

AUSTIN KNUDSEN  
Montana Attorney General  
KATIE F. SCHULZ  
Assistant Attorney General  
P.O. Box 201401  
Helena, MT 59620-1401  
Phone: 406-444-2026  
kschulz@mt.gov

COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 21-0499

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

ESANDRO ROMAN RODRIGUEZ,

Defendant and Appellant.

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

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The Appellee, State of Montana, respectfully requests a 30-day extension of time until August 10, 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 3rd day of July, 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 July 11, 2023. This is the State's third 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; *State v. Ailer*, Case No. DA-22-0346, filed June 1, 2023; *Ailer v. State*, Case No. DA-23-0155, filed June 14, 2023, 2023; *Elendill v. Eight Judicial District Court*, Case No. OP 23-0322, filed June 23, 2023; and *In re L.E.A.B.*, Case No. DA-22-0736, filed June 30, 2023.

Finally, in addition to this case, I am also preparing response briefs in *State v. Santoro*, Case No. DA 21-0585, currently due July 8, 2023 (will be filing a motion for extension of time); *In re M.Z.L.*, Case No. DA 23-0022, due July 22, 2023; and *State v. O'Howell*, Case No. 21-0567.

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 3rd day of July, 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 07-03-2023:

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: 07-03-2023