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*Attorneys for Respondent*

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IN THE SUPREME COURT OF THE STATE OF MONTANA

Appeal No. DA-23-0160

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ERIKA DAWN PETERSEN-WEILACHER,

Petitioner/Appellee,

-v-

SCOTT MATTHEW WEILACHER,

Respondent/Appellant.

**REQUEST FOR ADDITIONAL 7-DAY  
EXTENSION TO FILE APPELLANT'S  
OPENING BRIEF**

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Respondent/Appellant Scott Matthew Weilacher, through counsel, under Rule 26 of the Montana Rules of Appellate Procedure, requests an additional 7 days to file his opening brief, making the brief due **June 29, 2023**. Grounds for the request are that counsel underestimated the time necessary to draft the brief under local rules, requires additional time to conform citations in the brief to the local rules and to the record, and recently received documents from the Appellant that bear on the appeal and must be incorporated into the appeal, requiring additional time.

Appellee Erika Dawn Petersen-Weilacher proceeded *pro se* in the action being appealed from, and that action resulted in a no-contact order prohibiting Appellant from contacting the Appellee.

Accordingly, Mr. Weilacher has not contacted Appellee to glean whether she is represented by counsel or whether she opposes this request, as is required by Rule 26(1) of the Montana Rules of Appellate Procedure. Thus, with no opposing counsel to consult with, and with no ability to contact Appellee, Appellant respectfully requests this Court grant the extension.

DATED this 22nd day of June, 2023.

/s/ Brian M. Lebsock [electronic signature]  
Brian M. Lebsock  
Attorney for Respondent/Appellant Scott Weilacher

**CERTIFICATE *of* SERVICE**

This is to certify that on the 22nd day of June, 2023 a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

Erika Dawn Petersen (aka “Weilacher”)  
(LKA) 569 Trumbull Canyon Rd.  
Columbia Falls, MT 59912

- Hand Delivery
- U.S. Mail
- Overnight Mail
- Facsimile
- e-File

/s/ \_\_\_\_\_

## **CERTIFICATE OF SERVICE**

I, Brian M. Lebsock, hereby certify that I have served true and accurate copies of the foregoing Motion - Extension of Time to the following on 06-22-2023:

Erika Dawn Petersen (Appellee)  
569 Trumbull Canyon Road  
Columbia Falls MT 59912  
Service Method: Conventional

Russell Shane Johnson (Attorney)  
24 D. Street  
Salt Lake City UT 84103  
Representing: Scott Matthew Weilacher  
Service Method: E-mail Delivery

Electronically Signed By: Brian M. Lebsock  
Dated: 06-22-2023