEZ,

Defendant and Appellant.

**UNOPPOSED MOTION FOR EXTENSION OF TIME
AND DECLARATION IN SUPPORT**

The Appellee, State of Montana, respectfully requests a 30-day extension of time until July 11, 2023, in which to prepare, file, and serve its response brief in the above-entitled matter.

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In support of this motion, undersigned counsel submits the following Declaration.

Dated this 31st day of May, 2023.

AUSTIN KNUDSEN
Montana Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: /s/ Katie F. Schulz
KATIE F. SCHULZ
Assistant Attorney General

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I, Katie F. Schulz, hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Montana Department of Justice, Office of Attorney General, Appellate Section, as an Assistant Attorney General.
2. In my capacity as Assistant Attorney General, I was assigned to handle the above-entitled matter on April 13, 2023.
3. The State's response brief was originally due on May 12, 2023 and is presently due on June 11, 2023. This is the State's second Motion for Extension of Time.

4. Due to my current workload, I have been unable to complete the State's response brief and consult with the prosecuting attorney about this case.

Since this case was assigned to me, I have completed response briefs in the following cases: *State v. Bristow*, Case No. DA 21-0465, filed April 28, 2023; *State v. Erickson*, Case No. DA 21-0649, filed May 9, 2023; *State v. Rowe*, Case No. DA 22-0547, filed May 16, 2023; *Galacia v. State*, Case No. DA 23-0259, filed May 23, 2023; *State v. Ailer*, Case No. DA 22-0347, filed May 24, 2023; and *State v. Ailer*, Case No. DA 22-0346, to be filed on/before June 16, 2023.

Finally, in addition to this case, I am also preparing response briefs in *Ailer v. State*, Case No. DA 23-0155, due June 16, 2023; and *In re L.E.A.B.*, Case No. DA 22-0736, due June 23, 2023.

5. I will work diligently to complete the matter in the time requested, if not before.

6. Opposing counsel, Michael Marchesini, has been contacted and does not oppose this motion.

7. I hereby declare under penalty of perjury under the laws of the United States of America and the State of Montana that the foregoing is true and correct.

Respectfully submitted this 31st day of May, 2023.

/s/ Katie F. Schulz
KATIE F. SCHULZ

CERTIFICATE OF SERVICE

I, Kathryn Fey Schulz, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 05-31-2023:

Joshua A. Racki (Govt Attorney)
121 4th Street North
Suite 2A
Great Falls MT 59401
Representing: State of Montana
Service Method: eService

Michael Marchesini (Attorney)
555 Fuller Ave
Helena MT 59601
Representing: Esandro Roman Rodriguez
Service Method: eService

Electronically signed by Wendi Waterman on behalf of Kathryn Fey Schulz
Dated: 05-31-2023